



Exploring Pathways for Multi-stakeholder Engagement for the Consolidation of the Juvenile Justice System in Albania

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Abstract

The problem of the adequate rehabilitation and social reintegration of children in conflict with the law has long overwhelmed Albania's justice system. Despite thorough revision of the Albanian legislation over the past 30 years, the juvenile justice system was long untouched. However, a review of the juvenile justice system has recently been undertaken with an emphasis upon restorative justice approaches. Youth delinquency in Albania is relatively high, especially in combination with substance abuse and particularly offences related to theft.

This research identifies factors that can contribute to youth delinquency and recidivism in Albania, reviews changes in recent legal reforms in juvenile justice on the background of international standards and looks at strategies for a better implementation of rehabilitative and reintegrative approaches to juvenile justice in Albania with special attention to the role of civil society organizations in this process. Based on an extensive literature review and interviews conducted with representatives from civil society, academia and international organizations, results indicate that children in conflict with the law in Albania lack support from the institutional environment. For successful rehabilitation and social reintegration, the involvement of civil society organizations is important. However, harmonization of all actors with a coordinated approach from public authorities, envisioning common long-term goals, is crucial. High unemployment rates and adverse socio-economic circumstances are identified as major risk factors for juvenile offending in Albania. Families and a supportive community environment can serve as a protective factor against youth delinquency. However, familial, and communal instability are a gateway to youth delinquency.

Key Words: *Albania, children in conflict with the law, rehabilitation and social reintegration, inter-agency cooperation, civil-society organizations*

Abbreviations

CICWTL	Children in conflict with the law
CJFCC	Criminal Justice for Children Code
CRCA	Child Rights Centre Albania
CSO	Civil society organization
INSTAT	Institute of Statistics Albania
IO	International Organization
MoJ	Albanian Ministry of Justice
OSCE	Organization for Security and Co-operation in Europe
PiA	OSCE Presence in Albania
RAUN	Regional Academy on the United Nations
R&R	Rehabilitation and social reintegration
UN	United Nations
UNICEF	United Nations Children's Fund
UNCRC	United Nations Convention on the Rights of the Child
UNODC	United Nations Office on Drugs and Crime
YAG	Youth Advisory Group

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1 Introduction

The Albanian population is one of the youngest within the European region with people aged 15 to 29 years comprising around 25 per cent of the total population in 2015 (INSTAT, 2015) and the lowest median age within Europe (UN Population Division, 2019). Youth in Albania face several challenges, including high unemployment (Statista, 2020), strong emigration trends among youth (INSTAT, 2015), addiction problems, delinquency, inequality and social exclusion (Berisha, Shtraza, & Hazizaj, 2015). The phenomenon of youth delinquency, especially in combination with substance abuse, has been persistent and evolving in Albanian society (Çilingiri, 2014). Crimes by children under fourteen have increased and CICWTL are at increased risk of recidivism, reconviction, drug use and withdrawal from education (Save the Children Albania, 2015). In 2019, 1.337 criminal offenses (3.1% of all recorded offenses) committed by individuals under age 18 were recorded (INSTAT, 2020).

Albania's juvenile justice system has only recently been reorientated towards a more rehabilitative and restorative approach in handling juvenile offending. Compared to other countries in the region, such as Montenegro, as well as compared to Kosovo², Albania still places many children in detention and pre-trial detention (MoJ & UNICEF, 2017). Current research has identified varying factors that continue to overwhelm adequate rehabilitation of juvenile offenders in Albania, ranging from a lack of specific institutional infrastructure to an overall low level of capacity within civil society for facilitating the reintegration of CICWTL back into the community (Fortuzi, 2020). There is however progress towards a stronger deployment of alternative measures and the establishment of community-based rehabilitation services. Current legal reform, policy debate and initiatives on reforming the national penitentiary system with a particular focus on children has led to changes in the Albanian justice system. This study identifies changes in Albania's juvenile justice system and evaluates these against the background of international standards, maps stakeholders and distinguishes how key stakeholders involved with R&R programming for CICWTL can collaborate more effectively.

