



© Tdh / Grace Medina - Albania

# Restorative Justice in Cases involving Child Victims

## in Albania



**i-RESTORE**  
Better Protecting Child Victims  
Rights through Restorative Justice

December 2020

Prepared by  
**Prof. dr. Mariana SEMINI-TUTULANI**







**i-RESTORE is co-funded by the European Union's Justice Programme (2014-2020).**

### **Disclaimer**

The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

# Table of contents

|   |           |
|---|-----------|
| <b>Acronyms</b>   | <b>4</b>  |
| <b>Acknowledgements</b>   | <b>5</b>  |
| <b>Executive summary</b>  | <b>6</b>  |
| <b>1. The landscape of restorative justice in Albania</b>   | <b>9</b>  |
| 1.1 The growth of restorative justice and mediation: general and historical overview                          | 9         |
| <b>2. Legal framework</b>   | <b>12</b> |
| 2.1 Special laws with specified provisions on mediation and restorative justice                               | 12        |
| 2.2 Special laws that provide for the protection of children rights with a child victim orientation           | 14        |
| 2.3 General understanding of restorative justice policies and mediation advantages                            | 17        |
| 2.4 Restorative justice applied to children involved in juvenile justice and child victims                    | 17        |
| 2.5 Other initiatives dealing with child victims  | 18        |
| 2.6 Restorative justice and mediation in the education system: schools  | 20        |
| 2.7 Overview of child-friendly justice trainings  | 20        |
| <b>3. Research methodology</b>  | <b>24</b> |
| <b>4. Research findings</b>   | <b>26</b> |
| 4.1 Policy-makers   | 26        |
| 4.1.1 The objectives of Albanian State policy as provided by primary documentation                            | 26        |
| 4.1.2 Understanding restorative justice policies and measures on facilitation of the juvenile justice process | 28        |
| 4.1.3 Programmes for restorative justice and mediation  | 31        |
| 4.1.4 Programmes and projects focused on child friendly justice   | 33        |
| 4.2 Law-enforcement institutions and agencies   | 34        |
| 4.2.1 National practice and jurisprudence on juvenile justice/restorative justice/mediation                   | 34        |
| 4.3 Data processing from the questionnaires   | 38        |
| 4.4 Research results on Child Advisory Board members and child victims  | 41        |
| 4.5 Research results on child victims   | 43        |
| <b>Conclusions and recommendations</b>  | <b>46</b> |
| <b>Bibliography</b>   | <b>50</b> |
| <b>Annex 1</b>  | <b>53</b> |
| List of interviewees  | 53        |

# Acronyms

**AFCR**

Albanian Foundation for Conflict Resolution

**ASCAP**

Agency for ensuring the Quality at the Pre-University Education

**CAB**

Children Advisory Board

**CCJC**

Albanian Code of Criminal Justice for Children

**CJJ**

Code of Juvenile Justice

**RJ**

Restorative Justice

**CoE**

Council of Europe

**CPU**

Child Protection Unit

**DCM**

Decision of the Council of Ministers

**DV**

Domestic violence

**GDP**

General Directorate of Prisons

**GPO**

General Prosecutor's Office

**HCJ**

High Council of Justice

**HCP**

High Council of Prosecutors

**IMK**

Institution for minors in Kavaje

**ITG**

Inter-sectorial Technical Groups-

**MoJ**

Ministry of Justice

**MHSP**

Ministry of Health and Social Protection

**MoE**

Ministry of Education

**MS**

Magistrates School

**LACR**

Local Agency for Children's Rights

**NAIS**

National Agency of Information Society

**NBA**

National Bar Association

**NCHM**

National Chamber of Mediators

**NGO**

Non-Governmental Organisation

**PMF**

Workers of Child Protection

**PS**

Probation Service

**SAPCHR**

State Agency for the Protection of Children's Rights

**SIDA**

The Swedish International Development Cooperation Agency

**Tdh**

Terre des hommes

**TLAS**

Free Legal Service Tirana

**UN CRC**

United Nations Convention on the Rights of the Child

**UNHCR**

United Nations High Commissioner for Refugees

**UNICEF**

United Nations International Children's Emergency Fund

**VOM**

Victim-Offender Mediation

**WV**

World Vision



# Acknowledgements

This report has been prepared by Prof. Dr. Mariana SEMINI under the EU-funded project i-RESTORE coordinated by Terre des hommes.

Special thanks go to the Terre des hommes team and its partners: Mr. Marcos De Barros, Mrs. Annemieke Wolthuis, Mrs. Emanuela Biffi and Mrs. Naureda Bajraktari for preparing the requisite preliminary documentation and furnishing contributions to this research. Thanks also to Ms. Amanda Taylor for her thorough editing and proofreading work.

Special thanks also go to the high representatives of the ministries, courts, prosecutors and High Council of Justice as well as all the professionals who facilitated the process of data and statistical collection, namely: Mrs. Fjoralba Caka, Mr. Artan Shkempi, Prof. Arta. Mandro, Mr. Ervin Karanxha, Mr. Rasim Gjoka, Mrs. Brunilda Dervishaj, Mrs. Ilsa Dede, Mrs. Arda Lazareni, Mrs. Drita Avdyli, Mrs. Merita Xhediku, Mrs. Rezarta, Abdiu, Mrs. Loreta Mamani, Mrs. Blerta Hysenaj, Mrs. Nertila Sylenji and all other professionals.

# Executive summary

This study is part of the project “i-RESTORE - Protecting Child Victims through Restorative Justice” and is aimed at identifying gaps and synergies concerning the application of restorative justice (RJ) in cases involving child victims. Amongst other goals, the project identified RJ practices in Albania, with a focus on the particularity of this process and the existence of best practices when working with children.

The first part of the report addresses the history of mediation and restorative justice (RJ) in Albania. Historically, Albanian society has been familiarised with the ritual of reconciliation and mediation in cases of conflicts and disagreements amongst people. Following on from the fall of the Communist regime, mediation has started to be applied again. Mediation in criminal cases offers victims the opportunity to deal with the experience of the crime committed against them and to share feelings, thoughts and wishes. Participation in a joint conversation may give them the possibility of dealing with the fear, insecurity and frustration generated by the crime. At the same time, it gives the offender the possibility to take responsibility. By taking part in victim-offender mediation, the offender is confronted by the consequences of his action and has the responsibility to react.

Mediation and reconciliation are well known concepts in Albanian society and the concepts are often used interchangeably. However, there are differences between the two. Mediation is a process facilitated by a mediator, while reconciliation can be characterised by negotiations between the parties without the presence of the mediator. Besides mediation and reconciliation, restorative justice is a relatively new concept introduced into Albanian society after 1995. Its scope is broader than that of mediation and reconciliation. Restorative justice is considered to cover all measures and programmes that have the objective of redressing the consequences of a conflict, compensating for the damage caused and reconciling the conflicted parties, which includes mediation and reconciliation.

Recently developed, RJ initiatives represents one of the most creative efforts to hold offenders personally

accountable for their behaviour. It also provides opportunities for offenders to take responsibility for their actions by facing their victim and to make amends and to enhance the quality of justice experienced by both victims and offenders.

The second part of the report assesses the legal framework in respect to RJ. The Albanian legal framework has become progressively more replete during the last years with laws and by-laws on juvenile justice, on the protection of children rights, on RJ and mediation in criminal matters and the protection of children rights. Indeed, similarly to measures and procedures within the child rights framework in Albania, several laws and by-laws have been adopted and amended to strengthen RJ and mediation. Special laws have been approved that regulate mediation and RJ for children involved in juvenile justice, namely those children that have been accused, are witnesses and/or are victims. Moreover, there are special laws that provide the protection of children’s rights with a child victim orientation.

The Albanian Code of Criminal Justice for Children (CCJC)/Code of Juvenile Justice (CJJ), which entered into force January 1, 2018, represents an unprecedented legal development and a philosophical shift in the approach to the treatment of children within the criminal justice system. It provides RJ and mediation as alternative measures for the rehabilitation of children involved in the criminal justice system. The CCJC defines the concepts of RJ and mediation as measures and procedures allowing children in conflict with the law to understand their responsibility and redress the consequences of a criminal offence. It also provides compensation for damage and/or reconciles the victim/injured party and other persons affected by the criminal offence. According to the CCJC, the child, who has committed the criminal offence, and the injured party, participate jointly and actively to redress the consequences of a criminal offence, usually with the assistance of an independent third party.

As specified in the Code of Juvenile Justice (CJJ), the “restorative justice measure” is any measure allowing a child in conflict with the law to understand



their responsibility and redress the consequences of a criminal offence, compensate damage and/or reconcile with the victim/injured party and other persons affected by the criminal offence. In the reconciliation or mediation procedure, the child who has committed the criminal offence and the injured party participate jointly and actively to redress the consequences of a criminal offence, usually with the assistance of an independent third party. "Mediation" is the process of extra-judicial and dialogue-based settlement between a child who has committed the criminal offence and the victim. This process is led by the mediator and is aimed at settling the dispute between the parties and the consequences emerging from the criminal offence as well as improving relations between them, whether or not it is applied as a diversion measure.

According to the CJJ, "mediation" is the process of an out of court procedure based on the settlement between a child who has committed the criminal offence and the victim. Mediation is led by the mediator and is aimed at settling the dispute between the child and the victim and establishing the consequences emerging from the criminal offence. Mediation is also aimed at improving relations between the child and the victim, whether or not it is applied as a diversion measure (a measure which diverts children in conflict with the law away from judicial procedures). In cases involving child victims, mediation provides them with a second chance to feel rehabilitated. Sometimes children suffer from a victimisation feeling themselves. Thus, mediation helps child victims to look forward and feel positive towards their future life. RJ and mediation can be applied in all stages of investigation or judgement and the offender, the victim, their parents, legal or procedural representatives or advocates can request it. In case RJ or mediation is decided to be applied as a diversion measure, the prosecutor or judge can decide to deviate from the criminal procedure. If a diversion measure is taken, the prosecutor shall decide to not initiate criminal proceedings or to dismiss the criminal case and, instead, shall conclude an agreement with the child on the type of diversion measure and/or mediation. After the agreement of diversion is concluded, the child should execute and fulfil the obligations relating to education, compensation of damage, undertaking a training course in a certain profession, rehabilitation following different programmes, work or to complete community service, etc. The fulfilment of the diversion

agreement is monitored by Non-Governmental Organisations (NGOs) or the Probation Service (PS) and any problems in respect of the child's undertakings should be reported by these actors.

The concepts of "mediation" and "victim-offender mediation" are more well-known than the concept of RJ in Albanian society. This is not only the case for policy makers, but also for representatives of executive and enforcement institutions and bodies.

Since 2009, treatment and rehabilitation programmes are usually integrated into the programmes of the Probation Service in cooperation with municipalities and NGOs. Some civil society organisations provide rehabilitation programs, but they are dependent on funding from donors. The programmes are designed to involve the victim and offender in a way which makes the offender accountable for what happened and to restore the harm done to the victim by discussing damages in order to fit a restorative approach.

Albania's criminal system has experienced a significant change in January 2018 after the Code of Juvenile Justice (CJJ) came into force. As part of the CJJ, specific training for the judiciary has been included. The general goal of the training provided by the Magistrates School (MS) is to support professionals working at the Albanian courts and prosecutor's offices by increasing their capacity to apply and carry out verdicts on diversion, security measures and sentences of minors all in line with the CJJ and other legislation in respect of minors. The trainings are also focused on improving the capacity to analyse and reason in a child friendly way when deciding upon a verdict and when making decisions on diversion, security measures and sentences. As a result, professionals take into consideration the best domestic and international court practice.

In line with the Code of Penal Justice for Minors, which includes the necessary infrastructure to carry out sub-legal acts, alternative measures of punishment and activities related to the re-integration of minors into society, the Ministry of Justice (MoJ) has created new institutions during 2019-2020. One of these institutions is the Crime Prevention Centre for Minors and Youngsters, an institution conceived as a mechanism dependent on the Ministry of Justice, that drafts preventive programmes and monitors minors for a six-month period after the end of the sentence.

Another institution is the Institution of Educating and Rehabilitating Children, conceived as a mechanism where all the rehabilitation and re-integration programmes of minors with “freedom of limitation” orders approved by the court will be provided.

The methodology used for the preparation of the i-RESTORE report is the result of a comprehensive process including policy-making institutions, ministries related to the protection of juvenile authorities, law enforcement agencies, civil society organisations and international partners who have responsibilities and knowledge in the field of children’s rights and RJ and mediation.

A special place in the report is dedicated to the jurisprudence and practice of the law-enforcement institutions and agencies, as well as data collected from the 113 questionnaires filled in by all relevant professionals and reports from the focus group meetings. The Question and Answer discussion with the Children Advisory Board (CAB) members and the questionnaires filled in by children from the focus group, with child victims who participated in mediation procedures, concludes the research. This is followed by a set of conclusions and recommendations.

The Albanian Government and other institutions have a good understanding of RJ policies and mediation services. They also supported good practices concerning the legal status of mediators, such as involving a mediator as a free and licensed profession alongside lawyers and notaries. Moreover, the creation and operation of the National Chamber of Mediators (NCHM) has contributed to the goal of following and closely monitoring the specialisation of mediators.

The consolidation of the legal status of mediator and the creation of a national system of registration of mediators at the disposal of the Ministry of Justice facilitates the recognition and promotion of mediators at the courts and prosecutor’s offices in cases of diversion procedures for juvenile penal investigation. Alongside this, the design of the specialisation program for mediators is based on different forms of conflicts. Continuous specialisation and training have increased the mediators’ professionalism. The Ministry of Justice has supported the NCHM in reaching deals with the Probation Service, the Public Agency for Children’s Rights and Protection and the Protection Units.

The MoJ signed agreements with all city halls in Albania and in each town hall or administrative unit where there are more than 3,000 children an ad-hoc technical inter-sectorial group for the treatment of the cases of children in need of protection should be created.

During 2018-2019, trainings have been organised with professionals of all penal justice institutions working with minors. The number of trainings has continued and the number of issues included in the training curricula has increased. Assistance was offered by a Swedish Project, UNICEF, to name a few. The curricula/programmes included working with 53 police officers, 18 judges, 76 prosecutors, Child Protection Unit staff, seven officers of the Court Police, 75 specialists of the Probation Service, 150 specialists of prisons, 25 *ex-officio* lawyers and lawyers, nine mediators, 105 psychologists and other experts.





© Tdh / Grace Medina - Albania

# 1. The landscape of restorative justice in Albania

## 1.1 The growth of restorative justice and mediation: general and historical overview

Albanian tradition has known and applied the mediation process as a way of conflict resolution in Customary Law<sup>[1]</sup> (Kanun) since the XV century in criminal, civil and family matters. The “*institution of forgiveness and reconciliation*” is the most important institution of the law of Kanun. The rules of procedure provided by old Kanun protect the rights of the offender in such a form that even the most cultured citizen in the world would be envious. The rules of procedure are rules and behaviours based on the principle of honour and faith. Mediators, (so-called “*reasonable or mature people*”) played an important role, even in case of murders. If the mediators stated that the homicide was without intention, the offender had to pay only a blood-feud penalty as financial compensation for the murder.

The Civil and Criminal Procedural Codes approved after the second World War provided mediation as an alternative to dispute resolution for light offences and cases which involved small economic damages. The main restorative practice used in Albania in the past and in present times was and is Victim-Offender

Mediation (VOM). In the past, the service was provided by private councils set up by the community or by so-called “lay judges.” The private councils were composed of elder people who were recognised for their maturity, good name, strong personality and honest behaviour. These private councils were private bodies involved in the resolution of conflicts through negotiation and mediation. The “lay judges” acted as part of the judicial system during the period of communism and they were elected by the community via a voting process as members of the so-called “quarters courts” in the cities or “villages courts” in rural areas. The “lay judges” managed the cases that dealt with family issues and civil claims involving small amounts of money or light criminal offences. In these cases, the lay judges would primarily use mediation and reconciliation.

After the fall of communism in 1995, the Supreme Court of the Republic of Albania, together with Danida, a project of the Danish Foreign Ministry, promoted mediation as an alternative form of dispute resolution. They founded the Albanian Foundation for Conflict Resolution (AFCR) with nine local centres in different cities of Albania, with headquarters in the capital of the country, Tirana.<sup>[2]</sup> With support and expertise of the Council

[1] The Kanun is a set of traditional **Albanian** laws. The Kanun of **Lekë Dukagjini** was codified in the 15th century. Six later variations eventually evolved: The Old Kanun, The Kanun of **Mirdita**, The Kanun of Pukë, The Kanun of **Çermenikë**, The Kanun of Pope Julius, The Kanun of **Labëria**, The Kanun of **Skanderbeg**, also known as The Kanun of Arbëria.

of Europe, a first law on mediation was drafted in 1999. In 2003, another piece of legislation followed rendering the use of mediation in conflicts where child's interests were involved more extensive. Presently the service of mediation is regulated by the **Law No.10385, 24.02.2011 "On Mediation in Dispute Resolution"** and the mediations are offered by local NGOs and private mediators licenced by the Ministry of Justice. Services are provided in main cities only and are implemented by civil society organisations. The mediators are licenced by the National Commission for Mediators Accreditation, based on the criteria<sup>[3]</sup> set out by the mediation law mentioned above. From the 470 licenced mediators (January 2020), 89 mediators are registered in the Register of Mediators, which is managed by the Ministry of Justice.

The Albanian law on mediation provides that criminal mediation for all kinds of offenders independent of their age, (adults and minors), should be organised in criminal cases where criminal proceedings began with a request to initiate mediation on behalf of the damaged party. In criminal matters, mediation is applicable for petty crimes, mainly minor or relatively minor offences, such as deliberate or psychological assaults involving neighbours, members of the same family, hit and run traffic offences accompanied with material damages, slander, biting, light injury, etc. More serious offences are in principle excluded from mediation. Sometimes there are cases in which mediation can be organised even in the case of a murder between the victim's family and the family of the person who committed the crime, in order to prevent any further revenge.

Mediation can be initiated by the judge, prosecutor, professionals of the prison administration and by the harmed party. Sometimes mediation is used in serious crimes because the reconciliation with the victim is considered a legal circumstance that can reduce the punishment. The offender is, thus, encouraged to participate in mediation with the victim because this can reduce the sentence given, or diversion measures can

be applied. At the same time, the offender's interest needs to always fit with the victim's rights for rehabilitation. This rule is applied in all kinds of mediation.

A specific category of conflicts capable of being solved through mediation are cases dealing with juvenile justice. It is recommended that criminal mediation be applied to children and young persons involved in a criminal matter. In such cases mediation may be proposed by the State prosecutor, by the judge investigating the case, by the court or by the centre of mediation connected with the justice system or by the parties themselves. Thanks to the CJJ's adoption in March 2017, Albania's *de jure* compliance with international standards<sup>[4]</sup> on juvenile justice was assured.

During 2018, the Prosecutor's Office of Tirana diverted 77 cases of juveniles and ordered alternative measures (no cases to mediation). Conversely, the Prosecutor's Office of Elbasan, a municipality in central Albania, referred a first six cases to mediation.

Adult cases can be referred to VOM by the prosecutor or the judge.<sup>[5]</sup> In adult cases, the Code of Criminal Procedure is not totally harmonised with the mediation law, and the institutions (police, prosecution, court) are reluctant to refer criminal cases to mediation. According to the mediation law, mediation in criminal matters applies to disputes examined by the court at the request of the accusing victim, or upon a complaint by the injured party.<sup>[6]</sup> The types of cases that can be settled through mediation are limited by the law on mediation.

Social centres were established in 2019 in Tirana (five centres were set up through cooperation of the municipality with the Ministry of Justice) where juveniles in conflict with the law will be involved in special socialising programs. Among such specialised programmes, it is expected that RJ practices will be included.

<sup>[2]</sup> AFCR began its activities in 1995 with 26 trained mediators and has since solved approximately 1,800 cases per year.

<sup>[3]</sup> Article 5 of the Albanian law on mediation provides the criteria needed to become a mediator such as: graduation with a Bachelor degree not further specified, above 25 years old, participation in the training program of mediators organised by the National Chamber of Mediators and a clear criminal record.

<sup>[4]</sup> Justice in Matters Involving Children in Conflict with the Law Model Law on Juvenile Justice: <https://bit.ly/2QAmDMj>.

<sup>[5]</sup> For further details, please see Articles 12 and 14 of the Law No.10385, 24.02.2011 "On Mediation in Dispute Resolution" amended in 2018.

<sup>[6]</sup> For further details, please see Article 59 and 284 of the Code of the Criminal Procedure.





© Tith / Grace Medina - Albania

## 2. Legal framework

Recently, several laws and by-laws have been adopted and amended to strengthen RJ and mediation as measures and procedures within the child rights framework in Albania. The legal framework analysed in this study focuses on two kinds of laws:

- Special laws that regulate mediation and RJ for the children involved in juvenile justice as those having been accused, those who are witnesses and victims and;
- Special laws that provide the protection of children rights with a child victim orientation.

