



Research Article

© 2024 Ela Kerka

This is an open access article licensed under the Creative Commons Attribution-NonCommercial 4.0 International License (<https://creativecommons.org/licenses/by-nc/4.0/>)

Reintegration of juveniles in contact or conflict with the law in Albania

Dr. Ela Kerka

University of Tirana, Albania

DOI: <https://doi.org/10.2478/ejels-2024-0003>

Abstract

This paperwork investigates the issue of reintegration of juveniles in conflict or contact with the Law in Albania, analyzing the national and international legal instruments that have influenced the development of juveniles justice. The main principles of this system, such as the well-being of children, respect for their dignity, their right to a fair trial, and special treatment, emphasized in the Convention on the Rights of the Children have already become part of Albania's legislation. To achieve the reintegration of children into society and prevent them from returning to further violations, the need for a friendly approach to their treatment by the justice system has been emphasized. This includes educating juveniles about their mistakes and supporting them to improve themselves in the right way. The most effective way to achieve this is to use juvenile-friendly justice systems, based on the principle of the best interest of the juvenile and avoid their isolation in criminal institutions as a last mean for rehabilitation and reintegration.

The purpose of this paperwork is to address and emphasize the role of legislation, responsible bodies and the entire system in the reintegration of juveniles into society and the ways of achieving this reintegration.

Keywords: juvenile justice, reintegration, rehabilitation, crime, conflict.

Introduction

The reintegration of juveniles in conflict or contact with the law is an important and very complex topic. This process is critical for their development as individuals and for future public safety. Juveniles justice is a field of study that has evolved the most in recent decades, and juveniles reintegration is a topic of increasing interest in this regard. Numerous international and European legal instruments have been developed to promote and protect juveniles rights in the justice system. The basic principles of this system include the welfare of children, respect for their dignity and the right to a fair trial. This paperwork aims to investigate how these principles are developed and applied in the context of Albania, regarding the reintegration of juveniles in conflict

with the Law and also investigates the issue of their reintegration in the context of Albanian legislation and practice. The juveniles justice system in Albania is a continuous journey towards improvement, year after year. This progress is the result of the implementation of a legal framework adapted to international standards in the field of juveniles justice. This progress is accompanied by a continuous improvement of the responsible structures that have the task of dealing with juveniles in contact with the Law, with a special focus on treating them with dignity and guaranteeing respect for basic human rights. The understanding of human dignity is essential in the philosophy of treatment of juveniles in criminal institutions. International instruments clearly state the importance of respecting the dignity of every person. The juveniles justice system is a complex structure consisting of substantive and procedural legislation, processes, personnel and institutions involved in the treatment of children involved in criminal offenses. This system is based on national and international legislation, policies, guidelines and customary norms that define its functions and responsibilities. The system includes the variety of professionals and institutions involved in the treatment of children in conflict or contact with the Law. This system is complicated and has many challenges. There is no single juvenile justice structure, but a complex interplay and variety of institutions and processes. Children who are involved in this system encounter a wide range of institutions, including the police, social services, probation departments, the judiciary, detention centers and prisons. These institutions have their own budget, mandates, authority and rules. The necessary cooperation and coordination between them is often lacking (Bytyqi, 2020).

The study of data on criminality, not only in Albania but in all countries of the world, shows an increase in the number of children involved in crimes as subjects of criminal offenses. In European countries, on average 1.2% of the total number of prisoners are children under the age of 18¹. According to statistics, in Albania have been registered 831 criminal proceedings involving juveniles in conflict with the Law.² Criminal policy for juveniles has a rehabilitative and preventive character, giving juveniles in conflict with the Law all the necessary assistance to integrate into society and make the right turn. Incarceration in penal institutions is a very difficult period for juveniles and, if not managed carefully, can have negative impacts on them.

This paperwork is important to address the challenges faced by Albanian society in dealing with children in conflict with the Law and to identify opportunities for improvement. The successful reintegration of these juveniles into society affects their future and the positive change of society. A better focus on their rehabilitation and reintegration can help them become productive members of society and avoid reperforming the criminal offense. The treatment of children in conflict with the Law is an important social and public safety issue. Addressing such topics can influence the awareness of public opinion and policy makers about the importance of this issue and increase the pressure for further improvements.

¹ Council of Europe (2023), Annual Criminal Statistics.