Participation of youth in decision-making within the public sector or CSOs has remained low and fragmented in Albania (Berisha, Shtraza, & Hazizaj, 2015). Despite the partially problematic situation for youth in Albania, a counter narrative can be produced - one in which youth is viewed as positive agents of change and are empowered to positively contribute to their own standing within society. Thus, when identifying stakeholders involved in the R&R of CICWTL, a special analytic focus will be given on the role of youth-led civil society initiatives.

² References to Kosovo shall be understood to be in the context of United Nations Security Council Resolution 1244 (1999).

2 Exploring Best Practices and Key Concepts

2.1 Rehabilitation and Social Reintegration of Children in Conflict with the Law

Rehabilitation particularly of juvenile offenders addresses the perceived causes of delinquency based on personalised assessments of the needs of the offender (Raia & Hirschfield, 2014). Social reintegration is commonly referred to as successful functioning in society, avoiding a relapse into criminal behaviour and, like rehabilitation, both aim for disengagement from delinquent activity through behavioural change (OSCE, 2020). Therefore, both the rehabilitation and successful social reintegration of offenders should be among the fundamental objectives of any criminal justice systems (UNODC, 2018). This objective is even more crucial for juvenile offenders, as they are often in a critical transition from childhood to adulthood (OSCE, 2019). There is at this point a heightened vulnerability to adverse factors that can disrupt and or dislocate a child's transition into adulthood. Children in their adolescence are subject to a cognitive process and growth, where physical, intellectual, emotional and personality are still in the development phase. As a result, they must enjoy a special status in the criminal justice system which must entail specialized treatment (Xhalo, 2012).

2.2 International Standards for Juvenile Justice

It is emphasized in guidelines published by the UNODC (2018) that rehabilitation of offenders and their successful social reintegration should be a key agendum in any criminal justice system. In 2015, the United Nations adopted the Standard Minimum Rules for the Treatment of Prisoners (General Assembly resolution 70/175). The International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex) affirms that “the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation” (art. 10, para. 3). The United Nations Convention on the Rights of the Child (UNCRC), to which Albania is signatory, includes that any response to a child in conflict with the law should prioritize the child's reintegration and return to a constructive role in society. It is stated in Article 37b of the UNCRC that “[t]he arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time”. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly, 1985) include that training and treatment of youth deprived from their liberty should foster education and vocational skills, protection and care or any other assistance facilitating the rehabilitative process. Similar standards are reflected in the legal instruments of the Council of Europe, highlighting that measures taken against children and adolescents should have an educational character. To achieve this educational purpose, measures should be implemented within the community and seek its inclusion (Xhalo, 2012).

2.3 Rehabilitation and Social Reintegration Programming

Social reintegration and rehabilitation programmes can be implemented at several stages of the criminal justice process - from imprisonment to post-release, as well as outside the penitentiary system, if for the respective offender alternative measures and programmes

apply (UNODC, 2018). Fostering inter-agency commitment, this research focuses on programmes taking place outside of criminal detention, especially non-custodial, community-based programmes. Such interventions may accompany a post-release period from criminal detention or be employed as or alongside alternative measures (Griffiths, Dandurand, & Murdoch, 2007) and can embrace a variety of components, including: psychological counselling and support; cognitive-behavioural programmes; faith-based debate and dialogue; education; vocational training; family activity; and social, cultural and recreation (UNODC, 2018).

2.4 Inter-agency Cooperation for Rehabilitation and Social Reintegration Programming

Evidence suggests that the most successful R&R strategies offer assistance in an integrated and comprehensive manner and involve multiple stakeholders. To address the challenges associated with the development, management and evaluation of R&R programmes, a combined effort from various stakeholders including the police, prison administrations, probation agencies, other governmental entities and community-based organizations is vital (UNODC, 2018). R&R is recommended to follow a “whole-of-society” approach, allowing collaboration between a diversity of national and local government bodies and non-government actors, such as civil-society organizations, the private sector or religious communities (OSCE, 2020). Anthony et al. 2010 suggest that intervening with youth involved in the juvenile justice system requires a coordinated, holistic approach, emphasizing the importance of involving civil society and CSOs. Previous research has identified a positive role for civil society and CSOs in facilitating the R&R of individuals in conflict with the law (Anthony et al., 2010; Griffiths, Dandurand, & Murdoch, 2007; Martinez & Abrams, 2011; Wilson & Tully, 2009). CSOs can play a crucial role for R&R of youth as their freedoms and pathways of accessing communities differ from those of public institutions (OSCE, 2020). We refer to civil society as the multitude of non-governmental actors and community members, including girls, women, boys and men. Civil society actors can be formal and informal associations engaged in public life, ranging from CSOs, religious groups, activism, performing arts to other public assemblies. Inter-agency cooperation between key stakeholders should in pursuit of most effective programming include clear objectives, protocols for information-sharing, distinct roles and responsibilities, resource allocation and problem-solving strategies through staff supervision as well as joint elements of monitoring an evaluation of procedures (UNODC, 2018).