### 2.1 Special laws with specified provisions on mediation and restorative justice

**Law No. 37/2017 'Code of Juvenile Justice' (CJJ),<sup>[7]</sup>** entered into force January 1, 2018. This law strengthens the justice system and aligns it with the United Nations Convention on the Rights of the Child (UNCRC) and other international standards and norms aimed at protecting the child in matters relating to the law based on his or her best interests. Seven by-laws and five ministerial orders have been approved supporting the implementation of the Code. The CJJ

represents an unprecedented legal development and a philosophical shift in the approach to the treatment of children within the criminal justice system providing RJ and mediation as alternative measures for the rehabilitation of children involved in criminal justice. The Code provides, in detail, the rights and procedural guarantees of juveniles in conflict with the law and aligns them with international standards in the field of juvenile justice. RJ is incorporated into the legal provisions (Articles 3/13/14, 14, 34, 44 and 61- 64) guiding each procedural step in juvenile justice. The Albanian Code of Criminal Justice for Children also presents the concepts of RJ and mediation.

<sup>[7]</sup> Moreover, there are six Decisions of the Council of Ministers and four Orders of the Minister of Justice as by-laws in application of the Code of Juvenile Justice related with the diversion measures and mediation, such as:

Decision No. 148, dated 20.3.2019 "On the procedure applied by the probation service in case of non-fulfilment of the alternative measure of avoidance of prosecution"; Decision No. 149, dated 20.3.2019 of the Council of Ministers "On the establishment, organisation, functioning, characteristics of use and access to primary and secondary data and information providers of the Integrated System of Juvenile Justice Data";

Decision No. 207, dated 10.04.2019 of the Council of Ministers "On the designation of the competent authorities and the procedure to be followed for the fulfilment of court-imposed obligations on juveniles in conflict with the law";

Decision No. 233, dated 17.04.2019 of the Council of Ministers "On the determination of specific regulations regarding the functioning of the premises, their level of security and the standards of education and rehabilitation programs, in cases of restriction of juvenile freedom";

Decision No. 314, dated 15.05.2019 of the Council of Ministers "On the organisation, functioning, and determination of specific arrangements regarding the structure and staffing of the Juvenile and Youth Crime Prevention Centre";

As specified in the CJJ, the “restorative justice measure” is any measure allowing a child in conflict with the law to understand their responsibility and redress the consequences of a criminal offence, compensate damage and/or reconcile with the victim/injured party and other persons affected by the criminal offence. In the reconciliation or mediation procedure, the child who has committed the criminal offence and the injured party participate jointly and actively to redress the consequences of a criminal offence, usually with the assistance of an independent third party. The “mediation” is the process of extra-judicial and dialogue-based settlement between a child who has committed the criminal offence and the victim. This process is led by the mediator and is aimed at settling the dispute between the parties and the consequences emerging from the criminal offence as well as improving relations between them, whether or not it is applied as a diversion measure.

The “mediation procedure” **as determined in the CJJ** is developed only upon free consent to mediation expressed by both the child accused of the criminal offence and the injured party. The consent given must be written in a record of the prosecuting body.

RJ and mediation can be applied in all stages of investigation or judgement and can be asked by the offender, by the victim, their parents, legal or procedural representatives and advocates. Where RJ or mediation is decided to be applied as a diversion measure, the prosecutor or judge will decide to deviate the criminal procedure. If a diversion measure is taken, the prosecutor shall decide to divert the criminal proceedings or dismiss the criminal case and shall conclude an agreement with the child on the type of

the diversion measure and/or mediation.<sup>[8]</sup> In these alternative diversion measures to criminal prosecution, RJ and mediation programmes are included.<sup>[9]</sup>

During investigation, the prosecutor, and during the trial, the judge, where appropriate, may propose mediation if they decide that this is the most adequate alternative considering the nature of the criminal offence, the circumstances of commission of the criminal offence, the child’s past, the possibility of restoration of normal relations between the child and the injured party, the possibility of reducing harm to the injured party and the possibility to rehabilitate and re-integrate the child in the society.<sup>[10]</sup> At the trial stage, the CJJ extends the competences of institutional sections for juveniles and young people up to the age of 23 years old. The Code states that punishment of a child to a period of imprisonment is the last measure to be applied to juveniles who commit a criminal offence. It is evident that such developments in the legal framework require considerable efforts and investments to ensure implementation, and in a coordinated and inter-sectoral fashion.

The CJJ provides that a child in conflict with the law, or a victim or witness, or in administrative and civil proceedings is entitled to free legal and psychological assistance provided by the State. The Code also provides that the National Chamber of Advocacy must make available a list of lawyers specialised and trained in juvenile justice to the free legal aid institutions.

**Law No.10385, 24.02.2011 “On Mediation in Dispute Resolution”** (Albanian law on mediation), amended twice, in 2013 and in 2018, stipulates that mediation

Decision No. 541, dated 19.9.2018, for the approval of the Juvenile Justice Strategy and Action Plan 2018–2021;

Order No. 7641, dated 05.07.2018, “On setting the elements of the agreement of mediation as a measure of diversion” regulates the conditions, the rights and obligations of the agreement concluded between the child involved in juvenile justice and prosecutor or judge;

Order N. 368, dated 15.07.2019, “On approval of the structure of the report for the fulfilment of the measure of diversion by the child involved in juvenile justice” regulates the template of the report focusing in on the reasons why the obligations are not fulfilled and the consequences of such fulfilment;

Order No. 4950, dated 02.09.2018, “On setting up the template of the register of the alternative measures of diversion in the juvenile justice cases”; and

Order No. 367, dated 15.07.2019, “On approval of the template of the individual plan for the fulfilment of the obligations provided by the court for the child involved in the criminal process” provides the kind of measures applied, an explanation as to why the selected measure is considered effective, the time period for the fulfilment of the obligations, the way of monitoring, responsible persons, the way of communication with the court, etc.

Decree No. 6218, dated 7.7.2009, of the President “On the Establishment of Criminal Sections for the Sections of Juveniles in the Courts of the District Courts” defines the establishment of sections in seven courts: the Tirana District Court, with jurisdiction over the Dibër, Kruja judicial districts, Kurbin, Mat and Tirana; Durres Judicial District Court, with jurisdiction over Durres and judicial districts; The court of the judicial district of Shkodra, with territorial jurisdiction in the judicial districts of Lezha, Kukës, Puka, Shkodra and Tropoja; Vloja Judicial District Court, with territorial jurisdiction in Berat, Fier, Lushnje and Vloja judicial districts; The Korça Judicial District Court, with jurisdiction over the Korça and Pogradec judicial districts; Court of the Gjirokastra Judicial District, with jurisdiction in the Gjirokastra, Përmet and Saranda judicial districts; Elbasan Judicial District Court, with jurisdiction over Elbasan Judicial District.

<sup>[8]</sup> For further details, please see Article 58/3, 61, and 63 of the Law No. 37/2017. The relevant Articles 63 and 64 provide: “Restorative justice 1. The



can be applied in civil cases, family law and criminal cases. Regarding criminal cases that can be resolved through mediation, the law makes reference to Articles 59 and 284 of the Code of Criminal Procedure. The Albanian law on mediation provides that criminal mediation should be organised in criminal cases where criminal proceedings began with the request of the damaged party. In criminal matters, mediation is applicable for petty crimes, minor or relatively minor offences, such as deliberate or psychological assaults involving neighbours, members of the same family, hit and run traffic offences accompanied with material damages, slander, biting, light injury, etc. More serious offences are excluded from mediation. Sometimes there are cases in which mediation can be organised even in case of a murder between the victim's family and the family of the person who committed the crime, in order to prevent any further revenge.

A specific category of conflicts capable of being solved through mediation are cases dealing with juvenile justice. Criminal mediation is recommended to be applied to children and young persons involved in a criminal matter. In such cases, mediation may be proposed by the state prosecutor, by the judge investigating the case, by the court or by the centre of mediation connected with the justice system or by the parties themselves. The Law "On Mediation in the Settlement of Disputes" provides that the court, the prosecutor or the relevant state body, within the powers provided for by law, shall notify, instruct and, where appropriate, clearly and comprehensively inform the parties on the settlement of the dispute through mediation.

prosecuting body shall decide on the application of the restorative justice programme in compliance with the legislation on mediation, in order to give to the child the possibility to redress the consequences of the criminal offence committed against the victim, community and/or society. 2. The restorative justice programme, according to paragraph 1 of this Article, may be applied if: a) the child, defence counsel and, where appropriate, the legal representative give freely the consent to such a decision; and b) any agreement to redress the consequences of the criminal offence committed by the child is reasonable or appropriate. 3. When the child has no parents or a conflict of interest exists between the parents and the child, consent under paragraph 2, letter "a" of this Article may be given by one of the procedural representatives according to the provisions of article 3, paragraph 17 of this Code. 4. Restorative justice programme foreseen in paragraph 1 of this article may foresee that the child be asked to: a) accept and show understanding of the liability for the criminal offence and the consequences on the victim; b) compensate the damage caused to the victim, community and/or society; c) ask forgiveness to the victim; and d) undertake actions acceptable by the victim or/and community. 5. Restorative justice measures taken in compliance with the provisions of this article may include involvement in a diversion and mediation programme, community works, and/or any other programmes that lead to redressing consequences of the criminal offence committed by a child."

<sup>[9]</sup> For further details, please see Article 62 of the Law No. 37/2017.

<sup>[10]</sup> Article 64 of the CJJ also provides: "... 3. Mediation may be organised only in the presence of the child, offender of the criminal offence and the injured party. 4. The legal representative of the child, the psychologist, the employee of the Unit for Protection of the rights of the child, the prosecutor, and/or other persons assigned by him may participate in the mediation process upon consent of the parties. The prosecutor, where necessary, may participate in the mediation process. 5. Mediation to settle disputes, where appropriate, may be applied as a diversion measure and a possibility that leads to the improvement of relations between the child offender and victim of the criminal offence... 7. Family and group mediation is an alternative measure for diversion from criminal prosecution that brings together the victim and the child in conflict with the law, their relatives, persons from their social group,

**DCM No. 302/25.3.2009 "On the organisation of the Probation Service,"** Article 29 provides the possibility of the application of mediation and restorative justice procedures and programmes.<sup>[11]</sup>

**Law No. 111/2017 "On the Guaranteed State Legal Aid"** provides in Article 3 that: "Primary legal aid is: ... (iii) providing advice on mediation procedures and alternative dispute resolution." This provision provides the right to information for the child involved in juvenile justice.

**Law No. 55/2018 "On the profession of lawyer in the Republic of Albania,"** in its Article 8/gj/h provides, among the duties performed by a lawyer in the exercise of her or his profession, the duty to inform the client on the possibility of settling a mediation dispute through mediation, when assessing that it is reasonable and in the interest of the client. The lawyer also has the duty of informing the victim of the offence on the rights and guarantees provided for in the Code of Criminal Procedure.

## 2.2 Special laws that provide for the protection of children rights with a child victim orientation

1. **Law No. 7895/1995 "On the Criminal Code"** has undergone a series of amendments and addenda, including the definition of several criminal offences, and provides for more severe criminal sentences in the field of gender-based violence and child protection, including sexual abuse and economic exploitation of children.<sup>[12]</sup> Several articles of

the Criminal Code provide different crimes that deal with child victims. These changes have brought Albania's criminal legislation in line with international legislation, in particular the Lanzarote Convention "On the Protection of Children from Sexual Exploitation and Sexual Abuse". The Criminal Code criminalises and strengthens sentences for the crimes of murder for reasons of a blood feud, of serious threats of revenge for blood feuds, threats against a person to be confined at home and incitement to blood feuds. Children can be victims of the blood feud phenomenon.<sup>[13]</sup>

2. **Law No. 7905/1995 "On Criminal Procedure Code,"** includes amendments to an improved position and access to the criminal process for the victim. Article 20 of **Law No.121/2016 "On Social Care Services"** places a requirement on all institutions responsible for the treatment of a trafficked child to take all specific measures and actions for their assistance and support until full recovery, in order to find a lasting solution for them. Adoption of the new law 'On State Police' provides for additional safeguards for the protection and comprehensive support for victims of trafficking, especially children.
3. **Law 18/2017 "On the Rights and Protection of the Child"** was adopted and came into force in June 2017, building upon an abrogated **Law 10347/2010 "On the Protection of the Rights of the Child"**. Law 18/2017 provides for the definition of the child as any person under 18 years of age. The definition of the child in other legislative acts is also in line with the international definition contained in the UN CRC and Law 18/2017. Law 18/2017 strengthens institutions, structures and mechanisms that will guarantee and ensure respect for children's rights

by individuals, the family and the State and defines these institutions duties. The Law covers a broad scope of rights of the child, while placing particular emphasis on strengthening the system of protection of children from violence, abuse, exploitation and neglect, with a special focus at the local (Albanian) level. Law 18/2017 also clarifies child protection structures and strengthens measures that social workers may apply when they identify cases of children at risk of violence, abuse, neglect or exploitation, including emergency measures to immediately remove the child from a risky situation. It also imposes an immediate obligation on all professionals working with children to report child abuse. The Elimination of All Forms of Violence against Children is a Strategic Pillar of the National Agenda for Children's Rights (NACR) Agenda 2017–2020. One important focus in the Agenda is prevention as a key strategy for protecting children from all forms of violence, including the promotion of positive non-violent parenting.<sup>[14]</sup>

4. **Law 47/2018 "On Measures against Violence in Family Relations"** has been amended to ensure compliance with the Istanbul Convention and the UN Convention on the Elimination of All Forms of Discrimination against Women. Standards of services for victims of domestic violence have been developed and, with Decision of the Council of Ministers (**DCM**) **No. 430/2016**, national service counselling standards for victims of domestic violence have been adopted. Women and children survivors of domestic and sexual violence and human trafficking will benefit from both the new free legal aid system and expanded protection measures for victims of crime.

representatives from public agencies for the child protection, supervision and prevention of juvenile delinquency. The accused and his family in this process are expected to conclude an agreement with the victim that includes damage compensation, fulfilment of obligations undertaken by the victim and intended to keep the accused person away from similar future situations. 8. If the proposal of the prosecutor/judge on mediation is accepted by the parties, then the prosecutor/judge shall decide suspending the criminal process for a period of no longer than 45 days. If the mediation agreement is concluded, the prosecutor/judge decides dismissing the case. If the mediation agreement is not concluded after 45 days, suspension shall become invalid and the case investigation/trial shall be resumed. 9. The costs of the mediation procedure shall be incurred according to the legislation in power."

<sup>[11]</sup> In 2015, the Probation Service, with OSCE assistance, drafted a Risk Assessment System for Minors and Adolescents and a guide for its use. The instrument is used to assist in drafting an evaluation report for the Court or prosecutor's office, as well as in the oversight process for these age groups. In the framework of implementation of the Albanian–Swedish Programme on Juvenile Justice and entry into force of the Code of Criminal Justice for Children, a two-day workshop was held to finalise a model for an individual assessment report for a minor in conflict with the law. The training helped to enhance the capacities of the professionals that work in the probation system with children as victims or children as offenders.

<sup>[12]</sup> Article 100 of the Criminal Code was amended in 2013 setting stricter sentences for conducting sexual relationships with juveniles who have not reached the age of fourteen years or sexual maturity. Articles 107 and 108 of the Criminal Code have been amended to provide protection against sexual crimes against children and increase the punishment for such crimes to 25 years in prison. Article 117, on pornography, has been redefined and now includes the possession and recruitment of a child for pornography. Article 124 has been expanded and covers all forms of child exploitation and protection of children from economic exploitation.

<sup>[13]</sup> Because of this phenomenon, several families end up with children who are isolated in their houses and are not attending school.

5. **Law No. 108/2014 “On the State Police”** granted NGOs access to monitor and observe the security facilities of police stations. These measures apply for all detainees, including juveniles. Moreover, **DCM No. 437/2015 on General Prison Rules**, as amended, contains the standards and important provisions in line with Code 37/2017 and the European prison rules. Each institution in which children are deprived of their liberty reports data and contacts on national mechanisms operating in the country in the field of children’s rights. In each juvenile institution, the prison administration holds regular information sessions for children and distributes leaflets on the right to complain and the procedures for addressing complaints. To decrease the prevalence of violence, institutions intend to improve the security for children and increase the quality of services provided to them.
6. **Law No. 22/2018 “On Social Housing”** was adopted in 2018, providing for several provisions allowing child victims to access social housing programmes. The program of specialised houses provides that children who are victims of domestic violence or children involved in juvenile justice can be taken to live in these specialised social shelters if their family life is not considered to be a good environment for their education.
7. **Law No. 7961/1995 “On the Labour Code”** was amended in 2015 and **DCM No. 108/2017 “On the Protection of Children at Work”** sets out the principles and detailed requirements for protecting the safety and health of children under 18 years of age from economic exploitation and any type of labour that may harm their safety and health, or physical, mental, moral and social development and that intervenes with their education or participation in cultural and commercial activities.
8. The Law on pre-university education was amended in 2013, Article 6/3 provides that special protection is offered to pupils and students against any form of action or inaction that may cause them discrimination, violence, mistreatment or moral harm.
9. **DCM No. 578/2018 “On Procedures for Referral and Case Management, Drafting and Content of Individual Protection Plans, Financing Expenditures for Implementation and Implementation of Protection Measures”** provides guidance for effective implementation and functioning of the key elements of the child protection system.<sup>[15]</sup>
10. In June 2018, **DCM No. 353 “On the Rules of Operation of the Inter-sectoral Technical Group Clarifying the Roles and Responsibilities of the Members of the Inter-sectoral Technical Group”** provides the strengthening of cross-sectoral cooperation at the local level.<sup>[16]</sup> It also provides a procedure explaining how a case of a violated child would be referred and the role of the technical group in finding a solution for each situation.

<sup>[14]</sup> Article 26 provides the protection of the child from trafficking, sale and any form of exploitation and sexual abuse, including illicit sexual activity, exploitation of the child in prostitution or other unlawful sexual practices, exposure, display or involvement in pornographic material or sexual abuse. Article 27 addresses the protection of the child from access to material with harmful or illegal content on the internet, defining ‘harmful content for the child’. The law imposes an obligation on all internet providers, educational institutions and any other public or private institution providing internet access to apply technical tools and other measures to protect children from accessing illegal or harmful content. Based on DCM No. 141/2017, the National Authority for Electronic Certification and Cyber Security has designed a platform portal for blocking access to pages of illegal content for institutions with the mandate to protect and promote children’s rights. Law 18/2017 provides for the establishment of a free phone line for the referral of cases of children in need of protection. Since 2012, the National Children’s Counselling Line ALO 116 111, a service supported financially by UNICEF, has been functional and is providing online support for children. Information on the help phone line is continuously included in TV shows and awareness-raising campaigns, meetings and trainings carried out by ALO 116 111 and partners. Article 28, provides for the protection of the child from involvement in armed conflict and civil emergency situations, including prohibiting direct or indirect involvement of the child in an armed conflict. It is also important to note that Law 10347/2010, “On the Protection of the Rights of the Child” and 18/2017, “On the Rights and Protection of the Child” institutionalised Child Protection Units and Child Protection Workers (CPW) as key structures for child protection at the local level. In 2015, DCM No. 573/2015 “On Approval of Standards for the Services of the Child Protection Units” sets the processes for assessing the quality of child protection services in the municipality and provides the basis for their inspection by central level structures.

<sup>[15]</sup> For the first time in Albania, this DCM covers budgeting for interventions and child protection services. It defines the referral procedures and provides a seven-step case management procedure to respond to a child victim in need of protection. Despite these improvements, challenges remain. Although the number of Child Protection Units have more than tripled in the reporting period, they are not established in all municipalities and administrative units with more than 3,000 children.

<sup>[16]</sup> In 2017, State police structures were restructured to improve the response to child and domestic violence. In the Criminal Police Department of the General Department of the State Police, a Minors and Domestic Violence Sector was established composed of a chief of sector and two specialists.



## 2.3 General understanding of restorative justice policies and mediation advantages

The concepts of “mediation” and “victim-offender mediation” are more well-known in Albanian society than the concept of RJ. This applies to policy makers as well as representatives of the executive and enforcement institutions, who have more experience with mediation.

The term mediation is used in the context of legal processes reserved to the adult criminal justice system, whereas the term “reparation” describes similar practices to juvenile justice. In practice, this difference in language is concerned far more with the assistance of or compensation of victims than with whether it is a genuine mediation or not.

One of the most important aims of mediation, and ideally one of the consequences of mediation in criminal matters, is crime prevention. Resolving a conflict by achieving an agreement between victim and offender in an amicable way means that the offender will not be declared guilty by a court decision, will not be imprisoned, will not have any criminal record or disqualification referred to the police record, etc. It creates the possibility of re-education and rehabilitation for the offender. At the same time, it contributes to less recidivism and crime prevention because it corrects the behaviour of the offender. Mediation, therefore, presents several advantages to the offender. On the other hand, for the victim, mediation serves not only to directly compensate him/her, if the parties agree so, but the victim also benefits psychologically from ‘a new relation’ set up with her/his offender through the meeting. Indeed, the mediation system may seem more offender oriented, and more interesting and beneficial for offenders, but at the same time it helps the rehabilitation and/or compensation of the victim.