3 Legal Frameworks for Juvenile Justice in Albania

Juvenile offending is under direction of the MoJ. In Albania, children under age 14 may not be prosecuted for any crime or offence. For individuals who have reached the age of criminal responsibility but have not reached the age of 18 years at the time of commission of the crime or misdemeanour, the CJFCC (Law No. 37/2017) applies. Article 7 of the CJFCC defines that the minimum age of criminal responsibility for crimes is 14 years. The minimum age of criminal responsibility for misdemeanours is 16 years.

3.1 Law Reform

For a long time, the Albanian criminal justice system had been mainly prison-based with lengthy sentences and few alternatives to imprisonment imposed by the courts (Council of Europe, 2019) and a comprehensive system of juvenile justice did not exist (UNICEF, 2007). Much of Albania's legislation has been replaced since the fall of communism in 1992. A new Criminal Code (Law No. 7895) and a new Criminal Procedure Code (Law No. 7905) were adopted in 1995. Laws on the Rights and Treatment of the Prisoners (Law No. 8328) were adopted in 1998 along with a new constitution. This new normative framework has helped to make the Albanian legal system more compliant with international standards in juvenile justice. Prior to 1998, there was no law requiring that juvenile prisoners should be separated from adults. In the early 2000s, there were no special sections of pretrial detention facilities and prisons, no closed educational facilities and no rehabilitation programmes of any kind for children under the age of 14 involved in criminal activity (UNICEF, 2007).

Within the 'National Strategy for Development and Integration 2007-2013' the "introduction of a structure for the application of alternative sentences" was prioritized (Republic of Albania, 2008, p. 29). In 2009, as one of the latest countries in Europe without an operational probation service, through amendments to the Criminal Code and the Law on the Execution of Criminal Decisions, the government established a statutory probation service under direction of the MoJ. This service includes the requisite legal powers to implement the supervision of sentenced offenders coupled with well-trained professional staff, legally accountable and committed to a code of professional ethics. In addition, a collaboration memorandum was signed between the Probation Service Office and community services, responsible for providing appropriate social reintegration and rehabilitation programs for offenders (ncso-al.org, 2020). The 2009 probation system however did not specifically apply to children. Accused children were still prosecuted under special chapters in the Criminal Code and the Criminal Procedure Code.

One milestone in the provision of criminal justice for children was the adoption of the CJFCC in 2017. This piece of legislation represents a major conceptual shift from a retributive to a rehabilitative and restorative approach in handling juvenile offending. With the provision of the code, which was developed in collaboration with the UNICEF, the Albanian juvenile justice system was brought formally into compliance with international standards. Most outstandingly, the code highlights the principle of diversion that allows for an application of alternative measures without criminal conviction:

In criminal justice proceeding, in order to achieve the purposes of this Code and other justice for children-related laws, priority shall be given to the alternative measures of diversion from criminal prosecution. (Article 14/1)

Alternative measures aiming at diversion from criminal prosecution of the child or enforcement of restorative justice measures shall be considered the first option. (Article 14/2)

Diversion measures may thus involve restorative justice and mediation programmes; advising the child and family; verbal warning; written warning; mandatory measures or

placement in foster care, which can be applied simultaneously and shall be reasonable and proportionate to the needs of the child in conflict with the law (Article 62).

If punishment against the child is inducted through alternative measures, it can range from restriction of liberty; house arrest; fine; prohibition of certain activities; community work to fulfilment of certain obligations, while only one main punishment shall be imposed against the child (Article 96). Deprivation of liberty “must be in compliance with the requirements of respect for health and dignity of the child and serve to re-socialisation, re-integration, rehabilitation and prevention of recidivism or commission of another criminal offence by providing care, assistance and supervision to the child.” (Article 110). Community service shall not preclude the educational process of the child but serve the child’s development (Article 101).