The aims of a victim-offender mediation are to give the victims the opportunity to deal with and share their experience of the crime as well as their feelings, thoughts and wishes. Participation in a joint conversation may give them the possibility of dealing with the fear, insecurity and frustration that can be created by the crime. It gives the offender the possibility to take responsibility. By taking part in victim-offender mediation, the offender is confronted by the consequences of her/his action and may feel responsible to react.

## 2.4 Restorative justice applied to children involved in juvenile justice and child victims

Since 2009, treatment and rehabilitation programmes are usually integrated in the programs of the Probation Service in cooperation with municipalities and NGOs. Some civil society organisations also provide rehabilitation programs, but they are dependent on funding from donors. Among the NGOs involved in rehabilitation, the following are worth mentioning: Vatra Psycho-Social Centre, Centre of Integrated Legal Services and Practices, MERIDIA, Tirana Legal Aid Society, Today for the Future, and community centres coordinated by NGOs and supported by donors and governmental funds. A few rehabilitation programs also exist in the detention centres (particularly the Institute for Minors in Kavaja (IMK)). There are, however, no policies focused on rehabilitation of convicts after they have served their sentence.

### Local Centres

Local centres in Albania tasked with implementing alternative measures and diversion for minors in conflict with the law are known as multidisciplinary centres and are usually situated in town halls. The first centre of “Offering services of primary Juridical Assistance” has been inaugurated in the city of Elbasan, where cases of minors are also treated. The inter-institutional cooperation between the justice system and the structures of local power is of fundamental importance for the correct application of child justice legislation. Additionally, and in order to implement alternative measures of diversion for minors at these multidisciplinary social centres, cooperation between the Probation Service and local power structures must be implemented. 18 cooperation agreements have already been signed between the town halls and the Ministry of Justice in order to increase the number of multidisciplinary centres.

The multidisciplinary centres, situated at the town halls, and that have signed the cooperation agreement, are already functioning and open to any possible referral of cases from the prosecutor’s offices and the court. The multidisciplinary centres have created the Inter-sectorial Technical Groups (ITG) (see below) with child protection employees, psychologists,

social employees, lawyers, doctors and other professionals from different fields as required following the evaluation of the minor's needs.

When the prosecutor's office decides on diversion and that the minor should be monitored by the Probation Service, the appropriate expert takes part in the ITG and manages the case in line with the child's proper needs. The kind of services offered to the minors in conflict with the law can differ but can include individual, family and social advice, awareness raising and other activities and any other service offered by ITG that the minor may need. The parties cooperate in order to apply diversion for the minors in conflict with the law through:

- (i) *Offering* a holistic range of services for minors at the social centre of the town halls;
- (ii) *Organising* the participation of staff of the Child Protection Unit and the Probation Service in joint trainings with the aim of enhancing professional capacities of support services;
- (iii) *Facilitating* assistance and support for the minors in conflict with the law and their families when required;
- (iv) *Promoting* the model of friendly justice with the minors in conflict with the law via awareness, educational and entertaining activities at the centre in line with the minor's needs.

### **Creation of Intersectoral Technical Groups (ITG) <sup>[17]</sup>**

The ITG is convened for managing primarily new cases. At the ITG meetings, members discuss a case and the manner in which protective measures can be applied. In cases of a high level or immediate threat they can apply "Emergency Protection Measures" and the "Measure of Monitored Specialised Protection at the Family Environment." The ITG also manage cases which have been treated at a prior stage and where individual plans of child protection have been made that need to be evaluated. The ITG in Tirana, Kamze, Elbasan, Korçe, Maliq, Pogradec, Kuçovë

and Durres report that all the administrative units have held at least one meeting every three months. However, for emergency situations the ITG have organised more frequent meetings. For one case, this even took place within a month. Some difficulties and challenges, which have been noted during the ITG's functioning, cover the replacement of experts following meetings, especially those experts from State institutions. A lack of continuity, irregular participation and non-compliance with the duties were, thus, reported.

Another challenge is that in some town halls there are no non-profitable organisations that offer expertise or services to the cases of children who are under protection. The Ministry of Justice (MoJ) has drafted a joint working plan with different donors who offer specialised services and training in the field of juvenile penal justice in order to cover and manage all the activities foreseen by the National Strategy on Juvenile Justice implemented by the MoJ.

## **2.5 Other initiatives dealing with child victims**

### **a. Creating new law-enforcement institutions and embedding new structures for children into existing ones**

The MoJ is committed to making new institutions adhere to the requirements of the CJJ. This commitment can be seen from these examples:

- Crime Prevention Centre for Minors and Youngsters, <sup>[18]</sup> an institution conceived as a mechanism dependant on the Justice Ministry, which is to draft up preventive programmes and monitor minors for a six-month period after the end of the sentence. <sup>[19]</sup> Institution of Educating and Rehabilitating Children, <sup>[20]</sup> such an institution is conceived as a mechanism where all programmes of rehabilitation and re-integration of minors sentenced by the Court to a "freedom of limitation"

A specialist and a worker specialised in child protection and domestic violence are also based in the crime sectors of all twelve police directorates. Depending upon the territory they cover, and the number of incidents identified by the police stations, they have one to three officers who specialise in the investigation of crimes against children and domestic violence.

<sup>[17]</sup> Based on Law 18/2017 "On the Children's Rights and Protection", other participants have been parents, representatives of the civil society, Department of Public Health and Regional Office of Employment.

will stay. The Institutions of the Freedom of Limitation are considered to operate as a semi-open institution where freedom of action/movement of minors is limited to the level that prevents them from committing other penal crimes. These institutions aim to specifically reintegrate and re-socialise minors into the community. A specific procedure needs to be followed by the institution's staff in the context of re-socialising minors. It is based on a general educational/rehabilitating program drafted by the institution itself as well as on an individual treatment program based on the evaluation of the specific needs of each minor and the methods of intervention. <sup>[21]</sup>

The development and functioning of these two institutions are to serve the treatment of minors in line with the highest standards of protection of their rights, aiming at their education, rehabilitation and reintegration. <sup>[22]</sup>

#### **b. Creating and developing the Digital System of the Data on Minors' Penal Justice**

The Digital System of the Data on Minors' Penal Justice is a digital system which makes the follow-up of the minors' cases in a step-by-step manner and after each stage possible. It also generates statistical data in real time. <sup>[23]</sup> The MoJ together with the National Agency of Information Service (NAIS) is drafting the modalities for setting up such a system taking into consideration the model already built by the United National International Children's Education Fund (UNICEF) for that purpose. Currently, all technical and administrative procedures have been concluded and during 2020 the application will start. During the first months of 2020, joint meetings, round tables and

workshops with all the implementing actors will be held in order to discuss in detail the functioning and usage of the system. <sup>[24]</sup>

#### **c. Cooperation agreements between the Ministry of Justice and other stakeholders**

##### **Agreements with the town halls of the Republic of Albania**

It is worth mentioning that the MoJ has signed cooperation agreements referring to RJ programmes for minors with the NGOs that aim at modelling reintegration services for minors in conflict with the law. These agreements have also been put in place to strengthen and raise the capacities of the responsible institutions for the application of this RJ model. The RJ model will be developed during 2020-2022 in cooperation with the Ministry for Health and Social Protection, the Ministry of Justice, Tirana City Hall, the General Department of the Probation Service, Centre of the Professional Formation and others.

The Probation Service has already started to apply the cooperation agreements with different town halls in the country in order to monitor the minors who are under the diversion measure. In different town halls, 29 community centres have been created to apply diversion.

During 2019, the piloting of one educative/rehabilitating centre for minors with freedom of limitation was held and the standardisation of three formats of plans drafted from the IMK/detention employees was completed. The centre also drafted formats which have been used by the Swedish project on "Raising the capacities of the law-enforcement Albanian

<sup>[18]</sup> Such an institution was planned to initially have 16 staff members. The package of administrative documents, job description, internal rules and its functioning, the one-year working plan, re-integrating and rehabilitating models and also the internal administrative acts have already been drafted. The Crime Prevention Centre for Juveniles and Youngsters starts to operate in 2020.

<sup>[19]</sup> Following the direct monitoring from the MoJ of the application strategy it is shown that: (\*) The target for 2019 was - 30% of the cases of minors/youngsters were rehabilitated, but the target has not been reached completely; (\*) The target planned for 2020 was an increase of 75% of cases of rehabilitated minors/youngsters compared to 2019 and (\*) for 2021 they planned 95% more cases of rehabilitated minors/youngsters than in 2020.

<sup>[20]</sup> Decision Nr. 233, date 17.04.2019 of the Council of Ministers "For setting up the special regulation on the operation of the environment, their security level and standards of the programmes of education and rehabilitation, in the cases of limiting the freedom of the minors" is approved and passed.

<sup>[21]</sup> Such an institution is planned to initially have 34 staff members treating 20 minors. At the moment (February 2020) there is a process of evaluation taking place to clarify its geographical position (Tirane/Mezes) and the infrastructural possibilities to create such an institution. Department of Public Health and Regional Office of Employment.

<sup>[22]</sup> The goal of these institutions is that the minors in conflict with the law are treated without being isolated, through the appropriate programmes of education, rehabilitation and reintegration into the community and society and to avoid their re-involvement into crime and to reduce recidivism. An investment fund with the proper budget lines for the years 2019/2020/2021/2022 has been forecasted/initiated.

<sup>[23]</sup> The creation of the integrated system is a legal obligation resulting from Article 136 of the Code of the Penal Justice for Minors, which provides that, "the



institutions and courts in fulfilling the standards of justice for minors – an integrated stand of the justice chain.” These formats are: the Format of risk and need evaluation according to risk-needs-reaction (RNR), behavioural cognitive work, solution of problems and social capabilities; the Format of the Individual Plan of Treatment, based on the RNR results; the Format of reference for reintegration mechanism.

## 2.6 Restorative justice and mediation in the education system: schools

**The Decision of the People’s Assembly No. 47/2019 “On the approval of the Strategy for legal education of the public - 2019-2023”** provides that information about legislation begins in schools, in accordance with the age and capacity of children. It is crucial that children are familiarised with the legislation that addresses their rights and protection and that information is furnished on the mechanisms and responsible authorities that effectively guarantee the exercise, observance and promotion of children’s rights. Children must be acquainted with their rights, but also with their obligations, so that they are aware that they are subjects of law, just like adults. They should also be informed of the necessary measures to prevent their involvement in groups of violent extremism. <sup>[25]</sup>

Awareness of alternative dispute resolution helps to keep pupils and students far from self-judgment and retaliation, preventing criminality and illegal behaviour. Raising awareness amongst students on the advantages of mediation through the organisation of public education campaigns, are also topics to be addressed with school students.

The Education Ministry has followed a series of

activities with the topic: “Restorative Justice trends – an alternative for minors and youngsters in conflict with the law,” as part of the program “activation of the civil society in modelling the restorative practice for children and youngsters in conflict with the law.”<sup>[26]</sup>

Special programmes aiming at promoting education, rehabilitation and reintegration of minors are held for all minors at the Institute of Minors in Kavaje (IMK). During 2019, 25% of the minors and parents at the Institute have benefitted from the re-educational, educational and restorative justice programmes. In 2020, the MoJ has planned to increase the number of children and parents trained by 50% compared to 2019.

**The Agency for ensuring the Quality at the Pre-university Education (ASCAP)** has drafted 22 programmes in respect of RJ for grades 1-5 and 6-9 at the institutions of minors. <sup>[27]</sup>

**During January-December 2019, Terre des hommes** undertook activities whereby 291 students and teachers of high schools in Tirana, Korce and Gjirokaster were informed about the RJ principles for minors. Another activity was the construction of a local coalition, with the participation of 133 people, to undertake restorative capabilities for minors in conflict with the law in Tirana, Shkoder, Durres, Vlore, Korce and Gjirokaster. Terre des hommes has completed training to raise the capacities of 20 ‘interlocutors’ (mediators) and is in the process of preparing guidelines for police employees, psychologists and lawyers.

### World Vision

Concerning capacity raising for experts working with minors, World Vision has held four trainings with representatives from local authorities which play an

‘Digital System of the Data on Minors’ Penal Justice’ is created to preserve the data on the penal cases involving minors in conflict with the law, victim minors and witnesses of penal crimes.” The Code and DCM No. 149, dated 20.03.2019, charge the Ministry of Justice with the administration of data of this system.

<sup>[24]</sup> There will be 49 institutions which will be entitled to use the system. The calculation of the number of institutions has been done based on the existing sectors of juvenile justice: seven courts; seven prosecutors’ offices; twelve police structures; 22 local authority evidence offices; one IEVP for minors.

<sup>[25]</sup> The analysis of the Justice System done by the People’s Assembly during the process of legal reform 2016-2018 has highlighted the need to include legal education in the core subjects of pre-university education and to further enrich the curricula and extra-curricular activities of the pre-university education system with elements of legal education in the legal field. It is also necessary to train pedagogical staff with the necessary level of legal knowledge, by incorporating compulsory courses of legal education in the university curricula of the faculties that prepare teachers.

<sup>[26]</sup> Six awareness sessions have been held at high schools “Petro Nini Luarasi”, “Partizani”, “Myslym Keta”, “Qemal Stafa”, “Raqi Qirinxi”, and “Siri Shaplo” (in different cities). The activities were supported by the European Union and carried out by Terre des hommes in partnership with the AFCR. During 2019, ten programmes/activities have been held at the education institutions.

<sup>[27]</sup> These programmes have been approved by the Ministry of Education and have been published on ASCAP’s webpage: <https://www.ascap.edu.al/>.

important role in the system of child protection, as well as other actors like the Workers of Child Protection (PMF), social services, administrators and school psychologists. The trainings have concentrated on “Widening the access to justice for children, youngsters and their families through free-of-charge legal services” in Korçe, Librazhd, Lezhe and Kurbin. They were held during October-November 2019. To raise awareness amongst students and teachers at schools, World Vision has organised five informative meetings on legal education with high school students in Korçe, Librazhd, Lezhe, Kurbin and Kamez during November-December 2019.

### **Helsinki Committee**

The initiative of the Netherlands Helsinki Committee together with the Albanian Helsinki Committee aims at contributing to the reform of the penitentiary system in Albania, Kosovo and North Macedonia by improving the possibilities for imprisoned minors to successfully reintegrate into the society through presenting the official working methods for the corrections’ staff and their integration in the official policies and curriculum of educational institutions. In addition, experts from Leiden University in the Netherlands use a Social Climate Tool method with the Faculty of Social Sciences, Tirana University, to train the latter’s professors and students with practiced methods and the development of the minors accommodated at the closed institutions, such as the IRM Kavaje.

### **General Directorate of Prisons (GDP)**

During 2019, with the support of the Swedish project on “Raising the capacities of the law-enforcement Albanian institutions and courts in fulfilling the standards of justice for minors – an integrated stand of the justice chain,” several formats (as mentioned above) have been drafted or improved in line with the Code of the Penal Justice for Minors: (\*) The Format of the risk and needs evaluation according to the RNR model, the behavioural cognitive work, solution of problems and social capabilities; (\*) The Format of the Individual Plan of Treatment, based on the RNR results; (\*) The Format of the mechanism of reference for reintegration. Such formats have been applied for all the minors at the IMK Kavaje (now 23

minors). Individual Training Program: (\*) Educational program for the obligatory and high school level; (\*) Vocational training program through professional and employment courses; (\*) Pro-social capacity building programme and management of aggression; (\*) Program of thinking introduction; (\*) Program of art and sport therapy; (\*) Program of parenting at a distance in order to strengthen the family ties; (\*) Program for mediation and conflict resolution and violence prevention; (\*) You-Turn program for creating supportive networks in the community to prevent possible recidivism; (\*) Program on prevention of radicalism and violent extremism; (\*)

Besides the existing informative programmes, the administration of the IRM Kavaje organised informative-awareness sessions with the minors and their parents on the rights and possibilities offered for their rehabilitation and reintegration. 100% of the minors at the IRM and 60% of their parents have been informed on the minors’ rights and the application of child friendly justice for them.

## **2.7 Overview of child-friendly justice trainings**

Albania’s criminal system experienced a significant change in January 2018 following the coming into force of the CJJ. Training has been conducted for professionals at the Albanian courts and prosecutor’s offices on the CJJ and with the specific aim of increasing these professionals’ capacity to apply and carry out verdicts on diversion, security measures and sentences on minors in line with the CJJ and other legislation on minors. The training is also aimed at increasing professionals’ capacity to analyse and reason verdicts on diversion, security measures and sentences relating to minors in a friendly manner, with the best domestic and international court practice taken into account.

During 2019, training with penal justice for minors institutions continued and the number of issues included in the training curricula increased.<sup>[28]</sup> Assistance was provided through the Swedish Project with UNICEF and others. Drafting of the curricula/training programmes were addressed to: police officers, judges, prosecutors, Local Agency for Children’s Rights staff, probation service personnel,

prisons, lawyers, mediators, psychologists and other experts.

Institutions in charge of training the experts are:

- School of Magistrates;
- Academy of Security;
- Public Agency for Children's Rights and Protection;
- Order of Psychologist/Social Workers;
- Albanian Bar Association;
- National Chamber of Mediators;
- General Directorate of Prisons;
- Probation Service

### Training of judges

Based on **Decision Nr. 79, 30.05.2019**, the High Council of Justice (HCJ) sets the rules on selecting judges relating to cases of minors at the court. That decision also serves to charge the courts' councils on its application and to update the list of judges specialised in the penal justice for minors and their continuous training. During 2018-2019, the Magistrates School (MS) in cooperation with the HCJ and the Swedish International Development Cooperation Agency (SIDA) Project and the OSCE trained 208 judges and 51 graduated candidates for magistrates (with a judge profile).

### Training of prosecutors

**The General Prosecutor's Office (GPO) with its Order Nr. 27, 21.02.2019** has approved the organic structure of the first instance prosecutor's offices and that

of the appeals prosecutor's offices. As a result, the first instance prosecutor's offices have 26 coordinators. These coordinators are social workers or psychologists charged to assist minors and protected witnesses during the initial investigation.

The MS, in total, trained 103 persons in collaboration with the SIDA Project. More concretely, on the issues of minors these groups have received specialised training: 76 magistrates with a prosecutor's profile; 18 graduated magistrates (not nominated when they were trained); two councillors at the GPO, and 7 officers of the Court Police. During 2019, the MS has held eleven training activities on penal justice for minors where prosecutors and officers of the court police have taken part. <sup>[29]</sup>

**The Order of Psychologists**, in collaboration with **UNICEF**, has supported the drafting of a series of four informative brochures for judges and prosecutors on the role of the psychologist in the penal, civil or family processes where a minor is involved. These brochures aim at facilitating the inter-cooperation among magistrates and psychologists and create clear expectations for experts in their work. <sup>[30]</sup>

**The National Bar Association (NBA)**, based on the Law on Legal Aid, but also the Law on the Profession of a Lawyer in collaboration with the Council of Europe (CoE), through the European Programme for Human Rights Education for Legal Professionals (HELP), <sup>[31]</sup> organised the course on Child-Friendly Justice and Children's Rights, training 25 lawyers from all around Albania on the CJJ and children's protection. <sup>[32]</sup>

<sup>[28]</sup> In 2020, Europe, along with the rest of the world, faced a global pandemic crisis due to Covid-19, also known as corona virus.

<sup>[29]</sup> Six of the activities were held in collaboration with SIDA while applying the "Albanian Swedish Program for Penal Justice for Minors" and another one with Caritas. The main themes were: 1) Penal justice for minors. International standards on principles of friendly justice for minors and innovations of the Albanian legislation (Code of the Penal Procedure and the Code of Penal Justice for Minors); 2) Protection of the children's highest interest; 3) Procedural stand on minors at and along the penal process according to the code of Penal Justice for Minors; 4) Diversion from penal investigation of minors in conflict with the law; 5) Procedural rights of the minor in conflict with the law; 6) Communication and interviewing of minors from judges/prosecutors; 7) Legal reasoning of the penal sentences; 8) Forming of the capacities of the institutions to protect Albanian children in a street situation who are exploited for labour in neighbouring countries."

<sup>[30]</sup> They have been distributed at every court and prosecutor's office, and may also be found on the internet at: <https://uni.cf/3lyi97a>.

<sup>[31]</sup> See: [www.coe.int/help](http://www.coe.int/help).