Moreover, under Article 25, the code defines professional standards for administering and assisting the criminal justice process involving children, requiring all individuals dealing with the child to acquire the necessary knowledge and professional awareness for the protection of the rights of a child in conflict with the law, child victims and witnesses. In line with this, the code made the presence of a psychologist mandatory at any stage of criminal proceeding, ensuring that the child is questioned in a proper manner and assuming the role of an emotional supporter to the child (Article 18). Moreover, according to Article 31 free legal assistance shall be provided to the child in conflict with the law. Correspondingly, as a secondary legislation, the ‘National Justice for Children Strategy 2018-2021’ (MoJ & UNICEF, 2017) was introduced.

The release of the CJFCC and the following strategy was a major step in improving the situation for CICWTL in Albania. Simultaneously, in 2017 the Law on the Rights and Protection of the Child (Law No. 18/2017) was adopted, which provides for the organization and functioning of national authorities in protecting and expanding children’s rights. Beyond, an expansion of free legal aid through a MoJ and UNDP coordinated project (2019-2022) has helped to enhance accessibility and quality of free legal aid for individuals in conflict with the law (UNDP, 2019). More indirectly, a 2018 revision of the Law on Mediation in Dispute Resolution (Law No. 10 385) has improved transparency of the justice system and changed perceptions on CICWTL.

3.2 Recent Changes the Juvenile Justice Environment

Due to the recency of the implementation of the CJFCC, there is little systematic assessment of related developments. The establishment of the probation system in 2009 has encouraged judges to impose more alternative sentences to detention. With its introduction, the overall number of incarcerated individuals in Albania has dropped, including the number of children in prison and pre-trial detention (MoJ & UNICEF, 2017).

Regarding the sentencing of children of 14 to 18 years of age, in 2015, an alternative measure or suspended sentence (probation) was requested for 385 juvenile defendants. This represents an increase of 12 per cent compared to 2014 and 30 per cent compared to 2013. The requests of prosecutors to impose custodial sentences have decreased substantially. The data indicates that in 2015, there was a decrease of 10 per cent compared to 2014 and 26 per cent compared to 2013. Over 2009 - 2014, 46.5 per cent of

all convicted children received alternative sentences. There were 186 children in pre-trial detention in Albania in 2016. In 2019, 7.4 per 10.000 inhabitants were prisoners below the age of 20, compared to 8.6 per 10.000 inhabitants in 2018 (INSTAT, 2020). The average length of stay of children in pre-trial dropped from 202 days in 2012 to 92 days in 2016 (MoJ & UNICEF, 2017).

There were 386 cases of CICWTL heard in court in 2017, or 36.5 per cent less than in 2016, when 608 children's cases had been presented. In 2017 a total of 393 children was found guilty, marking a 48.4 per cent decrease from 2016, when 762 children were convicted (UNICEF & MoJ, 2018). As of 2020, there is only one juvenile detention centre in Albania, placed in the city of Kavajë in central Albania. Sections for juvenile offenders in three regular prisons in the cities of Lezha, Korça and Vlora were closed.

Despite the recognizable progress, CICWTL in Albania face numerous problems in successfully reintegrating into society and gaps in the institutionalization and consolidation of the penal system and reintegration system are persistent (Netherlands Helsinki Committee, 2017). Recent studies have indicated the challenges to effective implementation of the requirements relating to the punishment system and the special treatment that is required for CICWTL in Albania and their need for successful reintegration into society. According to Bode (2019), imposing penalties on children has decreased and alternatives to prison have increasingly been applied. However, referrals to R&R programmes accompanying or following alternative sentences are not systematically applied and there is a shortage of such. Bode (2019) highlights that while the CJFCC and following secondary legislation outline educational programmes, there is a lack of provision of such and existing educational measures heavily rely on placing children in re-education institutions, which prohibits a re-establishment of social ties within the community. Further, Bode (2019) outlines a need for further training and specialization of professionals in the legal system. A further study has identified varying factors that continue to plague adequate R&R of CICWTL in Albania, ranging from a lack of specific institutional infrastructure to an overall low level of capacity within civil society for facilitating the reintegration into the community (Fortuzi, 2020). Moreover, it is stated by CLCA that weak rule of law and poor prison and probation standards still pose a threat to the rights of CICWTL in Albania (crca.al, 2020).