<sup>[32]</sup> The course was held from 3 May until 5 July 2018 and it was composed of nine modules: (1) Introduction: human rights, children's rights and child-friendly justice; principles and concepts; (2) Child-friendly justice: before, during and after judicial procedures; special situation to be kept in mind; (3) Non-judicial proceedings: definitions and reasons why to encourage non-judicial proceedings; forms and stages of the procedures; guarantees and conditions; legal advice, support and legal representation; (4) General elements: privacy; safeguards and protection measures; organisation of the setting; right to legal representation; guardianship/legal representation; (5) Interaction with children in the judicial system – main challenges: age of understanding; gender; status; vulnerabilities; participation; (6) Interdisciplinarity: introduction and drivers (main reasons for inter-disciplinarily); team work and collaboration; identity and inter-professionality; (7) Deprivation of liberty: definition and principles; conditions of detention; reintegration; monitoring and complaint mechanisms; (8) Violence against children: introduction and legal framework; definition and typology of violence against children; dealing with victims of violence within the judicial system; (9) Migration and asylum: specific rights of migrant children; unaccompanied children; family reunification; detention and monitoring; administrative proceedings.



The HELP course of the Council of Europe used the HELP methodology<sup>[33]</sup> in close cooperation with the CoE Children's Rights Division, the staff of the CoE Special Representative on Migration and Refugees and United Nations High Commissioner for Refugees (UNHCR).<sup>[34]</sup> Another online training through the HELP Program has been agreed with the CoE to train 30-35 lawyers on child friendly justice and the CJJ.<sup>[35]</sup>

Since 2018, the Code of the Penal Justice for Minors is included as a separate module at the MS. In March 2019, the Albanian Bar Association signed a Cooperation Agreement with Terre des hommes (Tdh) to: (\*) Draft a User guide for Lawyers on "Friendly Justice for Minors and Restorative Justice"; (\*) Draft the Training curricula based on the guidelines for assistant-lawyers at the school of lawyers and (\*) to develop continuous and initial training in March 2020, the end of the agreement; (postponed due to the coronavirus outbreak).

The MoJ, together with UNICEF, has cooperated since 2019 on the principles and guidelines for lawyers offering legal aid to children in conflict with the law. The produced guideline has been translated into Albanian and will be disseminated during 2020 (pending coronavirus).

### **General Directorate of Prisons Training of 150 prison personnel**

During 2018, a curricula was drafted on a training for prison staff working with minors in the context of the EU-CoE "Strengthening the rights of the inmates

in Albania" in the context of the Horizontal Support Program for the Western Balkans and Turkey – Stage I. This training started to be applied in 2019.<sup>[36]</sup>

**The Public Agency for Children's Rights and Protection (PACHRP)** in cooperation with the Ministry of Health and Social Protection and Tdh has drafted curricula on the training of Workers of Child Protection (PMF) at the local level concerning legal innovations and responsibilities in the field of child protection, including children in conflict with the law. The curricula of the training are expected to be approved by the Albanian School for the Public Administration. This institution will train PMF and the civil employees of different fields on child protection, including children in conflict with the law.<sup>[37]</sup>

During January – December 2019, **the Public Police Academy** organised different training sessions and trained 53 police officers on child friendly ways of working.<sup>[38]</sup> Taking into consideration the fact that the Unit of Minors' Investigation is looking for a new approach, including in respect of the investigation process documentation procedure, a special procedure "For the technique of minors' investigation and the use of the audio-video recording equipment" is necessary.

**The Probation Service**, in collaboration with UNICEF, trained 75 employees of the Probation Service during the last quarter of 2019 on RJ for minors and invested in their cooperation with mediators monitoring the victim-offender agreement (when at least one of the parties is a minor). The qualification and training of these employees was held during a two-day training

<sup>[33]</sup> See: <http://help.elearning.ext.coe.int/course/index.php?categoryid=16>.

<sup>[34]</sup> During 2019 (8-10 July), trainings have been held on improving the knowledge of ex-officio lawyers and lawyers who offer juridical assistance in collaboration with the Free Legal Service Tirana (TLAS) and with the support of the American Chamber of Attorneys (ABA ROLI). Some themes covered have been: 1) Law "On legal aid guaranteed from the State"; 2) Innovations and impact in the penal process, beneficiaries' categories, role of the legal aid lawyer; 3) Important principles during the penal

<sup>[35]</sup> Most of those lawyers will be from the list of the juridical assistance (ex-officio) and will be selected from the local chambers of lawyers. It was planned that during February-March 2020 the training of judges offering juridical assistance through the online HELP Program with 40 lawyers would be held. The Albanian Bar Association collected applications from interested lawyers so that 40 were selected to follow the HELP online program training. Due to the coronavirus situation that training has been postponed. In April 2020, a face-to-face meeting between the 40 lawyers and the Council of Europe expert was planned, however that meeting was also postponed.

<sup>[36]</sup> The curricula had twelve specific themes covering the justice system for minors. During 2019 the curricula was followed up with the training of staff in all involved institutions of the penal justice for minors and trainings have since been held with 60% of the experts.

<sup>[37]</sup> During 25-26 April 2019, the Public Agency for the Children's Rights and Protection, in collaboration and with the support of partner organisations, held the conference on "National Coalition to support workers of child protection." The goal of the conference was to introduce legal innovations in the field of child protection. Some 150 child protection workers from 61 municipalities took part in the conference, together with representatives of the Health and Social Assistance Ministry, the Justice Ministry, the Interior Ministry, and also representatives of UNICEF, OSCE, WV, TdH, SCiA. Legal innovations in children's rights and protection, including new responsibilities for child friendly justice, were introduced during the conference.

<sup>[38]</sup> The Public Police Academy organised 1) two seminars on the theme: "Inter-institutional seminar on minors in conflict with the law" (May 2019) with the participation of six (police officers) experts on minors and family violence, on the structures of crime investigation of the DVP-Durres and six (police officers) experts on minors and family violence at the structures of crime investigation of the DVP-Tirane; 2) a two-week training session on the theme:

and a one-day workshop. The combination of different actors facilitated the transfer of knowledge and set in motion appropriate actions. This was effectuated through the creation of a communication network and the exchange of experiences among the employees of the local offices of the Probation Service. During 2019, the Probation Service trained 25 employees in the context of the Albanian – Swedish Project for Minors' Justice.

Police officers and prosecutors are trained on techniques to investigate penal crimes committed by minors, the techniques of questioning children, diversion measures and RJ, CJJ and programmes of rehabilitation, reintegration of children involved in juvenile justice, inter-institutional collaboration about the referring of cases involving child victims, the rights and guarantees of the child in the juvenile procedure and so forth.

Based on the MoJ's request to guarantee the functioning of the new laws and the justice system

in general, and in the discussions of the inter-institutional working group set up for this purpose, the Order of Psychologists was required to identify all psychologists specialised in juvenile justice (based on special training or job experience), as well as to develop training and update programs for this category of psychologists. In May 2018, **the Order of Psychologists in the Republic of Albania launched a special training (130 hours) for 107 assistant psychologists and assessors of the justice system** in conjunction with the MoJ, public and non-public universities, the First Instance Court of Tirana, the Swedish SIDA program and civil society NGOs. The training was developed during the period May-December 2018, every weekend. 69% of the participants were from different districts in Albania.<sup>[39]</sup>

**Institution of Legal Medicine.** During 2019, officials of the institution have been trained in the legal-medical field on treating the cases of minors in conflict with the law.

"Training on the investigation of the penal crimes with minors" with the participation of 23 police officers, experts of crime investigation (October 2019); 3) the seminar on the theme: "Gender approach on the investigation of the cases with minors, domestic and foreign approach" with the participation of 18 police officers (December 2019); 4) two three-day seminars have been held on the theme "On drafting the curricula on the technique of minors' investigation" with the participation of Swedish experts and representatives of the Academy of Security and police officers (September-October 2019) and preparation of the curricula on "Techniques of investigation for the interrogation Unit" and training of investigation experts and psychologists.

<sup>[39]</sup> The training was organised into two modules. The first module was attended by 107 psychologists, who are engaged in the juvenile justice process as psychologists assisting juveniles when they are interrogated/interviewed. This module was 50 hours long and was focused on these topics: 1. Legal knowledge on the juvenile justice in the Albanian context. 2. The role of the psychologist who assists children during interrogation. 3. Ethics issues in penal processes. 4. Psycho-social development of children. 5. Techniques of psycho-emotional support in juvenile justice processes. On July 25, 2018, the Order of Psychologists completed the training for the first group of psychologists in the area of juvenile justice, attended by 54 psychologists, who after this training can be summoned as the juvenile's assistant. This training was 80 hours long and the training topics were: 1. Legal context of the psychologist engagement in civil processes. 2. Ethics in civil processes. 3. Evaluation methods in civil and penal cases with children. 4. Drafting and presentation of the evaluation report.

In the context of the need to have a larger number of trained psychologists covering juveniles needs, such as assistance and evaluation at police stations, prosecutors' offices and courts throughout the country, on May 5, 2018 the Order of Psychologists started the training cycle for the second group of psychologists, which ended on December 14, 2018.

This second training was attended by 51 psychologists, of whom 16 psychologists hailed from Tirana and 35 psychologists from the districts. The purpose of this second training was to increase the number of psychologists trained in accordance with law, especially in districts, due to the demand of other cities in Albania for this service.



### 3. Research methodology

The methodology used for the preparation of this report is the result of a comprehensive, transparent and professional process undertaken in accordance with international standards and the domestic political and legal framework. The process and content of the report has sought to include all policy-making institutions, ministries related to the protection of juvenile authorities, law enforcement agencies, civil society organisations and international partners who have responsibilities and knowledge in the field of children's rights and RJ and mediation.

The methodology and research for the preparation of the National Report consisted of:

- **Analytic methodology** for the desk research on:
  - the legal framework encompassing RJ and mediation. Analysis of the national legal framework regulating RJ and mediation for children involved in juvenile justice as accused, witnesses and victims and the analysis of laws and by-laws that provide the protection of children rights with a child victim orientation.
  - Studies, annual reports, strategical documents, national action plans, policy papers, projects,

bilateral agreements of the MoJ, Albanian Parliament, the Ministry of Health and Social Protection, Ministry of Education, General Prosecutor's Office, National Bar Association, Magistrates School, National Chamber of Mediators, Institutions for Minors in Kavaje, and international projects and programmes such as: UNICEF, Terre des hommes, Council of Europe, SIDA, World Vision, Helsinki Committee, etc.

- **Historical methodology** for desk research on the Albanian tradition of dispute resolution and reconciliation;
- **Graphical analysis methodology** on data processing from:
  - statistical sources from the State Police, the State Agency of the Protection of the Children's Rights, the Ministry of Justice, the National Chamber of Mediators, the General Directorate of Prisons, etc;
  - 113 questionnaires tailored to professionals, distributed and completed during the below activities and focus groups.

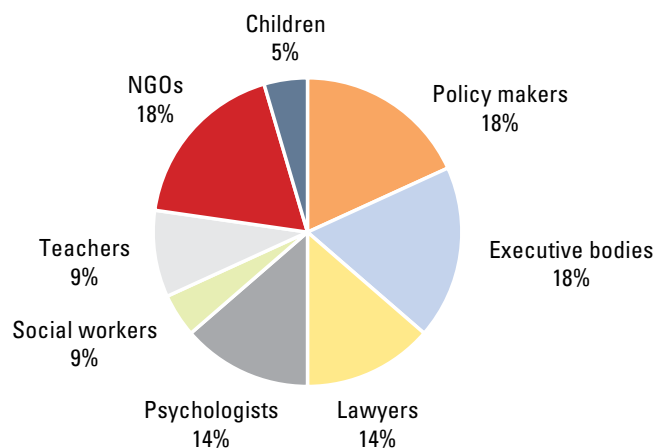


- **Quantitative and qualitative methodology** in eleven activities organised with focus groups comprised of professionals working in institutions involved in juvenile justice and protection of child victim rights, such as:
  - two focus groups with 27 judges of the juvenile and family sections;
  - a focus group with 22 prosecutors of the sections of juvenile justice;
  - two focus groups with 25 local coordinators of the municipalities responsible for the mechanism of referral for victims of violence and children victims of violence;
  - two focus groups with twelve police officers from the prosecutor's office and State police;
  - a focus group with nine mediators divided in three parts;
  - a focus group with seven professionals from the Probation Service and eight representatives from child protection agencies;
  - a focus group with eight Children Advisory Board (CAB) members;
  - a focus group with five child victims;
  - an individual interview with one child victim;
  - a focus group with eight Children Advisory Board members was organised in the form of a brainstorming meeting without the questionnaires.
  - a focus group of six child victims organised at the local level in Gjirokaster. This focus group had six specialised questionnaires for children that are analysed separately to the rest of the focus groups.

The table and chart below demonstrate the variety of participants of the focus groups as well as the number of participants per focus group.

- **The qualitative methodology** used to analyse the individual interviews. These were done with policymakers at the level of Deputy/Minister of the Ministry of Justice, with the General Director of Policy for Health and Social Protection at the Ministry of Social Protection and Health and with the Chief of the Sector of Politics and Strategies for Social Inclusion and Gender at the same Ministry. Interviews were also undertaken with representatives from the law enforcement agencies such as: the Director of the State Police of Tirana, Director of the National Agency for Child Protection; the Head of the National Chamber of Mediators; a member of the High Council of Justice; the President of Tirana District Court for Penal Matters; the Director of Initial and Continuous Training at the Albanian Bar Association; the Executive Directors of three NGOs, (Albanian Foundation for Dispute Resolution, Albanian Centre for Legal Studies and Trainings (ACLTS) and the Centre for Legal Initiatives); interviews with three lawyers, two teachers from the High School "Cajupi" Tirane and the High School "Partizani" Tirane, psychologists, social workers and children. The chart above demonstrates the different categories of interviewed persons.

### Individual Interviews





## 4. Research findings

The research followed the structure of four main groups:

- Policy-makers;
- Law-enforcement institutions;
- CAB members;
- Child victims.

The following part of the report will analyse, in detail, the findings in respect of RJ and mediation from these groups.

### 4.1 Policy-makers

The meetings and interviews undertaken with high level representatives (deputy minister) at the Ministry of Justice, with representatives of the General Directory of Politics for Health and Social Protection at the Ministry of Social Protection and Health, and with the Director of the Juvenile section at both mentioned ministries show the following findings:

#### 4.1.1 The objectives of Albanian State policy as provided by primary documentation

The following provides a summary of the main policy papers, strategical documents, guidelines, national agendas, national action plans, etc that provides State policy objectives in respect of juveniles.

**The Juvenile Justice Strategy 2018–2021**, and associated Action Plan, is the first policy document responding to the new legal framework and the current situation in the field of juvenile justice. The strategy has five objectives and provides for an inter-disciplinary approach that will be integrated into all other existing national documents, accompanied by concrete activities. The strategy has five strategic objectives at the high level: (1) Guaranteeing children’s access to the justice system; (2) Guaranteeing children a fair trial; (3) Crime prevention and recidivism of juveniles and youngsters in criminal justice; (4) Resocialisation, reintegration and rehabilitation of children in contact with juvenile justice; (5) Strengthening collaboration between institutions working on juvenile justice.

Most of the strategies and National Action Plans originate from the juvenile justice strategy and include measures targeting children in a disadvantaged or vulnerable situation, for which corresponding budget lines are foreseen.

**The Parliament Resolution, dated 28.3.2019, “On the evaluation of the work of the group of lawmakers “Friends of the Children” for the year 2018 and the action plan for 2019,”** stipulates that a group of parliamentary members will follow up on cooperation with the standing parliamentary committees, the recommendations of the Ombudsman, the Commissioner for Protection against Discrimination and the Commissioner for the Right to Information and Protection of Personal Data

<sup>[40]</sup> In November 2013, with the adoption by the Parliament of Albania of the Resolution “On Protection and Respect for Children’s Rights in Albania” the Group of Friends of Children was formalised as an ad hoc group in the Assembly. The Friends of Children comprise of 23 parliamentarians who engage with Members of the Parliament (MPs) and aim to support a conducive climate in Parliament for issues dealing with children, including initiating child rights-related

on children's rights issues, and will conduct at least one public hearing with them in order to strengthen their role and to guarantee children's rights.<sup>[40]</sup>

**Guideline No. 10/2015, "On forms of cooperation and intervention procedures in helping children at risk for key institutions and key responsibilities for child protection"** defines the role of each actor in the child protection process and provides necessary guidance in identifying and managing cases of children at risk and the legal framework that protects them.

**The National Agenda for Children's Rights 2017–2020 (NACR)**<sup>[41]</sup> was adopted in 2017 and has three strategic pillars:

- (i) good governance for the promotion, implementation and protection of child rights, aiming at strengthening the regulatory and institutional framework for children's rights and child protection;
- (ii) elimination of all forms of violence against children;
- (iii) child and adolescent-friendly systems and services, namely development and education, justice, health and nutrition, and social protection, aimed at identifying key measures for sectoral strategies that achieve progress in implementing children's rights.

The agenda is, therefore, multi-sectoral and cross-cutting, and embraces all other sectoral action plans concerning children.<sup>[42]</sup>

**The National Strategy and Action Plan on Gender Equality 2016–2020.** This strategy and action plan provide for a comprehensive multi-sectoral response to gender-based violence and domestic violence and contains several measures with a direct or indirect impact on preventing and addressing violence against children and supporting child victims. The strategy also provides for rehabilitation measures of the violator. The provision of services to victims of domestic violence has been strengthened.<sup>[43]</sup> When accommodated in the centre, a tailored integration service plan is developed for each child that includes, among others, their enrolment and monitoring of school attendance. Furthermore, various awareness-raising and entertainment activities are carried out aimed at developing their social and cognitive skills. Specialist social workers and psychologists at the centre support the mothers to become part of the employment and housing schemes offered by the local government or non-profit organisations, in order to improve their financial situation. Other services available to victims, provided by public and private centres include, among others, housing and psycho-social support, referral for medical care, legal aid, professional training courses, and employment mediation.<sup>[44]</sup>

**The Social Protection Strategy 2015–2020** integrates three major reforms undertaken by the Albanian Government and aims to establish a consolidated and comprehensive system of social protection to combat social economic inequalities and protect all individuals in need.<sup>[45]</sup>

legislation and ensuring accountability for its implementation by the responsible institutions. *Législation sur l'asile et sur les étrangers avec la Convention relative aux droits de l'enfant* de la Commission des institutions politiques du Conseil national du 31 janvier 2008. Adopté le 16 décembre 2009, p.7.

<sup>[41]</sup> At the policy level, the Ministry of Health and Social Protection (MHSP) has adopted and is currently implementing the strategic document, National Agenda for **Children's Rights 2017–2020**. This is the first policy document devised in consultation with children.

<sup>[42]</sup> In terms of the main criminal justice policies and reforms that exist in relation to alternatives to imprisonment, restorative justice and treatment, rehabilitation, or reintegration of prisoners in Albania, it is worth mentioning Objective 6 of the Criminal Law pillar of the Justice Reform: *Increasing the effectiveness of the criminal justice system*. The general objective of reform in the penitentiary system is to increase public security and prevention of criminality through the concepts of rehabilitation, humane and dignified treatment and the protection of convicts' rights. Another objective worth mentioning is Objective 8: *Reforming the justice system for juveniles in conflict with the law by strengthening the restorative justice system and effective protection of their procedural rights*. The National Agenda for Children's Rights foresees several measures on child protection in the electronic and digital environment. These are reflected more in detail in the Cooperation Agreement on Online Children's Safety in Albania, signed in February 2016 by the key ministries of Innovation and Public Administration, of Internal Affairs, of Social Welfare, and of Education and Sports, and the subsequent Action Plan 2018–2020 "On a Safer Internet for Children". The Action Plan contains coordinated cross-cutting initiatives for the protection of children from abuse, bullying and internet exploitation. The Sector for Cybercrimes, established since 2009 at the Criminal Police Department of General Department of the State Police (GDSP), has continued monitoring online for abusive materials for children, and the identification and investigation of cases of Albanian or foreign users of pornographic footage or images with children on the internet. In 2015, as a result of international co-operation with German and Italian police authorities, two police operations 'Pedofili' and 'Pedofili 2' were undertaken for the identification of the criminal offence of 'Pornography' as provided for in Article 117 of the Criminal Code, resulting in the arrest of two people.

<sup>[43]</sup> An online registration system capturing statistical data on domestic violence at the local level is operational. The system registers every case of violence identified and addressed by the local referral mechanism. Information is captured by the system on the perpetrators and the victims, disaggregated by, among others, vulnerability, ethnicity, gender, disability and employment status.

The National Reception Centre for Victims of Domestic Violence, established in 2011, provides 24-hour multidisciplinary services, including long-term

**The Policy Paper of the Albanian Strategy on Prevention and Minimisation of Alcohol-Related Harm (2011–2015)** included various interventions targeting children, including through informational, educational (in schools and the family), legal and fiscal measures to avoid and minimise alcohol-related incidents among children and youths, and the consequences thereof. In the framework of the **National Drug Control Strategy 2012–2016**, a series of activities have been carried out to prevent the use and abuse of substances by Albanian teenagers and young people, including awareness campaigns undertaken in schools. <sup>[46]</sup>

**The National Action Plan (NAP) for the Protection of Children from Economic Exploitation, including children in a street situation (2019–2021)** has been drafted with the support of OSCE. Strategically the NAP targets a) prevention of children’s economic exploitation; b) protection and interventions/services based on the identified needs of the child; c) breaking the social and cultural barriers that promote economic exploitation; d) prosecution of the criminal cases related to the economic exploitation of children.