4 Voices from Albania

Since the release of the CJFCC in 2017, there has been progress that reflects in official government statistics. For assessing qualitative changes in the national juvenile justice system and areas of implementation of the CJFCC, interviews with experts in the field of juvenile justice in Albania were conducted in the months of October to November 2020. The interviews focused on four pillars of information that we deemed relevant for an overall view on the situation of the juvenile justice system and drafting recommendations for a better consolidation and cooperation of stakeholders in the field. First, experts were asked to elaborate on factors associated with youth delinquency and recidivism in Albania (1). Second, experts were asked to give an assessment on the progress and gaps in implementation of legal standards set in the CJFCC (2). Subsequently, through the interviews, existing modes of inter-agency cooperation in the juvenile justice system were

explored with special emphasis on the role of CSOs (3) and lastly, experts were asked to evaluate how the OSCE and other IOs could better support public institutions and civil society actors (4) in improving the situation for CICWTL in Albania.

As qualitative research relies heavily on typology, it is important to have a diverse, yet representative base of interview partners (Bamberger, Vaessen, & Raimondo, 2015), constituting stakeholders involved in the field of R&R of CICWTL in Albania. In total, six expert interviews were conducted, two with Albanian scholars, two with representatives of IOs and two with Albanian CSO representatives, out of which one represented a CSO working with CICWTL and one represented a youth-led CSO. Contact with experts from IOs was established through the RAUN and the OSCE. Albanian academics were contacted directly or through the RAUN or the OSCE. Liaison with relevant CSOs was established through the YAG and the Rule of Law Department of the OSCE Presence in Albania. We used thematic analysis (e.g. Clarke & Braun, 2012) to analyse our interviews.

4.1 Factors associated with Youth Delinquency in Albania

“[...] poverty is the main factor and beyond [...] a lack of good relationship with the family and a lack of functioning of the family contribute to youth delinquency.”

(CSO professional, Tirana, Albania)

To provide an overall view on CICWTL in Albania, it is important to understand the causes of delinquency among youth. Above all, economic hardship was stressed by our interviewees as a main driver for succumbing to and relapsing back into criminal activity. Despite a decrease in youth unemployment in Albania since 2015, unemployment among individuals aged 15 - 25 years is at an estimated 28.76 per cent in 2020 (World Bank, 2020).

While unemployment and a lack of perspectives can affect youth at an individual level, poverty also impacts families and communities in their cohesion and the support they can provide to children. Two of our interview partners highlighted the interlinkage between economic hardship and the impaired functioning of families in protecting children from engaging in criminal behaviour. Many families must simultaneously care for their children and elders, especially economically, which places increased stress on families. Often, both parents work outside the home to generate an income, leaving less capacity for childcare. While institutional care for children, such as after-school programmes and youth centres, according to our interview partners are not well established, particularly in rural areas. On a structural and community level, our interview partners highlighted the strong association between economically underdeveloped regions as well as marginalized neighbourhoods and the likelihood for youth to be involved in criminal activity. Moreover, belonging to a marginalized socio-cultural group, such as Roma youth, may amplify the risks for being exposed to hardships that increase both the likelihood for becoming victims of criminal offenses and joining criminal networks.

4.2 Progress towards the Application of the Criminal Justice for Children Code

"As Albania is one of the latest countries to have adopted such a legislation, it has made the formulation modern, as [Albania] has learnt from other countries to develop a modern, up-to-date code. The code has a very advanced philosophy when it comes to measures for children."

(IO professional and scholar, Albania, Tirana)

According to our interview partners, the CJFCC and consequent secondary legislation align with international standards and are appropriate for the Albanian context. It was highlighted by one respondent that, as Albania was one of the latest countries in Europe to pass a law specialized on the rights and treatment of CICWTL, the CJFCC is based on modern concepts and best practices in juvenile justice.

"Reintegration and rehabilitation programs are a little bit problematic to be implemented in Albania. Inside institutions they have done well, but when it comes to programs of reintegration after the minors [left] the institution, this is a big problem because many of the juveniles come from problematic families with low socio-economic status and there is a lack of collaboration between institutions and with communities."

(Scholar, Tirana, Albania)

According to our interview partners, the most significant milestones for the Albanian juvenile justice system through adoption of the CJFCC include: the introduction of the concept of diversion; the mandatory presence of a psychologist at every stage of the criminal justice process and the provision of free legal aid; the emphasis on a restorative approach to juvenile justice, e.g., by highlighting the importance of R&R programming. Correspondingly, these aspects were identified as the areas that still had most opportunities for improvement to foster universal application and implementation of the CJFCC. It was also highlighted in our interviews that in regard to the provision of psychological and legal assistance, many standards remain unimplemented because structures at different levels are not prepared for a systematic delivery of such services. One interview partner explained to us that in particular the transition of R&R programmes from institutions, where they had been more traditionally situated, to a community-based approach is problematic, as the child is released again into an insecure environment. While on community-level the child-welfare infrastructure is weak in most and especially in rural areas of the country. Further, our respondents indicated that whereas a restorative approach to juvenile justice is highlighted throughout the CJFCC, some professionals in the legal system hold on to traditional concepts of redistributive justice and punishment.

4.3 The Harmonization of Inter-Agency Cooperation

Our respondents highlighted harmonization across stakeholders as a key requirement for improvements in the Albanian juvenile justice system and that this should assume a twofold approach:

- 1) The harmonization and universal application of the CJFCC across all areas of the code and in all geographic areas;
- 2) The harmonization and cooperation between all actors, facilitating a long-term strategy.

Despite the passage of the legislation of the CJFCC in 2017, the code is yet to be universally applied by legal practitioners. For instance, an interviewee from a CSO noted that some prosecutors continue to be unaware of changes in procedure. Therefore, communication and promotion of the CJFCC is not yet universally effective and the adoption of the code by all relevant stakeholders is necessary to implement adequate reform. Primary factors leading unsuccessful application of the CJFCC are identified by the interviewees as a lack of capacity building and training of agencies and individuals. This issue is coupled with a necessity of a shift in perspective amongst stakeholders for the successful implementation of the CJFCC. For instance, some prosecutors and other professionals involved in juvenile justice only partly share the approach of restorative justice and reconciliation and do not acknowledge the benefits of R&R programmes and working together with the child-welfare system and community services. While our interviewees noted an ongoing mindset shift, progress is still hampered by a certain reluctance for interdisciplinary cooperation within the justice system and with child-welfare services. Judges for instance may not be aware of the specific tasks and expertise of social workers and psychologists. Besides the reluctance for cooperation by individuals, on a more structural level platforms and organizing committees for exchange are scarce.

“They are trying to put together professionals who are interdisciplinary, looking at a [child’s] case in an inter-agency fashion. However, it does not come natural to people from different disciplines to sit and work together – this is a culture of work that needs to be implemented and grow in every jurisdiction.”

(IO professional and scholar, Tirana, Albania)

The fragmentation between individuals and agencies involved in the R&R of CICWTL was specifically addressed in our interviews. Experts highlighted on numerous occasions that there was a distinct lack of harmonization and cooperation between stakeholders, noting that this is an endemic issue not only regarding juvenile justice, but present in other sectors, such as youth cooperation. Despite efforts by the MoJ to facilitate cooperation between juvenile justice actors, an interviewee from a CSO stressed the superficial nature of this cooperation and the lack of a strategic vision to harmonize efforts for the long-term benefit of juvenile justice practices.

The lack of a long-term vision by CSOs was listed as a primary factor hindering harmonization between agencies. The short-term perspectives of CSOs were described to be rooted in a lack of resources and funding available to them. This in turn explains their ad hoc approach to the completion of projects and their limited capacity to develop

a long-term strategy to advocate for and facilitate adequate R&R programmes for CICWTL. In line with this, our interview responses also highlight that the upscaling of human resources is crucial for the full implementation of the code.