**The National Strategy on the Fight against Human Trafficking 2018–2020** is organised around four main pillars: investigation and criminal prosecution, victim protection and assistance, prevention, and coordination. The new NAP has, for the first time, calculated a budget for its activities. Protection of children is further strengthened by the NACR 2017–2020, which

includes measures for proactive identification of potential victims of trafficking in Albania and victims of trafficking abroad as well as their voluntary return to Albania. <sup>[47]</sup>

#### **4.1.2 Understanding restorative justice policies and measures on facilitation of the juvenile justice process**

The Albanian Government and other institutions generally have a good understanding of RJ policies and mediation services. The measures for the facilitation of the juvenile justice process are as follows:

##### **A. Application of good practices regarding the mediation service and the mediator’s role.**

In Albania, there are some good practices with mediation and RJ:

- The legal status of the mediator has proved to work well, specifically since the mediator is a free and licensed professional alongside the lawyer and the public notary.
- The creation and operation of the National Chamber of Mediators (NCHM) fulfils the goal of following and closely monitoring the specialisation and quality of the mediators.
- The creation of the national system of registration of mediators at the disposal of the MoJ facilitates the recognition and promotion of mediators at the courts and prosecutor’s offices in

housing (more than six months, or longer in the case of a longer protection order) for women, girls and boys up to 16 years of age. The number of children accommodated annually is relatively consistent, between 38–59 cases per year. Besides the national centre, six non-public entities, funded by the State budget, provide residential services: two in Tirana and one in Berat, Korçe, Elbasan and Vlorë.

<sup>[44]</sup> In cooperation with UNDP, emergency centres for woman and girl victims of domestic violence in need of temporary accommodation have been established in four towns: Pogradec, Sarandë, Permet and Roskovec. A regulatory framework is being drafted aiming at defining standards of services to be provided by the municipal emergency facilities for gender based and domestic violence victims, including survivors of sexual harassment and sexual violence. From February 2017, a National Counselling Line for Victims of Domestic Violence became operational providing 24-hour free-of-charge support from psychologists, lawyers and other professionals.

<sup>[45]</sup> The strategy foresees transformation of economic assistance into an active social reintegration scheme, review of the disability assessment system and interventions and reintegration of children into families and communities by providing particular care to social or biological orphans, giving highest priority to the child’s best interests and providing for integrated services. Several other strategies and action plans have been adopted in the fields of, among others, social housing, sexual and reproductive health, the fight against trafficking, rights of persons with disabilities, and integration of Roma and Egyptians, aiming at enhancing implementation of the rights of the children in Albania.

<sup>[46]</sup> On average, 18,000 pupils were reached annually through the programme in more than 300 participating schools. In the following National Drug Control Strategy, attention has been paid to improving the anti-drug treatment system, including development of family and primary health-care staff training on the basic concepts of prevention, early intervention and referral of cases, creation of specialised drug treatment facilities and multidisciplinary teams in six regional hospitals of the country, as well as inclusion of addiction related drugs in insurance schemes. These measures will address inadequate treatment capacities and a growing demand for treatment (currently accounting for between 8,000 and 10,000 problematic drug users of all ages). Currently, there is only one public addictive service centre specialised in addiction therapy, with, on average, 800–900 patients visiting the clinics annually.

<sup>[47]</sup> In 2018, a SOP for protection of victims and potential victims of trafficking was adopted, strengthening the existing well-coordinated and comprehensive identification, referral and protection system. The procedure covers children, whether Albanian, foreign or stateless, from all types of domestic or international exploitation. This, coupled with enhanced capacities of relevant authorities and stakeholders (including NGOs), has contributed to improved identification of victims, strengthened cooperation among relevant structures and provided for more timely and accurate responses to such crimes.



- diversion cases of juvenile penal investigation.
- Following guidance from the MoJ, the NCHM has planned a program of specialisation of mediators based on different forms of conflicts. They provide continuous specialisation and training that has contributed to the mediators' professionalism. After the approval of the Code of Juvenile Justice (CJJ), NCHM has held such trainings. A team of nine mediators spread all over the country have been trained specifically in cases with minors. The list of this team has been deposited at the MoJ.<sup>[48]</sup> The team of mediators has been certified to implement alternative solutions for minors in conflict with the law. So far in 2020, there has only been one case of diversion of the verdict for a minor in conflict with the law. In that case, the party was obliged to compensate the value of the item at issue in instalments to the damaged party. The number of cases is currently very limited due to the Covid-19 situation and the reverberations it has had on the justice system.
  - The MoJ has supported the NCHM in reaching deals with the Probation Service, the Public Agency for Children's Rights and Protection and the Child Protection Units (CPU).
  - NCHM makes up part of the strategy initiated by the MoJ for the whole juvenile justice mechanism.

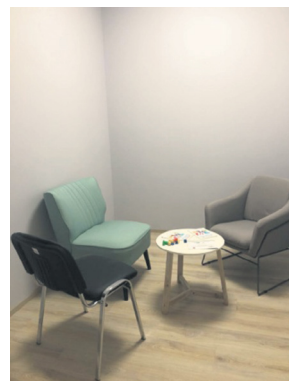
## B. Creation of special rooms to facilitate child friendly justice and the application of diversion measures

After the introduction of the CJJ, one of the obligations of the Albanian Government was and still is to set up units and special areas/rooms for interviewing and communicating with children involved in the juvenile justice process. These kind of areas are used to realise diversion procedures, including RJ and mediation programmes as well as sessions of an educative, rehabilitative and restorative nature. In line with these measures, explanations are provided to every law-enforcement institution and agency. These units and areas have been set up in the following locations:

- **Courts.** Currently, there are friendly spaces for minors at the following courts: Court of Appeals Gjirokaster, Court of Appeals against Organised Crime and Corruption, First Instance Court Against Organised Crime and Corruption, District Court Lushnje.<sup>[49]</sup>

- **Prosecutor's offices.** In 2019, rooms for children in the prosecutor's offices at the District Court of Elbasan, Shkoder, Durres, Fier, Korçe, Berat and Tirane were put in place. These institutions now have friendly areas appropriate for minors.
- **State Police.** During January – December 2019, the Standard Project Procedure of Action for the "Unit of juvenile interviewing, technical standards and procedures of the usage of these areas" was drafted and was approved by the Director General of the State Police, along with the **Order Nr.715, 05.06.2019.**<sup>[50]</sup> **The Juvenile Interview and Communication Unit has been established in:** Lezhe local police department and Kurbin local police commissariat, with the support from World Vision, and the Elbasan local police department, with the support from the Swedish Program for Policing in the Community. Two other Juvenile Interview Units at the Berat and Gjirokaster local police department have started to be established, with support from UNICEF.

Below are some photos from Police Station No.6 in Tirana where a child friendly area has been created with the support of World Vision.



→ **Probation Service.** Ten areas at the community centres for applying diversion measures have been adjusted. During 2019, the Probation Service has treated six minors where a diversion measure applied. Among them, three minors were treated in cooperation with the Child Protection Unit (CPU) and the social centres of the town halls in Tirane, Lezhe and Shkoder. Eight local offices of the Probation Service in Shkodër, Lezhë, Lushnje, Vlorë, Sarandë, Korçë, Përmet and Elbasan have been adjusted. The offices have been rented and no specific budget has been allocated or spent for the juvenile areas. Concerning the number of organisational structures/employees of the Probation Service dealing with juvenile cases, it appears that there has been no increase. There are currently 25 trained and working employees covering such cases.

→ **People's Advocate.** Based on its Strategy and Working Plan 2019-2022 on the protection and promotion of children's rights, the Section of Protection and Promotion of Children's Rights at the People's Advocate institution has been launched and is continuing the work as one of its main strategic objectives, including the promotion of a friendly juvenile justice. One inter-institutional functional network for juvenile justice has been created, which in 2018 involved 30 representatives. In 2019, it was

expected that there would be 10% more representatives than in 2018 and for 2020 and 2021 the plan is to have 10% more from institutions operating in child rights protection. At the same time, already ten community groups have been initiated at the local level. These groups are comprised of interns, social workers, psychologists, teachers, parents and so on.

### **C. Measures to raise public awareness on the protection of children's rights and the application of child friendly justice**

The Albanian Parliament approved the **Decision No. 47/2019 "For the approval of the strategy of the legal education of the public."** According to the Decision, institutional actors have a great role in raising public awareness of RJ and mediation and about child protection.

**Ministry of Justice (MoJ).** There are two legal information centres operating within MoJ: The Victim Centre and the Law Clinic. The latter aims to perform some functions, such as: orienting the citizen to identify the problem accurately and address the claim to the proper institution; assisting in the drafting of letters and requests; providing primary information on the rights and obligations of citizens; offering legal advice on free legal aid and mediation dispute

Government supports a public specialised National State Centre for women and child victims of trafficking and three non-public treatment centres for victims and potential victims of trafficking. One of these NGO-run shelter's provides specialised services for victims younger than 18 years. The four shelters comprise the National Coalition of Anti-Trafficking Shelters, offering complementary services for victims of trafficking. The individuals in the centres/shelters receive an assistance package composed of food, counselling, legal assistance, medical care, educational services, textbooks for child victims, employment services, assistance to the children of victims, financial support, long-term accommodation, social activities, vocational training, and free access to health care. Over the period 2012–2018, 198 victims of trafficking or potential victims of trafficking were accommodated in the National Centre, and 398 in three other centres.

Foreign victims of trafficking have access to the same services in Albania as domestic victims, while the law provides foreign victims a three-month reflection period with temporary residency status and authorisation to work for up to two years.

<sup>[48]</sup> There have been four three-day sessions in different fields related to the Juvenile Code and the mechanism of reference in December 2018 with Save the Children as the donor; in February 2019 in collaboration with the Albanian Foundation for Conflict Resolution, with Terre des hommes as the donor; in July 2019 Berlin Centre for Integrative Mediation, NCHM, AFCR and during November-December 2019 continuous training from NCHM.

<sup>[49]</sup> During 2019, the USAID project "Justice for All" launched the application of the project at the District Court Tirane for the creation of a friendly space for minors at the penal section. During 2020, funding has been allocated to adapt such spaces in five other courts that already have in place suitable physical areas and which also may be adapted to the new court maps. These five courts are: Court of Appeals Shkoder, District Court Diber, District Court Elbasan and District Court Shkoder.

<sup>[50]</sup> A Working Group with experts from the Juvenile and Family Violence Sector and also experts at the organised crime structures of the Local Directorate of the State Police – Tirane was created and its members closely cooperated with the Swedish Police Authority in the context of the three-year program 2017-2020 "Strengthening the capacities of the Albanian law enforcement agencies to fulfil the human rights standards with the juvenile justice – a comprehensive approach of the chain of justice" (SIDA) in order to get the best Swedish and international experiences in that area. Two police structures have established an area to build the Juvenile Interviewing and Communication Unit and they have also started the preparation of the projects for their adaption and restructuring. Those police structures are DVP – Tirane, Police Commissariat Nr.3 and in DVP – Durres. According to a preliminary calculation, the approximate financial cost for the adaption/reconstruction, furnishing, buying and installation of the technical equipment for the audio-video registration for one Juvenile Interview and Communication Unit is about 25,000 euros without VAT. The above-mentioned activities have been planned and will be carried out in close cooperation and coordination with the representative of the Swedish Police Authority in the context of the three-year SIDA program.

resolution, etc. The Victim Centre aims at offering assistance for the victims, taking care of their health and medical rehabilitation, psychological assistance, awareness about mediation and RJ, and so forth.

**The State Agency for the Protection of Children Rights** is responsible for coordinating and organising continuous educational trainings for child protection workers and other professionals working with children in need of protection. They also coordinate or conduct awareness campaigns and concrete activities to promote child participation in all areas.



**The General Directorate of Police** is responsible for organising awareness and information campaigns in order to prevent criminal offenses. It has the duty to increase cooperation with the public. Moreover, based on the legislation on the rights and protection of the child, in cooperation with the Ministry responsible for Education, the Ministry responsible for Health and the Ministry responsible for Social Affairs, the General Directorate of Police should take measures towards the prevention of child involvement in criminal activities.

**The Local Governments Unit** is responsible for informing the public in each municipality and for setting up and making effective the coordination mechanism for referring cases of domestic violence and child abuse. To do so, they must provide the service with various awareness-raising materials or publications about violence and its victims.

**The NCHM** offers the public necessary information about the activities of mediators in the settlement of disputes and the possibilities of contacting mediators.

**People's Advocate.** In line with the duties of the People's Advocate institution, this institution is to promote, protect human rights and prevent their violation, including the rights of the children in conflict with

the law, the victim or witness rights. During 2019, the People's Advocate signed a cooperation agreement with UNICEF to monitor actions and non-actions of institutions managing penal justice for minors with specific attention being paid to: (a) Promoting and monitoring children's rights by public administration institutions at the central and local level; (b) Evaluating the application of recommendations of the People's Advocate addressed in the special report "With the minors' voice deprived from freedom," aimed at monitoring the conditions and treatment by deprivation of freedom institutions and in the context of penal justice for minors; (c) The initiative of promoting and applying the **Law Nr.37/2017 "Code of the Penal Justice for Minors"** in practice at some of the institutions treating minors in conflict with the law who are deprived of freedom.

**The Department of Free Legal Aid** and other responsible institutions aim to hold public awareness activities related to minors' rights, be they author, victim, or witness and services that minors can be beneficiaries of. The Department does this through guaranteeing the children's rights to information and legal aid by including in the school curricula the modules of legal education. Their primary goal is public awareness on the application in practice of the law "On the legal aid guaranteed from the State." These public awareness activities will be held through 2020.

The task of the above institutions is, therefore, to familiarise the public with alternatives of dispute resolution, to usher actors, including children, away from self-justice and revenge, with the aim of preventing criminality and unlawful behaviour and to raise awareness of the advantages of mediation through the organisation of mass educational campaigns for the public.

#### **4.1.3 Programmes for restorative justice and mediation**

During 2019, the Ministry of Justice continued the coordination of activities in the field of juvenile penal justice with several international organisations. The Strategy of the Ministry of Justice has conceived the implementation of two programmes for: i) restorative justice and ii) mediation for the minor and the victim. The following table shows the target aims and the reported target.

| Indicator                    | Implementation of two programmes for i) restorative justice and ii) mediation for minors and victims                                     |      |   |  |  |
|------------------------------|--|------|---|--|--|
| Responsible institution      | Ministry of Justice  |      |   |  |  |
| Information on target values | Year   | 2018 | 2019  | 2020   | 2021   |
|                              | Youth Value  | -    | 20% of concerned minors benefitting from the programmes | 50% increase from 2019 of concerned minors benefitting from the programmes | 80% increase from 2020 of concerned minors benefitting from the programmes |
| Reported target for 2019     | Programmes related to restorative justice and mediation for minors and victims implemented in cooperation with Terre des hommes.         |      |   |  |  |
| Information on target value  | Year   | 2018 | 2019  | 2020   | 2021   |
|                              | Target Value   | -    | 25% of concerned minors benefitting from the programmes | 50% increase from 2019 of concerned minors benefitting from the programmes | 80% increase from 2020 of concerned minors benefitting from the programmes |
| Reported target for 2019     | Programme of advice and public awareness for minors implemented by Terre des hommes together with AFCR. <b>Target has been achieved.</b> |      |   |  |  |

**The High Council of Prosecutors (HCP)** works on statistics relating to the implementation of RJ and mediation programmes. In Article 38 letter “h” of the **Law No. 37/2016 “On the organisation and functioning of the prosecution in the Republic of Albania”** it is envisaged that: “GP sends to the MoJ the statistical data on penal cases in order to draft the unified statistics in the field of justice.” The statistical data received from the General Prosecutor’s Office shows that in 2019, District Court Prosecutor Offices decided to close 19 cases and instead apply mediation measures.

75 employees of the Probation Service have qualified for juvenile RJ and are also able to cooperate with mediators who monitor victim-offender relations. The qualification was undertaken by UNICEF, who have signed a partnership agreement with Save the Children on the implementation of RJ and mediation programmes on counselling parents and families, on the practical implementation of diversion measures and alternative punishment for children’s social-economic reintegration. This program will be applied in the next 18 months in Berat and Gjirokastër.

**Terre des hommes**, in partnership with the AFCR, is in the process of drafting the user guide/guidelines for lawyers and a training programme. The draft

of curricula on continuous training for judges and prosecutors and diversion measures has been completed and is included in the curricula of the MS for the 2019-2020 academic year. Training for increasing capacities of civil society representatives on the RJ approach has been completed.

In addition, the drafting process of the reintegration model for children in conflict with the law has been completed. In that context, Terre des hommes has treated 20-22 cases of children in conflict with the law referred by the Probation Service, police, Workers of Child Protection (PMF) and the prosecutor’s office, out of which five cases were directed to employment and/ or professional education. In this regard, the work protocols for children in conflict/contact with the law have been drafted and completed. Ten local organisations have also been funded to implement short-term projects on the creation and implementation of programmes/models carrying out RJ principles. The projects are being implemented in Tiranë, Durrës, Vlorë, Gjirokstër and Shkodër. Two more meetings are to be held on creating a network working in the field of RJ; on online webinars for discussing and treating cases of children in conflict/contact with the law; on holding a supportive training for mediators at the national level.



**The Albanian-Swedish program for juvenile penal justice** has also assisted juvenile justice by offering expertise on developing informative material on diversion for minors.

#### **4.1.4 Programmes and projects focused on child friendly justice**

During 2019, **UNICEF Albania** completed the translation into Albanian of the “User Guide on Offering Juvenile Friendly Legal Aid,” which has been passed on to the Albanian Bar Association. During the same year, UNICEF also placed at the disposal of the Berat and Gjirokaster District Court, through its partnership with Save the Children, two lawyers who offer primary and secondary legal aid for minors in contact/conflict with the law. This is due to continue through 2020 and is aimed at improving the professional context of legal aid in two of its forms: primary and secondary. UNICEF Albania has been committed to creating two child friendly areas for minors at Berat and Gjirokaster police commissariats where interviews with children in contact/conflict with the law will be held.

In partnership with Save the Children, UNICEF also held training for 32 experts hailing from different disciplines from the Berat and Gjirokastër District Court on the inter-institutional cooperation in cases concerning children in contact/conflict with the law. Those experts will be supported with technical assistance during 2020.

UNICEF also has supported the Order of Psychologists to draft a series of four informative brochures for judges and prosecutors referring to the role of the psychologist in the penal, civil or family cases where a minor is included. Two of the brochures are dedicated to the prosecutors and judges as a guide on the different roles that the psychologists might have during the penal process with children. The third brochure is dedicated to judges of the family sections, mainly in custody decisions. The fourth one is dedicated to judges who ask for a psychological evaluation in cases when children affected by crime, accidents and so on, ask for the compensation of damages by the court.

UNICEF has also supported the MoJ to build a prototype of the Data Integrated System of the Juvenile

Penal Justice, something which will be done in collaboration with the National Agency of the Society of Information. Besides drafting and undertaking consultations on the sub-legal acts of the CJJ, UNICEF has supported the publication of an overview listing the juvenile penal justice normative framework that includes the Code of the Juvenile Penal Justice (in Albanian and in English) and all sub-legal acts passed in 2018 and 2019 in respect of its implementation.

**World Vision** is in the process of building a child friendly room at the Lezhë local police department. It signed the agreement with the department May 17, 2019.

World Vision has finalised four juvenile friendly areas for the interviewing of minors which are operational in Tiranë (Police Station Nr.6), Kamëz (Police Station Nr.5), Lezhë and Kurbin. In October 2019, the inauguration of the new area was held in Kurbin. Since October 2019, a team composed of a social worker and a psychologist from World Vision offers psycho-social support to minors during the interview at the Lezhë and Kurbin police stations.

In respect to the increase of capacities of specialised experts in the juvenile justice system, World Vision has drafted terms of reference on the creation of a training module and organised a training for 160 experts on child protection, including police employees, as part of the inter-sectorial technical groups. The training was held in September 2019 for child protection experts from 24 municipalities.

**The Albanian-Swedish programme for juvenile penal justice** has provided expertise on reviewing the internal rules of the Institution for Minors in Kavaje; expertise for the new sub-legal draft acts and/or amendments/additions in the legislation referring to the juvenile penal justice. It has also held a seminar on improving the conditions for a better organisational structure of the juvenile justice system in order to evaluate risks and needs. The seminar also looked at planning instruments for punishment and the preparation of models for non-compliance with obligations as well as the fulfilment of obligations. Concerning the increase of professionalism at the law-enforcement institutions when dealing with minors’ cases, the programme drafted curricula for: (\*) Techniques of Scientific Interview of the Interview Units; (\*) Training for the implementation of the CJJ; (\*) Training for the Report of individual Evaluation.

**The Dutch Helsinki Committee (NHC)**, in collaboration with the Albanian Helsinki Committee, would like to contribute to a reform of the penitentiary system in Albania, Kosovo and North Macedonia by improving the possibilities for jailed minors to successfully reintegrate in society by introducing official working methods for the prison staff, and their integration in the official policies and curricula of the education institutions, as well as by strengthening the capacities of the prison personnel and representatives of the Ministry of Justice.

This project has trained experts from civil society organisations, who, for a one-year pilot period, will be offered artistic and sport activities through the Contributing Positively to the Society (COPOSO) methods. Direct beneficiaries will be minors who are sentenced or in detention at the Institution for Minors (IRM) Kavajë.

With experts from Leiden University, and thanks to the Social Climate Tool method, it has been possible to measure working climate indicators for personnel at the institutions, and also the living and educational atmosphere for minors at the IRM Kavajë.

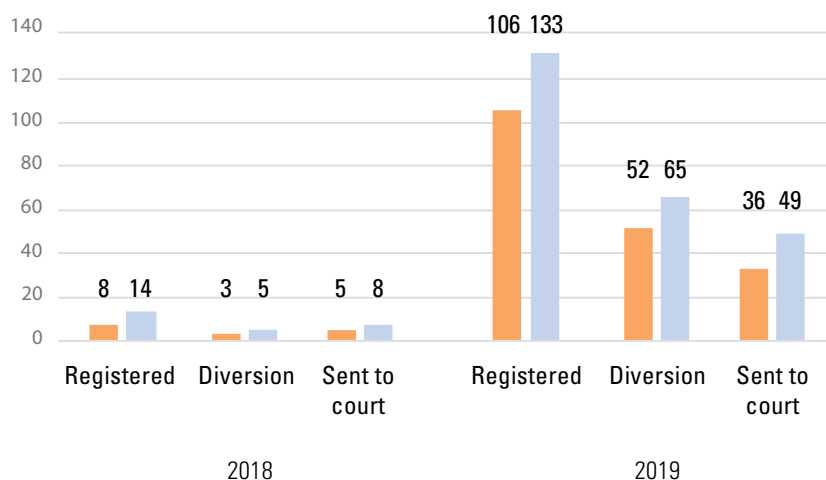
## 4.2 Law-enforcement institutions and agencies

### 4.2.1 National practice and jurisprudence on juvenile justice/restorative justice/mediation

**General Prosecutor Office.** With its **Order Nr.114, date 09.07.2019**, the General Prosecutor created the Centre of Development (Office) for Juvenile Penal Justice taking into consideration the needs of unifying the practice to implement the Code of Juvenile Penal Justice and to get to grips with the best domestic and international working practices. The Centre aims at drafting documentation, policies, guidelines, manuals, distribution of best practices, support and advice for prosecutors. Prosecutors and court police officers nominated at this Centre will work part-time.

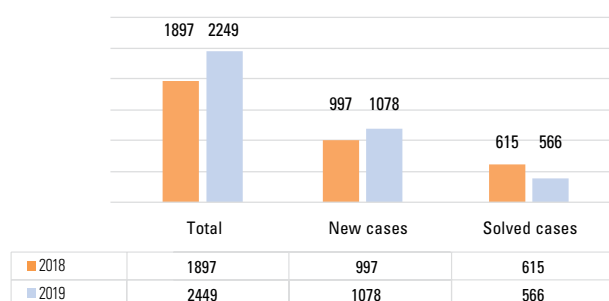
The statistics and data received by the Tirana Prosecutor’s Office attached to the District Court level shows that during the year 2019, there were 194 children involved in juvenile justice proceedings. The number of children involved in criminal proceedings was higher compared with 2018, (27). In respect to the ages of the children: two children were under 14 years old, 49 children were between 14 to 16 years old and from 16 to 18 years old, there were 89 children.

Number of juvenile case versus number of minors  
Tirana Prosecutor’s Office



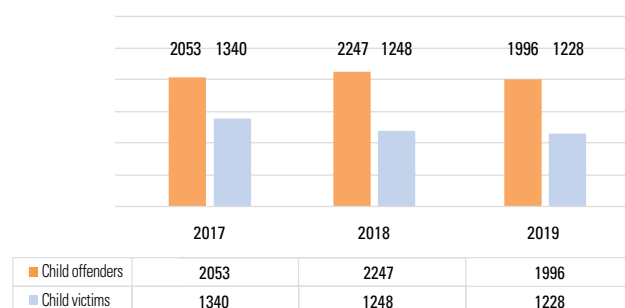
In the following chart, one can see the number of registered cases in juvenile justice and the number of cases that apply diversion measures, including RJ, and the number of cases that are sent to court for continuation of criminal proceedings because the diversion measure could not be applied. The red columns demonstrate the number of cases and the purple columns show the number of children involved in criminal justice. In 2019, there were 247 children involved in 194 cases. One can remark that the number of cases where the diversion measure was applied is higher in 2019 (52) compared to the number of cases sent to court (36).

Statistics from the State Agency of Child Protection



**Tirana State Police Directory.** The statistics collected in the interviews with the Director of the Tirana State Police Directory show that during the year 2017, (one year before the approval of the Code on Juvenile Justice) the number of children that had committed crimes and felonies amounted to 2,053 and the number of child victims amounted to 1,340. The young victims were confronted by both child and adult offenders.

Statistics from the State police on numbers of children involved in juvenile justice



During the year 2018 there was an increase in the number of child offenders to 2,247 and a small decrease in the number of child victims– 1,248.

In 2019, the number was smaller in respect of both variables. Respectively, there were 1,996 child offenders and 1,228 child victims. However, the number of child victims was still considerably high, 100 children injured per month.

**The State Agency of Child Protection** has units at the local level. In compliance with Article 67 of the **Law 18/2017 “Obligation to report”**, each employee of public or private institutions in contact with children due to their profession and who suspect that a child is abused, overlooked, maltreated or is in danger or something of the kind, should immediately report to the State police or local child protection structures. Teachers and those who offer psycho-social services to those of a school age are obliged to report any suspected or occurred cases of abuse, overlooking or exploitation of children at the local educational unit or at the structures for child protection. Upon receipt of information in respect of children needing protection, the local educational unit, in any case, reports to the structures for child protection.

Employees of health institutions or those caring for children, be they public or private, are obliged to report immediately to the head of the institution, State police, structures for child protection, any suspected or occurred cases of abuse, maltreatment, abandonment, overlooking or violence towards children.

The reported data show that the police have reported the greatest number of cases, 128, or 12% of the total, followed by 107 cases of reports from NCHA based on the requirements of the Law on Legal Aid, but also the Law or the Lawyer’s Profession in the Republic of Albania in collaboration with the Council of Europe, through the HELP online programme. Lawyers from all over Albania have been trained on the Code of the Juvenile Penal Justice. During 2019, training sessions were held to improve the knowledge of *ex-officio* lawyers and other lawyers offering legal aid in collaboration with the Free Legal Service Tiranë (TLAS) and with the support of the American Bar Association.

Many cases involving cases of children in conflicts, especially those where children are the victim of criminal behaviour committed by adults or other

children, are regularly reported to the regional agencies of the Protection of Child Rights spread out in different cities in Albania. Cases of maltreatment are reported by teachers, psychologists, parents, police officers or children themselves. During 2018, the number of cases amounted to 1,897 in total, including cases unsolved from the previous years – new cases amounted to 997 and solved ones amounted to 615.

Data from 2018 are collected and included in the official report of the State Agency of Child Protection. For the year 2019, data is collected from interviews with representatives from the State Agency.

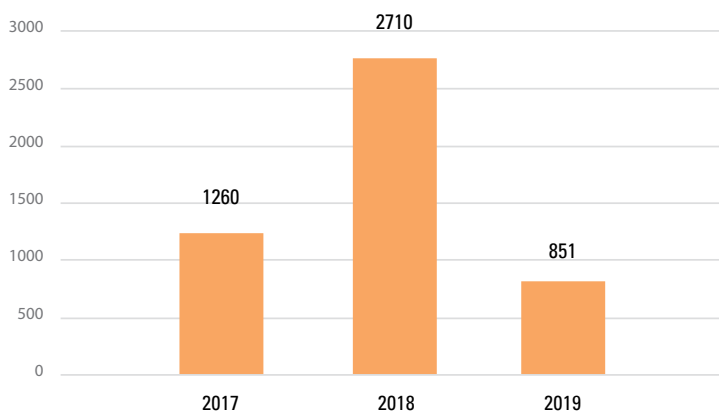
**The High Council of Justice (HCJ)** with its **Decision Nr. 264 date 21.11.2019** approved a points methodology in order to determine the level of evaluation undertaken by judges. Through that scheme, the HCJ urges judges to refer cases of mediation (in line with the law). In the context of implementing the project on strengthening the mediation system in Albania, the HCJ has signed a memorandum of cooperation with the Berlin Centre for Integrative Mediation, January 1, 2020. According to the memorandum, two pilot mediation centres will open in Tiranë and Durrës, in which the HCJ will offer facilitation and cooperation between the centres and the courts. HCJ is open to cooperation with the MoJ to develop programmes for RJ and mediation.

**The National Chamber of Mediators** has played a very active role in the application of mediation in Albania. Cases arrive to the mediator from different sources:

- directly from the interested parties involved in a conflict, or at least from one of them;
- from the prosecutors or judges because of the application of diversion measures in the criminal procedure;
- from the local coordinators in municipalities, in cases where the interests and rights of children are violated;
- from school directors, teachers, directors, psychologists, parents, students, etc;
- from the Probation Service officers in cases where juveniles are convicted or are part of the fulfilment of obligations deriving from the diversion agreement.

As the chart shows, during the period 2017-2019, 4,821 cases were solved through mediation. The figure for 2019 will be higher than the total of cases for the year 2018 since the reporting period for 2019 only covers January-July. The report for the year 2019, with the data from the remaining months, will be issued at the end of April 2020. For the period 2018-2019, cases where the child's interests are involved occupy approximately 15% and for the year 2019, it is expected to be more than 20% of the total cases solved through mediation. The number of cases resulting from civil and family matters is also included in these figures.

Data of the National Chamber of Mediators





**The Albanian Foundation of Conflict Resolution (AFCR)** is the first NGO founded in Albania at the initiative of the Supreme Court of the Republic of Albania and the High Court of Denmark, under a project funded by the Danish Foreign Ministry (DANIDA). The objective of the creation of this NGO is to re-activate mediation in the Albanian society and to reawaken traditional values and customs in the field of reconciliation and mediation. AFCR, with support from the Council of Europe, prepared the first mediation law in 1999 and with the support of the Norwegian Ministry of Justice. The second law on mediation was prepared by AFCR in 2003. AFCR also supported the Albanian Parliament when drafting the existing law and its amendments.

During the period 2017-2019, AFCR has successfully solved 296 conflicts in the criminal field in five centres in Tirana, Shkodra, Vlora, Korca and Lezha. The number of cases in the field of juvenile justice field were 224. Of those 224 cases, 106 children had the status of offender (10% of this figure were two-three children offending together). There were 62 children who were victims of bad or criminal behaviour from another child or an adult and there were 56 adults who were either victims of the child's action or offenders of child victims.

The following chart collects all data from the years following the adoption of the Code of Juvenile Justice. Besides the nine cases that have been referred to the mediation centres by schools, the rest is represented by the Probation Service, the State police and lately by the prosecutor's office.

The organisation of the 10th International Conference of the European Forum of Restorative Justice in Albania provided an important momentum in respect of RJ and mediation. It was a call to action for the Albanian public institutions, particularly the justice system, including the Ministry of Justice, judiciary, prosecution, prison system and Probation Service to undertake new initiatives in the area of awareness raising, promotion and application of RJ and mediation, especially in cases involving minors and juveniles in contact and in conflict with the law. International organisations and institutions, like the EU Delegation in Tirana, UNICEF, Save the Children, Terre des hommes etc., provided support and funding for concrete projects and initiatives in the area of RJ and mediation.

The post-conference innovative inspiration contributed to increased awareness of the AFCR role as an organisation that promotes RJ in Albania. It served to undertake and support several initiatives, among which the following are worth mentioning:

- The MoJ has played a key role in the implementation of the justice reform, leading to increased institutional awareness in applying restorative practices and mediation. The Ministry urged that programmes be undertaken to strengthen mediation alternatives in Albania. 25 mediators were qualified to provide mediation services for juveniles as part of two programs, the first supported by the EU Delegation, implemented by AFCR, Terre des hommes, and the Norwegian Ministry of Foreign Affairs, and the second supported by the EU Delegation implemented by the Berlin Centre for Integrative Mediation, AFCR and National Chamber of Mediators. AFCR has conducted a mapping of the criminal justice system through the lens of RJ. An overview of the situation in respect of the needs and possibilities was identified by the mapping as well as recommendations for policy makers and RJ practitioners. The AFCR also organised several trainings. In 2018-2019, 160 cases of juveniles have been managed by AFCR through restorative justice and mediation actions.

#### 4.2.2 High Council of Prosecutors (HCP)

Article 38 letter "h" of the **Law Nr. 37/2016 "On the organisation and functioning of the prosecution in the Republic of Albania"** it is envisaged that: the "Prosecutor General sends to the Ministry of Justice the statistical data on penal cases in order to draft the unified statistics in the field of justice." The HCP does not, however, have data on the implementation of RJ and mediation programmes. The statistical data received from the General Prosecutor's Office shows that in 2019, District Court Prosecutor's Offices have in 19 cases decided to close and apply a mediation measure.

Some of the criminal cases where mediation has been used are: cases of battery, petty theft, blackmail and so on. In one of the cases, a first-year university student blackmailed her professor, threatening the professor in order to obtain higher marks. After the initiation of the criminal procedure, the prosecutor

proposed a mediation procedure which had the effect of stopping the criminal proceedings. The student requested forgiveness from her professor and the case was successfully resolved through mediation.

In another case, a young boy was caught by an employee of a supermarket having stolen two cups of coffee. As in the other case, following the commencement of the criminal procedure, the prosecutor proposed mediation which stopped the criminal procedure. The young boy met the employee of the supermarket in a mediation session and they agreed he would reimburse the damage. He also promised to not commit the action again. The parents were involved in the process.

### 4.3 Data processing from the questionnaires

This project research provided the models for questionnaires that were answered by judges, prosecutors, local coordinators of child protection, representatives of the Probation Service, employees of the State Agency for the Protection of Children Rights and so forth. Every question has a separated rubric and the respective chart and/or table for the answers collected and analysed. The structure is as follows:

**1. The awareness of mediation and restorative justice.** The focus group where the questionnaires were given out and the answers to said questionnaires showed that almost all participants had a good knowledge of mediation and RJ. Only seven out of 113 participants

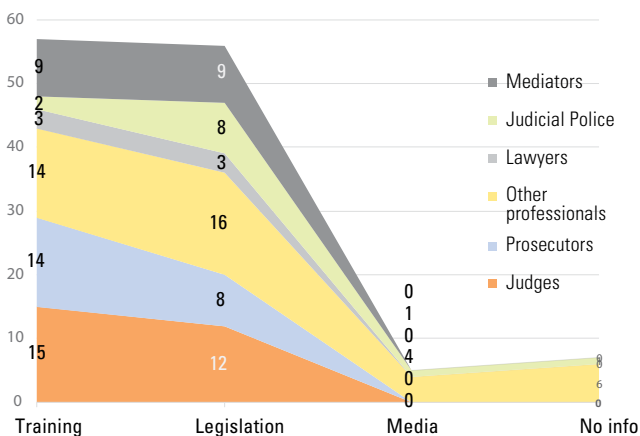
had no knowledge about RJ and mediation. Amongst those who were aware, this awareness came from training sessions and from the application of the legislation that they regularly worked with. Only five participants were informed about mediation and RJ by the media. The chart above shows the awareness and knowledge of RJ and mediation with some participants choosing more than one source of information, i.e. training and legislation.

### 2. Experience in juvenile justice cases.

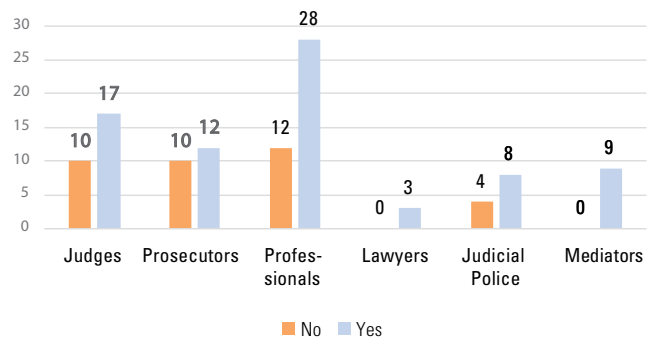
One of the questions of the questionnaires asked about the experience of professionals in juvenile justice cases. Notwithstanding the fact that judges and prosecutors were representatives of the units created after the approval of the CJJ, some of them (ten per each profession) had no experience in cases of juvenile justice. The rest (17 judges and twelve prosecutors) had experience with these types of cases.

Several reasons can account for this discrepancy. First, the sectors of judges and prosecutors created for juvenile cases also dealt with domestic violence cases, second the court systems sections are liable to be changed every year meaning that judges can be transferred from one section to another, and third, there has been a significant legal reform of the justice system in Albania. As a result, a lot of judges and prosecutors have been dismissed. This has also led to substantial changes within the staff. Overall, the number of participants in the focus groups, and who had experience with juvenile justice cases, amounted to 77. The number of participants who had no experience in this field totalled 36.

Awareness on RJ



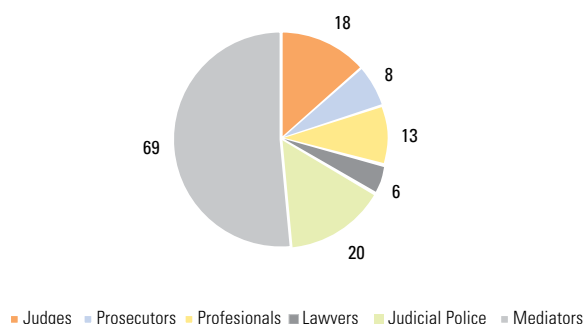
Experience in juvenile justice



### 3. Number of cases of juvenile justice.

The above chart shows the number of cases that each participant in this research had in her/his professional experience. The total number of juvenile justice cases during 2018-2019 that the participants of the focus groups had experience with was 134 cases: 18 for judges, eight for prosecutors, 13 for professionals, six for lawyers, 20 for judicial police officers and 69 for mediators. Some participants had more than one case experience which explains why these figures are higher than the number of persons with experience in juvenile justice, as per the previous chart.

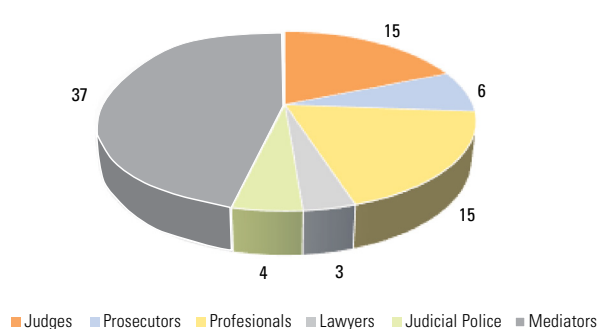
No. of cases of juvenile justice



### 4. Number of cases with child victim involvement.

One of the questions in the questionnaires addressed the number of cases where the victim was a child. Mediators had the highest number of cases where the child was a victim (37), whereas judges only had 15 cases of child victims. It should be noted that the number of cases where the victim was a child (80) is less than the number of cases where the child was the offender (132).

Number of cases with child victim



### 5. Specifics of the restorative justice and mediation process

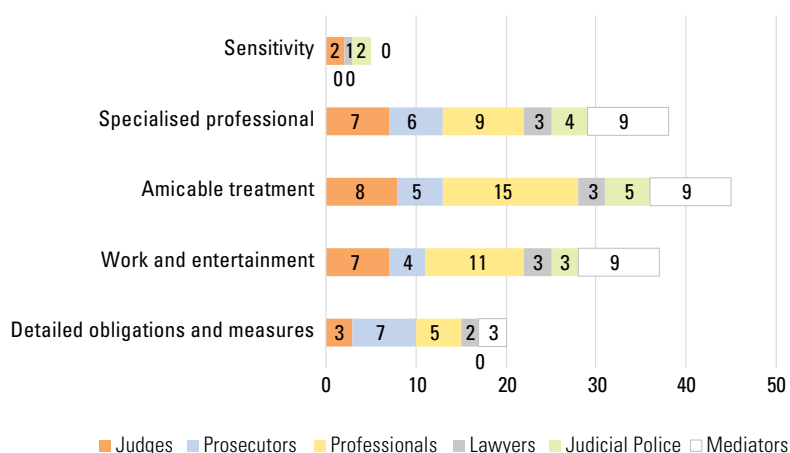
Another question posed in the questionnaire that gave rise to additional narration and explanation concerned the characteristics and specifics of the RJ and mediation process. This question aimed at collecting opinions from the participants in the focus groups about the current mediation procedure and RJ programmes.