4.4 The Involvement of Civil Society Organizations

"Civil society has done very good work for children in conflict with the law. However, the work of different organizations is not harmonised with other organizations and rather fragmented. Work finishes as soon as a project finishes, this is a very big problem. Programs should be longer and more visionary, so that they are not fragmented. This is the main challenge for CSOs that must be addressed."

(Scholar, Tirana, Albania)

According to our interviewee's responses, CSOs have worked effectively in providing assistance to CICWTL in comparison to highly bureaucratized state institutions that potentially lack relevant local knowledge. Thereafter, it was proposed that R&R services for CICWTL should be provided by CSOs with coordination being delivered by the state to mitigate the ad hoc approach and project-dependent funding of CSOs. Capacity building of CSOs is also an integral area for development and this can be achieved through the state placing more resources into this goal. With additional assistance from the government in capacity building of CSOs, mainstreaming of restorative justice approaches can occur. Additional harmonization efforts by national public authorities could supplement ongoing capacity building efforts by international and regional organizations, such as various UN agencies, the OSCE or the Regional Youth Cooperation Office (RYCO) operating in Albania.

"Youth organizations in terms of juvenile justice are not very vocal in Albania. There is an active engagement of CSOs of young people in education, human rights, democracy and environmental issues. However, when it comes to children in conflict with the law, there is not that many efforts from youth-led CSOs."

(Scholar, Tirana, Albania)

It was stressed to us by one respondent from academia and civil society each that youth-led organizations specializing in juvenile justice do not command a large presence within Albania. According to their interview responses, active engagement of youth-led CSOs is evident within the fields of education, human rights, democracy and the environment. However, in relation to CICWTL, youth-led CSOs are at the periphery. Another interviewee from an IO operating in Albania stressed an overall scarcity of youth-led action and elaborated that while there are CSOs working with youth, they are often not driven by youth. Challenges to establish youth-led CSOs naturally arise from a lack of organizational knowledge and capacity of youth. Second, CSOs in Albania are primarily dependent on foreign funds. Consequently, local CSOs are competing for these funds with well-experienced and professionalized agencies, often finding themselves at a certain disadvantage. To compensate inexperience that is often attributed to youth, one interviewee from academia highlighted that to strengthen the role of youth in facilitating the social reintegration and rehabilitation of CICWTL, a focus on educating youth in varying restorative justice techniques should be pursued.

4.5 The Role of National Authorities and International Organizations

In order for civil society to reach its full potential, capacity building is necessary and should come from different levels and different institutions, but most important [is strategic thinking]. The state itself should make an extensive effort when it comes to capacity building [...] through delegating institutions to [support and coordinate CSOs efforts].

CSO professional, Tirana, Albania)

IOs take up different roles and responsibilities in strengthening justice reform and social services in Albania. Positioned among a multitude of actors, IOs, as one respondent noted, could most effectively and sustainably contribute to the improvement of the Albanian juvenile justice system through capacity building efforts. However, it was noted that the core mandate for reformatory processes within the justice system lies with national authorities. Subsequently, a focus on public institutions in capacity building efforts was highlighted by some interviewed experts.

Another main effort by IOs is resourcing and funding. Budgets are often provided directly from international donors and bound to distinct project periods. For instance, an IO has supported local authorities in the establishment of R&R programmes for CICWTL in the provinces of Berat and Gjirokastrë. One expert explained to us that with the end of the project, the transition of project activities to national and local authorities is crucial for sustaining the capacities and infrastructure, established through the project. While a well-coordinated process of knowledge and capacity transfer would be recommended in this case, continuous funding through national annual budgets would bypass such risky fluctuation of involved actors. While this does not mean that funding by international donors should stop, it was noted that budgets by IOs could ideally be invested in projects closely collaborating with ministries, such as the MoJ. Indeed, it was noted that a central coordinating and strategic role in the further implementation of the CJFCC, such as for providing community-based R&R services, should lie with the national authorities. While interview partners view it as important that CSOs constitute the main providers of social services, coordination and funding of these services should be established by public authorities through “*coordinative outsourcing*” to local actors.