Five main topics were identified in this question:

- Sensitivity of the case and of the parties;
- Friendly and sensitive treatment of children;
- Education through work accompanied with entertainment;
- The necessity of specialised professionals; and
- The specification of the measures and obligations for diversion.

The majority of the participants (46) underlined the

Specifics of RJ for children

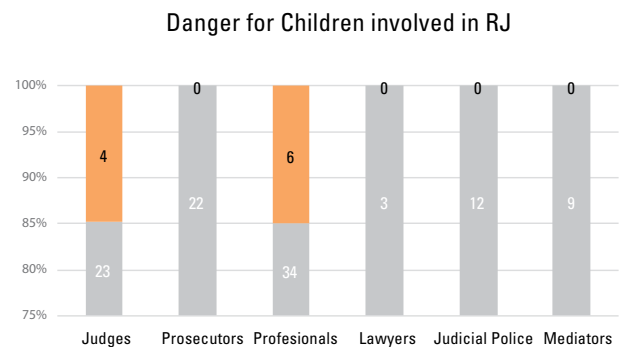


importance of RJ and mediation because it creates the opportunity for rehabilitation and a child friendly treatment of the children. 39 participants thought that the presence of specialised staff is very important in every institution, public agency, National Bar Association, National Chamber of Mediators, State Agency for the Protection of Children’s Rights, etc; 38 participants underlined the importance that education and rehabilitation through work should be mixed with entertainment; 20 participants expressed that it is very important that the RJ programme have detailed and effective measures and obligations that will take into consideration the child’s dignity as well as the individual temperament and personality of each child. Only four participants thought that sensitivity as part of the feelings and behaviour of the children during the mediation procedure or RJ programmes should be taken into consideration by professionals and other actors involved in the procedure. In some cases, participants have selected more than one specific answer, explaining why the number of choices are perhaps higher than the number of participants or questionnaires.

**6. Danger for children in restorative justice or mediation.**

Most participants think that the restorative justice or mediation process does not create a serious risk for children (if carried out by trained professionals). As such, 103 of the professionals gave their opinion that, in principle, there are no risks for children if they follow a mediation process or a restorative justice program. Only ten of the professionals that participated in this research thought that the risk might be present. Even though they thought that such a process is safe all of

the ten unanimously considered that there would be a risk of re-victimisation of the child. This finding from the questionnaire should be taken into account when preparing a RJ programme.



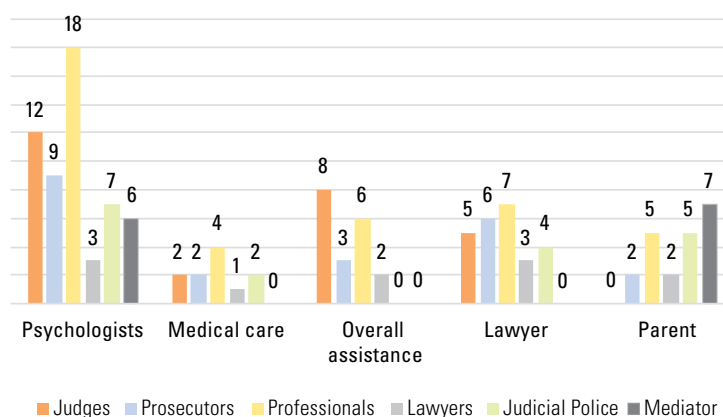
**7. The need for additional assistance for children.**

Legal aid and legal assistance are very important for vulnerable groups, including children. A child in a criminal procedure requires a defence, a psychologist, a social worker, a translator (where applicable), a doctor or medical assistant, a legal representative, a procedural representative and so on.

In light of these requirements, one of the questions in the questionnaire approached the issue of assistance. All professionals listed five kinds of additional and necessary assistance in favour of the child and their interests:

- the need for a psychologist in the juvenile justice process (55 participants);
- the need for medical care in case the child has suffered damage to his/her health (11 participants);

**Need for additional assistance for children**





- the need for a lawyer as a legal defence of the child's interests (25 participants);
- the presence of the child's parent (21 participants; and a more general need for an overall type of assistance (19 participants).

The additional assistance that the six groups of professionals underlined as the most important is listed in the chart.

As in the other questionnaires, participants chose more than one answer in some cases.

### 8. The initiation of the process.

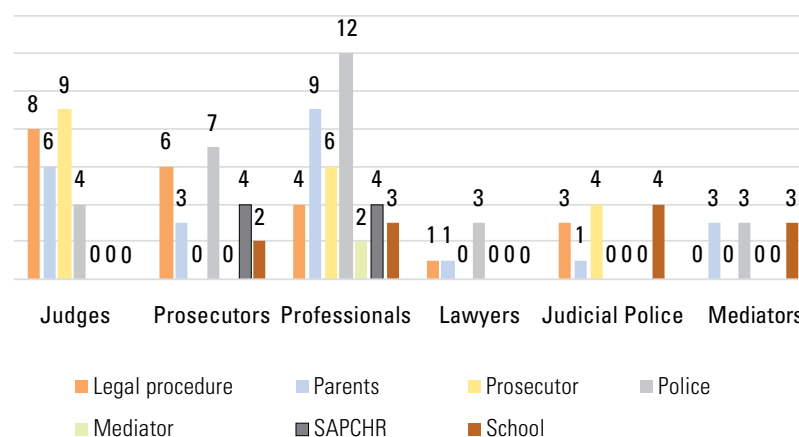
The initiation of the juvenile justice process as well as the mediation procedure is very important. The most active actors that play a determinative role in the referral process of the case, especially for a child victim, is the parent, the teacher, the prosecutor, the State Police, the damaged party, a local coordinator of child protection, the specialist of the National Agency for Child Protection or one of the local units. In the following chart one can see that 22 professionals involved in this research decided that the initiation of the process should be done according to the legal procedure provided by the law on mediation and the Code of Juvenile Justice. 19 participants underlined the key role of the prosecutor for diverting the procedure and evaluated that the process should

begin there; 23 participants were in favour of the role of the parent as initiator of the legal procedure and mediation; 29 participants have chosen the State police as the one that should initiate the process; 12 participants were in favour of the importance of the school in the identification of the conflict and the potential victim as well as the responsible actor for initiating the process; eight participants choose the SAPCHR. Only two participants indicated that the role of initiator should be with the mediator.

### 4.4 Research results on Child Advisory Board members and child victims

The Child Advisory Board (CAB) in Albania is composed of eleven children.<sup>[54]</sup> However, at the focus group meeting, only eight children could attend. The focus group discussion followed the guidelines we had received from the project experts. After the project coordinator gave the introduction and talked with children about their daily routine, the researcher provided an introduction based on the questions found in the document: Instructions for CAB. In addition, a "traffic offence" story was told to the children in three parts. The children found this story very interesting and they actively engaged in the discussions with the researcher. It was

The initiation of the process



<sup>[54]</sup> The process of recruitment took almost two months. The children selected are all between 13 and 17, as per the Terms of Reference for CAB members. The recruitment process was done by contacting different NGOs, individuals working with children and also residential institutions. The children are from different cities of Albania. The author of this report ensured that the participants have different cultural, ethnic and geographical representation. The group was created keeping in mind a fair gender balance with four boys and seven girls in the group. Half of the children were referred by different staff members working in an NGO in Tirana. Half of the group is composed of children coming from very difficult and extreme situations living in residential institutions. Two children are under legal custody of SOS villages in Albania and one has the status of a child in conflict with the law.

obvious during the meeting that the children found the RJ practices very interesting and suitable to be used in these cases. Notes were taken by the researcher during the meeting.

During the meeting of the focus group with CAB an additional story was prepared for them that dealt with a conflict between an adult (Jason) and a teenager (David) caused by a car accident (traffic offence). The written story of the conflict was discussed during the session and questions were asked to the children. The discussion began with questions about the offender, continued with questions about the victim and ended with questions about the victim-offender mediation in the presence of both parents. After the case study, the session continued with a Question and Answer discussion. All participants supported each other during the discussion and the following questions and answers posed were as follows:

9. **Question:** Have you ever heard about restorative justice, or any other process bringing together victims and offenders, before this case study?

**Answer: Yes, we have heard about mediation. All the children have a very basic knowledge on mediation procedures prior to their engagement in this project. Their source of information has been schools and other friends. Half of them have previously received a dedicated information session on the Code of Juvenile Justice and more specifically on RJ. They all show interest in enhancing their knowledge in this project about the topic.**

10. **Question:** Do you think this is something that can be used for children of any age? Please explain.

**Answer: All the participants said: Yes, it is in the child's interest because it deals with relationships and prevents the repetition of the action at issue.**

11. **Question:** Depending on the age and communication literacy:

a) What special needs need to be taken into account when involving children in a restorative justice encounter?

**Answer: (financial) compensation.**

**These answers were the most common ones coming from different children. After the question was posed, one child considered an apology as being more valuable, whereas another child considered the compensation as being more valuable etc, but all children referred to some kind of**

**financial compensation too. Most of the children were unanimous in expressing that this process should treat the victim with special sensitivity.**

b) **Question:** What practices could help to make children feel safer? E.g. indirect encounters with videos; non-verbal forms of communication (e.g. drawing); actual space for the encounter; supporting people and/or specialists in the room.

**Answer: The presence of the parents, a common teacher, a doctor, a mediator, a psychologist or any other trusted adult.**

c) **Question:** Do you see any risk for children participating in a restorative justice encounter? If so, what should be done to prevent such risks?

**Answer: If the process began with an apology from the offender, there are no risks.** Two of the respondents added that the process has to be seen in the long term, if the apology was sincere from the offender.

12. **Question:** In case of a child victim's participation, do you think that their needs can be met by a restorative justice encounter? Please explain what the needs are and why they are met.

**Answer: The offender should pay the damage himself, voluntarily offering to accompany the victim to the hospital after the accident, etc.**

13. **Question:** In case of child victim's participation, do you identify specific risks or challenges?

**Answer: All children think that fear can be a challenge and the risk of threats from the offender if he/she is aggressive or that she/he can repeat the acts in the future.**

14. **Question:** Can you imagine using restorative justice practices in any type of conflict situation (e.g. families, schools)?

**Answer: Yes, it is useful. There have been cases in our schools not mediated by professionals, but teachers or other adults that have taken up this role. Some of the children responded that these measures were not applied in their schools, instead children have to take disciplinary measures. All the children thought that these kind of RJ practices should be applied in the school environment as well as in families.**

15. **Question:** Can you imagine using restorative justice between people who have an established relationship (e.g. parent-child, teacher-student)?

**Answer:** Yes, it is possible. Some of them stress that the relationship between teacher and student is a good example to do this.

**16. Question:** Do you think that the restorative justice encounter respects and is useful for each party involved?

**Answer:** It has advantages for both parties. They all agree that this is very positive for both parties, but some of them stress the fact that we should avoid or be cautious about the danger mentioned above.

**17. Question:** Do you think that the restorative justice encounter supports equally all parties involved? Please explain.

**Answer:** Yes, equality should be respected. Three of the children answered that if it is not done properly, it may look as if it is more advantageous for the author.

**18. Question:** Do you have conflicts among pupils in your schools?

**Answer:** Yes, we have conflicts, mostly in the form of biting, offence, fraud and blackmail, which is becoming more and more frequent through social media.

**19. Question:** How are they solved?

**Answer:** The conflicts are solved:  
 → with the interference of a teacher and/or the Director of the School and  
 → with an administrative measure taken by the Pedagogical Council, such as expulsion by the school for one year for the most difficult cases.

**20. Question:** Do you have mediators among pupils or teachers or other staff of the school?

**Answer:** No, we do not.

**21. Question:** Is it a good idea that mediation can be used in school?

**Answer:** Yes, it is.

**22. Question:** What are the advantages of the reconciliation of the conflict?

**Answer:**  
 → Pupils remain or become friends again;  
 → The offender will not be fearful of the punishment and the victim will not be scared that the bad behaviour will reoccur;  
 → The offender will not be sent to the State police;

- The offender will not be expelled by the school;
- The victim will not be scared and feel shameful;
- The victim will be compensated or supported with other means, such as visits, etc.

## 4.5 Research results on child victims

Part of the research methodology was the discussion with the focus group of children who are victims of criminal offences and who participated in a mediation procedure. The children were very honest in the focus group and collaborated with the researcher to explain their feelings and emotions after the conflict, during the mediation procedure and after the solution of the conflict with the conclusion of the agreement with their respective offenders. The group was composed of six children who filled in the questionnaire.

The following are the collected answers in response to the questions asked:

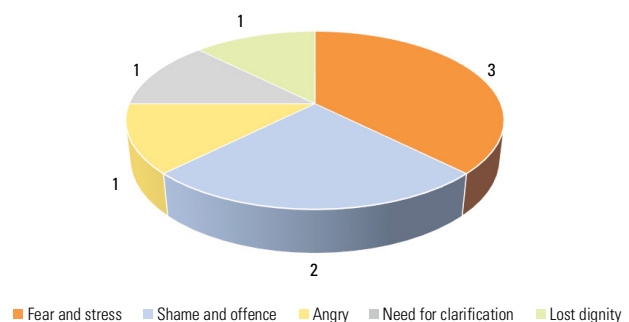
### 1. The child's feelings after the conflict.

The management of the post-conflict situation is not an easy process. The children said that after the conflict they felt very bad. They felt scared, stressed, angry and felt as if they had lost their dignity. Some of the children felt ashamed and embarrassed by the effect of the bad behaviour and they felt the need for clarification from the offender.

Fear was more present in their memory with three children identifying this feeling. The conflict is seen as a stressful event. One of them stayed in silence for a long time and began to give answers after a while. The chart to the side demonstrates how the children felt after the conflict.

### 2. Information about mediation.

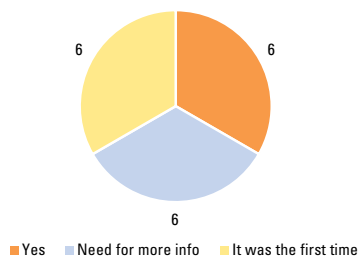
Child victim's feelings after the conflict



All the children unanimously expressed the same thing: they had not heard about the mediation procedure before their conflict happened. It was the first time they learnt about the mediation procedure of mediation and its advantages.

They would all need more information in the future about alternative dispute resolution.

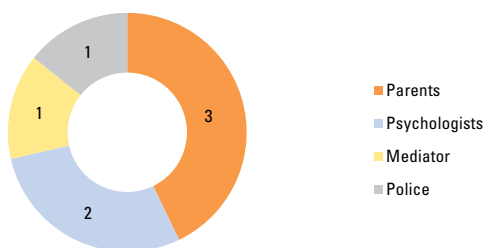
Information about the Mediation



### 3. The need for aid and support during the process of mediation.

The need for support and aid was presented by all the children. They specifically felt the need for parental support and three children wanted their parent’s presence in the mediation procedure. Two other children requested the presence of a psychologist. One of the children felt well and positive about the mediator’s role in the procedure and one of the children trusted the police officer who provided him with a feeling of safety. All the children understood the meaning of “support” as a kind of help given by a trusted adult.

Aid and support during the process

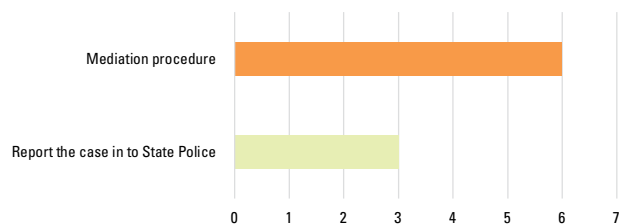


### 4. Initiation of the process.

This question dealt with two kind of procedures: the legal procedure for the referral of the case to the State police and the legal procedure for mediation. Only three out of the six children reported their case to the State police, whilst the other three felt shy and reluctant

to report it. They immediately went to the mediation procedure due to the suggestion from their parents and teachers. Three children who reported the case to police officers were told by the officer about mediation as an out of court procedure that offered the opportunity for the offender to apologise to the victim and improve relations between them both. After that the children decided to interrupt the criminal proceedings before the State police and prosecutors and instead initiate mediation at the mediation centres.

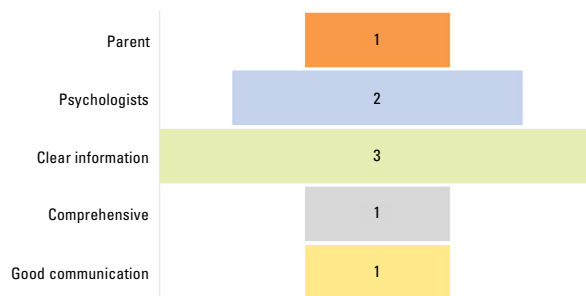
Initiation of the process



### 5. Specifics of the mediation.

One of the questions dealt with the perception that children have towards mediation after the finalisation of the agreement with the offender and the normalisation of relations between the two parties. Three of the children underlined that it was very important to have clear and simple information about the mediation procedure, about the steps needed to be followed, about the results, advantages, etc; two other children were unable to understand the mediation procedure without the presence of the psychologist; one thought that the mediation procedure was comprehensive: it is educative, positive, offers security and optimism; one thought that the mediation procedure teaches both parties about having a better communication, because there are rules. The last child declared that it was very important for him to have his parent in the mediation procedure.

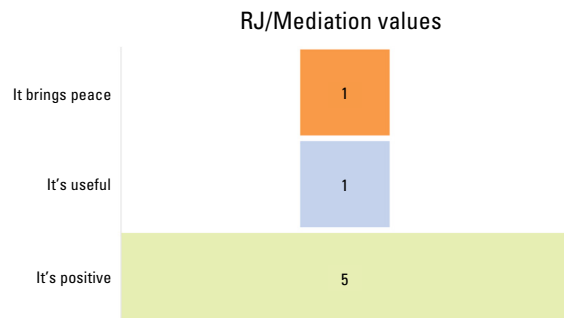
Specifics of child victim mediation





## 6. The values of restorative justice and mediation.

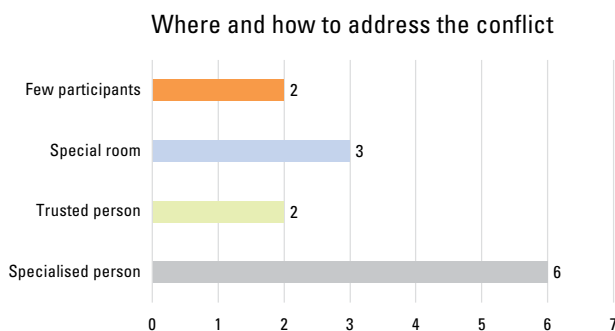
One question asked child victims to explain what are the values of mediation based on their experience. Five children considered the mediation procedure as a positive one, taking into consideration the results of the agreement with the offender. One child expressed two considerations: positive and useful. She thought it is useful because it is faster and shorter than the criminal procedure through the State police and prosecutor. According to her, one can conclude everything in one or two meetings with the offender. You can ask the offender directly why she/he acted like that, etc. The last child underlined the peace that is brought with a mediation process. He felt safe that the bad behaviour would not occur again.



## 7. Where and how to address the conflict.

The question dealt with the place of the mediation and the other participants in the procedure. All the children underlined the need for specialised staff and persons.

They explained that it is very important to have a competent mediator, psychologist and advocate who can communicate with simple language and with a calm and patient behaviour. It was interesting that three of the children expressed the need for a comfortable room, in stark contrast with the room that they were placed in to report the case at the police station. They specified that they needed a room similar to a familiar place. Two children needed the presence of a trusted person such as a parent, teacher, uncle, older brother, etc. Two children preferred a process with few participants because they felt better if the facts and evidence relating to the conflict remained with only those involved.

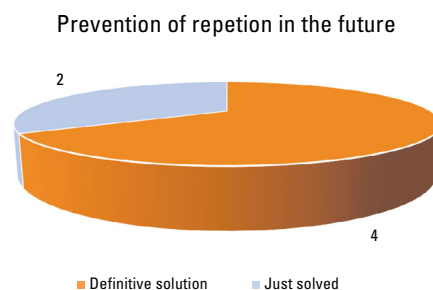


## 8. Prevention of reoccurrence.

It is very important that mediation provides the victims with a hopeful feeling that the conflict and its consequences are left behind and that it helps to prevent other negative behaviours. Four of the children declared that they have solved their conflict with mediation months ago. Nothing bad had happened after the agreement was reached between the offender and victim and they were sure that the conflict would not repeat itself in the future. Two other children have recently solved their conflict.

Until now, they were satisfied and hoped that the solution to the conflict was definitive since relations with their offenders were positive.

The child victims were open to talk and discuss in the context of the aim of the research. However, their identity remains confidential.





## Conclusions and Recommendations

Following the research and preparation of this national report, the conclusions from the work undertaken are as follows:

1. Albanian society has a strong tradition of reconciliation and mediation in criminal, civil and family law. The Albanian community is, thus, familiar with the ritual of reconciliation and mediation in the cases of conflicts and disagreements amongst people, as well as the rules and behaviours based on the principle of honour and faith. The Civil and Criminal Procedural Codes in force during 1956-1991 provided mediation as an alternative dispute resolution for light offences and cases dealing with small economic damages. In the past, the service was provided by private councils set up by the community or by so-called “lay judges”. After the fall of communism in 1995, the application of mediation in Albanian society began again but was based more on contemporary modern rules of mediation.
2. The Albanian legal framework has, in recent years, been developed to include laws and by-laws of restorative justice and mediation in criminal matters as well as on the protection of children’s rights. Indeed, several laws and by-laws have been adopted and amended in order to strengthen restorative justice and mediation as measures and procedures within the child rights framework in Albania. Mediation and restorative justice are regulated by the special law on mediation and the Albanian Code of Juvenile Justice (CJJ). Special laws have been adopted to regulate mediation and restorative justice for the children involved in juvenile justice as accused, witness and victims as well as special laws that provide the protection of children rights with a child victim orientation.
3. The Albanian Code of Juvenile Justice (CJJ) that entered into force on January 1, 2018, represents an unprecedented legal development and a philosophical shift in the approach to the treatment of children within the criminal justice system providing restorative justice and mediation as alternative measures for the rehabilitation of the children involved in the criminal justice.
4. Restorative justice and mediation can be applied in all stages of the investigation or judgement and can be asked by the offender, by the victim, or can be proposed by their parents, legal or procedural representatives or advocates. Where restorative justice or mediation is decided to be applied as a diversion measure, the prosecutor or judge takes the decision to deviate from the criminal procedure. In criminal matters, mediation is applicable for petty crimes, mainly to minor or relatively minor offences, such as deliberate or psychological assaults involving neighbours,

members of the same family, hit and run traffic offences accompanied with material damages, slander, biting, light injury, etc. More serious offences are excluded from mediation. Sometimes there are more serious cases in which mediation can be organised, such as murder between the victim's family and the family of the person who committed the crime, in order to prevent any further revenge. Mediation is also used in serious crimes because the reconciliation with the victim is considered as an aspect which can reduce the punishment sentence.

5. A specific category of conflicts capable of being solved through mediation are cases dealing with juvenile justice. Criminal mediation is recommended to be applied to children and young persons involved in a criminal matter. In such cases, mediation may be initiated by the State prosecutor, by the judge investigating the case, by the court that hears it or by the centre of mediation connected with the justice system or by the parties themselves.
6. The Albanian Government and other institutions have a good understanding of restorative justice policies and mediation services and have supported good practices related with the legal status of mediator.
7. The concepts of "mediation" and "victim-offender mediation" are more well-known at the policy makers level and, also, among the representatives of executive and enforcement institutions and bodies than the concept of restorative justice in Albanian society. This is due to tradition and experience.
8. Since 2009, mediation and rehabilitation programmes are usually integrated into the programs of the Probation Service in cooperation with municipalities and NGOs.
9. After the CJJ came into force, Albania's criminal system underwent a significant change. The Ministry of Justice (MoJ) is now committed to creating new institutions in line with the CJ. This is a condition in order to establish the necessary infrastructure to carry out sub-legal acts, alternative measures of punishment and also the re-integration of the minors into the society. The Crime

Prevention Centre for Minors and Youngsters and the Institution of Educating and Rehabilitating the Children was established to give effect to the MoJ's commitment. Within the Centre, special areas/rooms for a child friendly justice were created. This has also enabled diversion measures to be applied and helped create a suitable environment for the restorative justice and mediation sessions.

10. The Digital System of the Data on Minors' Penal Justice has been set up and is fully functional. This is another important step forward which makes it possible to follow-up minors' cases step by step and generate statistical data in real time.
11. The MoJ signed agreements with all city halls in Albania and in each town hall or administrative unit where there are more than 3,000 children an ad-hoc technical inter-sectorial group for the treatment of the cases of children in need of protection should be created.
12. During 2018-2019, trainings have been organised with professionals of all penal justice institutions working with minors. The number of trainings has continued and the number of issues included in the training curricula has increased. Assistance was offered by a Swedish Project, UNICEF, and so on. The curricula/programmes included working with 53 police officers, 18 judges, 76 prosecutors, Child Protection Unit staff, seven officers of the Court Police, 75 specialists of the Probation Service, 150 specialists of prisons, 25 ex-officio lawyers and lawyers, nine mediators, 105 psychologists and other experts.

A list of good practices from Albania can be surmised with the following:

- The consolidation of the legal status of mediator. Involving a mediator as a free and licensed profession alongside the lawyer and the public notary has already proved to be positive;
- The creation and operation of the National Chamber of Mediators (NCHM) contributes to the goal of following and closely monitoring the specialisation of the mediators. NCHM is part of the strategy initiated by the Ministry of Justice;
- The creation of a national system of registration of mediators at the disposal of the Ministry of Justice facilitates the recognition and promotion of

mediators at the courts and prosecutor's offices in cases of diversion procedures for juvenile penal investigation;

- The design of the specialisation program for mediators is based on different forms of conflicts. Continuous specialisation and training have increased the mediators' professionalism. The Ministry of Justice has supported the NCHM in reaching deals with the Probation Service, the Public Agency for Children's Rights and Protection and the Protection Units.

### **Some difficulties and challenges**

1. The Intersectorial Technical Group's (ITG) functioning covers the replacement of experts, especially those of the State institutions following its meetings. There is a lack of continual follow up and treatment of the case. The lack of staff has meant that there is no regular participation of staff at the ITG-s meetings. In general, the participation of the actors is reported to have functioned but there are cases when actors are not regularly taking part in the ITG, or they do not comply with the duties they are charged with.
2. In some cities or town halls there are non-profitable organisations that often offer expertise or services for the cases of children under protection. The Ministry of Justice has drafted a joint working plan with different NGOs and donors who offer specialised services and training in the field of juvenile penal justice in order to cover and manage all the activities foreseen by the Ministry's strategy. It remains to be seen as to whether this will improve the situation.
3. There has been a reduction in the number of judges on account of the changes within the judiciary and the subsequent vetting process. The justice system is going through a deep legal reform and a lot of judges and prosecutors have been dismissed. The vacancies created in the courts and prosecutor's offices have resulted in remaining judges being moved from one section to another. The sectors of judges and prosecutors created for juvenile cases have been placed together with family cases. The sections in the court system are liable to change on a yearly basis, meaning that judges can be transferred from one section to another. On occasion, this requires training for the judges who are placed in the juvenile justice section.
4. The list of psychologists specialised in juvenile justice is drawn up in Tirana but is not present in each court and prosecutor's offices in all cities and towns of Albania.
5. The list of mediators specialised in juvenile justice exists only in Tirana and the main cities and not in all courts and prosecutor's offices in Albania.
6. Changes in police staff is frequent with movement occurring between positions, depending on the needs of the organisation. This is due to the changes in political and leadership rotations. This means that those who are already familiar with restorative justice and mediation are moved with the concomitant risk that the knowledge and experiences in this field are lost.



## Recommendations

On the basis of the research we suggest the following recommendations for a better implementation of restorative justice for child victims:

1. The education system needs to provide training for pupils from elementary school with the principles of mediation and RJ. Awareness of children and youngsters should begin to be part of the daily reality and not only in strategies provided in documents and papers. Besides that, the textbooks and extra-curriculum materials should be prepared with the knowledge and advantages of alternative dispute resolution.
2. The staff of institutions that compose the ITG should be increased in order to make this organism more functional and the referral system of the violation of children's rights more effective.
3. Since NGO activity principally depends on the support of donors and projects, the MoJ should provide support from the State budget for local NGOs that are working in RJ and mediation. The Ministry of Justice has drafted a joint working plan with different NGOs and donors who offer specialised services and training in the field of the juvenile penal justice in order to cover and manage all the activities foreseen by the strategy. This working plan should be turned into a reality and applied.
4. Continuous training of judges of the law sections dealing with children and juvenile justice should be provided by the Magistrates School as a part of the program of continuous training. It would be helpful to amend the practice that judges often change positions and are every year placed in another section of the court in order to allow judges to build up a certain expertise.
5. Every court and prosecutor's office throughout Albania should have a list of psychologists specialised in juvenile justice.
6. The list of mediators specialised in juvenile justice should also cover every court and prosecutor's office throughout Albania. The number of mediators specialised in juvenile matters should be increased.
7. The changes of police staff, Probation Service staff, and all other public agencies specialised in juvenile matters on account of the political and leadership changes and rotations should cease to be a normal practice. Continuity and investing in expertise is more important.
8. Public awareness through media, publications and other materials is to be considered a good practice and should be used more. This is important so as to improve the information process of communities, children, parents, teachers, etc.
9. Periodical reports with data and statistics should be made public and placed online on the websites of the institutions. It is currently not easy to collect and analyse them for scientific aims.
10. Taking into consideration the fact that the Unit of Minors' Investigation is looking for a new approach, including in respect of the document procedure of the investigation process, a special treatment "For the technique of minors' investigation and the use of the audio-video recording equipment" where child friendly procedures are put in place is necessary.



# Bibliography

## Legislation

- Law No. 18/2017 "On the Rights and Protection of the Child"
- Law No. 22/2018 "On Social Housing"
- Law No. 37/2017 Code of Juvenile Justice
- Law No. 47/2018 "On Measures against Violence in Family Relations"
- Decision of the People's Assembly No. 47/2019 "On the approval of the Strategy for legal education of the public - 2019-2023"
- Decision of the People's Assembly No. 47/2019 "On the approval of the Strategy for legal education of the public - 2019-2023"
- Law No. 55/2018 "On the profession of lawyer in the Republic of Albania"
- Law No. 108/2014 "On the State Police"
- DCM No. 108/2017 "On the Protection of Children at Work"
- Law No. 111/2017 "On the Guaranteed State Legal Aid"
- Decision No. 148, dated 20.3.2019 "On the procedure applied by the probation service in case of non-fulfilment of the alternative measure of avoidance of prosecution"
- Decision No. 149, dated 20.3.2019 of the Council of Ministers "On the establishment, organization, functioning, characteristics of use and access to primary and secondary data and information providers of the Integrated System of Juvenile Justice Data"

- Decision No. 207, dated 10.04.2019 of the Council of Ministers "On the designation of the competent authorities and the procedure to be followed for the fulfilment of court-imposed obligations on juveniles in conflict with the law"
- Decision No. 233, dated 17.04.2019 of the Council of Ministers "On the determination of specific regulations regarding the functioning of the premises, their level of security and the standards of education and rehabilitation programs, in cases of restriction of juvenile freedom"
- Decision No. 233, date 17.04.2019 of the Council of Ministers "For setting up the special regulation on the operation of the environment, their security level and standards of the programmes of education and rehabilitation, in the cases of limiting the freedom of the minors"
- DCM No. 302/25.3.2009 "On the organization of the Probation Service"
- Decision No. 314, dated 15.05.2019 of the Council of Ministers "On the organization, functioning, and determination of specific arrangements regarding the structure and staffing of the Juvenile and Youth Crime Prevention Centre"
- DCM No. 353 "On the Rules of Operation of the Inter-sectoral Technical Group Clarifying the Roles and Responsibilities of the Members of the Inter-sectoral Technical Group"
- Order No. 367, dated 15.07.2019, "On approval of the template of the individual plan for the fulfilment of the obligations provided by the court for the child involved in the criminal process"
- Order No. 368, dated 15.07.2019, "On approval of the structure of the report for the fulfilment of the measure of diversion by the child involved in juvenile justice"
- DCM No. 437/2015 on General Prison Rules
- Decision No. 541, dated 19.9.2018, for the approval of the Juvenile Justice Strategy and Action Plan 2018–2021
- DCM No. 573/2015 "On Approval of Standards for the Services of the Child Protection Units"
- DCM No. 578/2018 "On Procedures for Referral and Case Management, Drafting and Content of Individual Protection Plan, Financing Expenditures for Implementation and Implementation of Protection Measures"
- Order No. 4950, dated 02.09.2018, "On setting up the template of the register of the alternative measures of diversion in the juvenile justice cases"
- Decree No. 6218, dated 7.7.2009, of the President "On the Establishment of Criminal Sections for the Sections of Juveniles in the Courts of the District Courts"
- Order No. 7641, dated 05.07.2018, "On setting the elements of the agreement of mediation as a measure of diversion"
- Law No. 7895/1995 "On the Criminal Code"
- Law No. 7905/1995 "On Criminal Procedure Code"
- Law No. 7961/1995 "On the Labour Code"

- Law No.10385, 24.02.2011 “On Mediation in Dispute Resolution”
- Lanzarote Convention “On the Protection of Children from Sexual Exploitation and Sexual Abuse”

### **Strategical documents, Policy papers, National Action Plan, etc.**

- The Policy Paper of the Albanian Strategy on Prevention and Minimisation of Alcohol-related Harm (2011–2015)
- Guideline No. 10/2015, “On forms of cooperation and intervention procedures in helping children in risk for key institutions and key responsibilities for child protection”
- National Drug Control Strategy 2012–2016
- The Social Protection Strategy 2015–2020
- The National Strategy and Action Plan on Gender Equality 2016–2020
- The National Agenda for Children’s Rights 2017–2020 (NACR)
- The National Strategy on the Fight against Human Trafficking 2018–2020
- The Juvenile Justice Strategy 2018–2021
- The Parliament Resolution, dated 28.3.2019, “On the evaluation of the work of the group of lawmakers “Friends of the Children” for the year 2018 and the action plan for 2019
- The National Action Plan (NAP) for the Protection of Children from Economic Exploitation, including children in street situation (2019-2021)

### **Projects and Reports**

- Fifth State Periodic Report of the Republic of Albania to the Committee on the Rights of the Child Report of AFCR on Mediation in Criminal Cases 2014-2019
- Annual Report of National Chamber of Mediators 2018
- Annual Report 2018 of the Order of psychologists in the Republic of Albania
- Annual Report of State Agency of Child Protection 2018
- Annual report of Albanian Bar Association 2018-2019
- Annual Report of the Magistrates School 2018 and 2019
- Monitoring Report of the Ministry of Justice January 2019-December 2019 of the strategy of Juvenile Justice





## Annex 1

### List of interviewees

#### *Individual interviews with practitioners & policymakers*

1. Interviews with Mrs. Merita Xhediku and Mr. Rasim Gjoka, from the Albanian Foundation for Dispute Resolution, on 8 January 2020;
2. Meeting with Mrs. Rezarta Abdiu, Director of the Initial and Continuous Training of Lawyers Directory (National Bar Association of Albania), on 21 January 2020;
3. Interview with Mrs Brunilda Dervishaj, responsible for the Sector of Politics and Strategies for Social Inclusion and Gender, on 24 January 2020;
4. Interview with Mrs. Ilsa Dede, member of the General Directory of Politics for Health and Social Protection, in Ministry of Social Protection and Health, on 28 January 2020;
5. Interview with Arta Lazareni, member of the State Agency for Child Protection, on 30 January 2020;
6. Interview with Mrs. Esmeranda Basha, lawyer, on 4 February 2020;
7. Interview with Mr. Pellumb Hyso, lawyer, on 13 February 2020;
8. Interview with Mrs. Matilda Fetahu, lawyer, on 17 February 2020;
9. Interview with Mrs. Artiola Doko, teacher of literature and Albanian language of High School "Cajupi" Tirane, on 24 February 2020;
10. Interview with Mrs. Luiza Mustafaj, Director of the High School "Partizani" Tirane, on 24 February 2020;
11. Interview with Mrs. Aurela Bozo, Executive Director of the Center for Legal Initiatives, on 2 March 2020;
12. Interview with Mr. Arban Tutulani, from the Albanian Center for Legal studies and trainings (ACLTS), on 3 March 2020;
13. Interview with Nertila Sulenji, psychologist from a NGO working with the justice system in Korca, on 3 March 2020.
14. Interview Anjeza Avdyli, psychologist from a judicial court in Gjirokastra, on 4 March 2020;
15. Interview Pirro Boboli, lawyer, on 4 March 2020;

16. Interview with Albana Allushaj, social services, Gjirokaster, on 4 March 2020;
17. Interview with Esida Hasaj, psychologist working in the justice system, on 10 March 2020;
18. Interview with Arminda Nelaj, social worker, on 11 March 2020;
19. Interview with Deputy Minister of Ministry of Justice, Mrs. Fjoralba Caka, on 12 March 2020;
20. Interview with the Chief of the Section for the protection of children and juvenile justice in Ministry of Justice, on 12 March 2020;
21. Interview with Mrs Drita Avdyli, Head of National Chamber of Mediators, on 13 March 2020.

### ***Focus group discussions with practitioners & policymakers***

1. On 13 December 2019 a pilot focus group was organised with 11 judges from family sections;
2. On 27 January 2020 a focus group was organised with 17 local coordinators from nearby Municipalities responsible for the mechanism of referral for victims of violence and children victims of violence;
3. On 28 January 2020 a focus group was organised with 15 local coordinators from nearby Municipalities responsible for the mechanism of referral for victims of violence and children victims of violence;
4. On 4 February 2020 a focus group was organised with 19 prosecutors from juvenile sections;
5. On 5 February 2020 a focus group was organised with 20 judges of juvenile sections;
6. On 10 February 2020 a focus group was organised with 20 professionals working with children (child protection workers and probation officers);
7. On 27 February 2020 a focus group was organised with 10 police officers from the prosecution office;
8. On 28 February 2020 a focus group was organised with 12 police officers from the state police directory;
9. On 10 March 2020 a focus group was organised with three mediators: Mrs Brunilda Zenelaga, Mr. Sokol Lulgjuraj and Mrs. Julejda Gerxhi;
10. On 11 March 2020 a focus group was organised with three mediators: Mrs. Loreta Mamani, Mr. Mevlut Derti and Mrs. Blerta Hysenaj.

### ***Child Advisory Board meetings***

1. 24 December 2019 – Establishment of the Child Advisory Board in Albania with 11 children, first research consultation conducted.
2. 7 February 2020 – Second research consultation with 8 children from the CAB.

# About us

## Terre des hommes


Terre des hommes (Tdh) is the leading Swiss organisation for children's aid. Each year, we provide assistance to over four million children and members of their communities in around 40 countries through our health, protection and emergency relief programmes.

In Albania, many children are still exposed to the risks of migration, trafficking and abuse or are in contact and conflict with the law. Tdh aims to ensure that they are effectively protected, and their rights are respected. To achieve this, we work in close partnership with government institutions and communities.

-  [www.tdh.ch](http://www.tdh.ch) | [tdh-europe.org](http://tdh-europe.org) | [childhub.org](http://childhub.org)
-  [www.facebook.com/TdhEurope](https://www.facebook.com/TdhEurope)  
[www.facebook.com/tdh.ch](https://www.facebook.com/tdh.ch)
-  [twitter.com/TdhEurope](https://twitter.com/TdhEurope) | [twitter.com/tdh\\_ch](https://twitter.com/tdh_ch)
-  [www.linkedin.com/company/terre-des-hommes-foundation](https://www.linkedin.com/company/terre-des-hommes-foundation)
-  [www.instagram.com/tdh\\_ch](https://www.instagram.com/tdh_ch)


## European Forum for Restorative Justice

The European Forum for Restorative Justice (EFRJ) is the largest European professional network on restorative justice. It counts almost 500 members, including 80 organizations, working on restorative justice practices, research and policy in Europe and beyond.

-  [www.euforumrj.org](http://www.euforumrj.org)
-  [www.facebook.com/euforumrj](https://www.facebook.com/euforumrj)
-  [twitter.com/EuForumRJ](https://twitter.com/EuForumRJ)
-  [www.linkedin.com/company/efrj](https://www.linkedin.com/company/efrj)

## Restorative Justice Nederland

The foundation Restorative Justice Nederland is the innovation and knowledge institute for restorative justice and restorative practice in the Netherlands. Its main focus is on criminal law and other areas in which restorative work can be useful, such as in schools, neighbourhoods etc.

-  [www.restorativejustice.nl](http://www.restorativejustice.nl)
-  [twitter.com/Rest\\_Justice\\_NL](https://twitter.com/Rest_Justice_NL)





© TDH / Grace Mente - Albania

Every child in the world  
has the right to a childhood.  
It's that simple.

Learn more: [www.tdh.ch](http://www.tdh.ch) | [tdh-europe.org](http://tdh-europe.org)



**Terre des hommes**  
Helping children worldwide.

**rijn**  **restorativejustice.nl**

 **EUROPEAN  
FORUM FOR  
RESTORATIVE  
JUSTICE**