5 Key Findings

- 1) **Education and capacity building of all stakeholders.** First, a focus on raising awareness among both professionals and the public of the importance of implementing the standards defined in the CJFCC and the National Strategy. Second, the actual practice and facilitation of the information awareness raising and encouragement of professionals to practice innovative methods for assisting CICWTL. It is also important to teach youth varying restorative justice techniques with the aim to foster a constructive role within society.
- 2) **Coordination by public authorities.** Coordination should primarily be advanced by the state with facilitation occurring from both national authorities and civil society organisations. Creating local networks and platforms for exchange between

youth, practitioners, trainers, academia, judges, prosecutors, police officers, prison staff and probation service staff.

- 3) **Intersectionality and harmonization as well as longer and well-coordinated programs.** The principal focus for CSOs must be on the implementation of coordinated programs with a long-term vision. This can only be achieved with harmonization of all actors and an inter-agency approach.
- 4) **Lack of youth-led CSOs.** The lack of youth-led CSOs engaged in juvenile justice highlights an area of neglect by civil society organisations. Collaborating youth-led CSOs have the ability to create a social network of citizenship whilst completing the final piece of the puzzle for actors in Albania. Whereas youth-led CSOs should not be relied upon to lead initiatives and programs in relation to juvenile justice, they can be a critical link in facilitating harmonization between different sectors. Youth initiatives can be at the frontline of advocacy for human rights defenders. The importance of youth engagement was most profoundly stated by an interviewee: *“They are citizens of the future, but they can’t be in the future if they are not in the present - you are citizens now or never.”*

6 Conclusion

The Criminal Justice for Children Code provided impetus towards a rehabilitative and reintegrative approach to juvenile justice Albania. The code itself has begun to lead noticeable reform, yet limitations continue to revolve around its monitoring and implementation. Through our expert interviews the findings highlight that harmonization, capacity building of stakeholders, inter-agency cooperation, building local networks of CSOs and the promotion of youth-led CSOs could facilitate an improvement in social reintegration and rehabilitation practices for children in conflict with the law in Albania.

Therefore, a multi-pronged approach involving public institutions and CSOs with the support of IOs should induce CSOs to use their local expertise whilst having advocacy, financial and operational support from national authorities. Inter-agency cooperation from all stakeholders will allow for a coordinated policy which can factor in the engagement of youth within such visionary strategies that could potentially improve the situation for children in conflict with the law and the further consolidation of the juvenile justice system in Albania.

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Annex. Policy Recommendations

Through our desk research and expert interviews, we have identified several main recommendations for improving the cooperation of international organizations, in particular, the OSCE with local stakeholders operating in rehabilitation and social reintegration of children in conflict with the law in Albania.

- ❖ **Promote a deep sense of ownership of the state.** The OSCE/international organizations should foster national authorities' sense of ownership and clearly address that change should be driven by the interest of the country to move forward in further consolidating the national juvenile justice system - respecting the diversity of stakeholders in this process.
- ❖ **Provide trainings and awareness raising.** Approaches to juvenile justice are still rooted in traditional thinking among some professionals in the national justice system. In line with this, there is a certain reluctance to interdisciplinary collaboration among professionals. A mentality shift away from a punitive towards a rehabilitative and restorative approach in handling juvenile offending as well as stronger exchange between different groups of professionals would drive the further implementation of the Criminal Justice for Children Code. The OSCE/international organizations should involve professionals in the national justice system in awareness raising as well as provide trainings in multidisciplinary settings.
- ❖ **Advocate for a harmonization of inter-agency cooperation.** Many CSOs working with children in conflict with the law – because of their limited capacity and size - follow an ad-hoc approach and hence work from project to project rather than focusing on an overall strategy that is streamlined and harmonized across agencies and stakeholders. The OSCE/international organizations should advocate for a harmonization of inter-agency cooperation through assistance to public institutions in developing an action plan to further implement the National Justice for Children Strategy 2018-2021. An action plan such as this should be periodically monitored and reviewed with all relevant stakeholders, including representatives of the youth.
- ❖ **Support youth-led initiatives.** Overall, youth-led civil society initiatives (working with and for children in conflict with the law) are not very vocal in Albania and work in a fragmented, uncoordinated manner. The OSCE/international organizations should support youth-led initiatives through capacity building with special regards to coordination and professionalization. Simultaneously, the OSCE/international organizations should through formal advocacy support the government in revising legal frameworks and national action plans for strengthening youth-led civil society engagement and political participation.