² Report of the general prosecutor on the crime situation for 2022, March 2023.

1. Youth crime and measures taken for prevention

Juveniles criminal justice reform began with the adoption of the Juveniles Justice Strategy and its action plan 2018-2021, otherwise known as “SDM 2018-2021”. This plan aimed to create a specialized legal and institutional framework for dealing with cases involving juveniles. At the core of SDM was laying the foundation of access to criminal justice for juveniles, which would enable them to be treated sensitively and in accordance with the Law.

In addition, this plan provided for the initiation of training of professionals to expand their competences related to criminal justice for juveniles and created specialized models for case management at the local level. Another important step was the establishment of the Center for the Prevention of Juveniles and Youth Crimes (QPKMR), which began operating in 2021. This center was intended to handle cases of juveniles in conflict with the Law in Tirana. In addition to services oriented towards the reintegration and employment of juveniles, this center also offered professional treatment and support according to the needs of each case³. In order to strengthen the operation of the center, several organizational activities were carried out. However, the self-assessment revealed that it was necessary to revise the description of the duties of the personnel, to assess their needs and to attend continuous training based on the competencies and responsibilities related to the administration and monitoring of the Integrated Data System of Criminal Justice for Juveniles⁴. These developments have served to strengthen and advance the criminal justice system for juveniles in Albania, ensuring that they are treated sensitively and in accordance with the Law, making possible the prevention of criminality and improving their reintegration into society.

2. Assessment of the criminality of juveniles under the age of criminal responsibility and identification of at-risk groups of juveniles of the age of criminal responsibility

Assessing the criminality of juveniles under the age of criminal responsibility and identifying at-risk groups of juveniles of the age of criminal responsibility is an important aspect of criminal justice and the rehabilitation of juveniles who are involved in criminal activities. From the analysis of the implementation of the Justice Strategy for Juveniles in Conflict with the Law (SDM) and the Action Plan (PV), it seems that an attempt has been made to address this issue in Albania, but there are also obvious challenges and shortcomings. One of the important factors that stand out is the lack of a detailed report on the criminality of juveniles under the age of criminal responsibility. This lack of reporting may have various reasons, including lack of financial resources, delays caused by extraordinary events, or the complete

³ Ministry of Justice, Monitoring Report on the Implementation of the Juveniles Justice Strategy, January-December 2021, pg. 48.

⁴ Decision No. 314, dated May 15, 2019.

lack of commitment of local organizations to fund such research. This under-reporting situation makes it more difficult to understand the extent of juveniles delinquency and the factors that contribute to it.⁵

It is important to mention that assessing the criminality of children at the age of 14 is important for many reasons. This analysis would enable further knowledge of the situation of juveniles delinquency, its types and trends, as well as many social and demographic data for children who are involved in crime. The understanding of criminogenic factors and the identification of groups at risk of the age of criminal responsibility would allow the invention of intervention measures that could help to reduce juveniles delinquency and to rehabilitate and reintegrate them into society.

2.1 Application of restorative justice programs

Within the framework of the application of restorative justice and mediation programs, there has been a significant change in the Albanian legal system, especially for issues related to juveniles. This change was reflected with the entry into force of the Juveniles Criminal Justice Code. Restorative justice, a familiar notion in the legal system, is now incorporated into juveniles criminal legislation. The Juveniles Criminal Justice Code brings a new perspective to the implementation of restorative procedures, focused on protecting the best interests of juveniles.

The application of restorative justice programs is of particular importance as this concept has been increasingly used in practice and has become a global movement in the field of justice. Restorative justice is not just a theoretical principle, but has become part of juveniles criminal justice legislation and practice. The latter aims to provide a safe environment for sharing negative feelings that arise after a conflict or a criminal offense, and to allow the parties to discuss the possibilities of repairing the damage. Restorative justice is future-oriented and seeks to help create opportunities between parties to find possible solutions and to address the harm and suffering caused by the event that occurred.⁶

When possible, alternative measures should be implemented to avoid confronting the minor with the criminal process and to take care of the minor's legal rights and guarantees. Restorative justice measures are an important mean to this end. These measures include the participation of juveniles in various programs aimed at repairing the damage caused by the criminal offense and rehabilitating the juveniles. In the analysis of the Juveniles Justice Strategy for the period 2018-2022, an improvement of the institutional framework for the implementation of restorative justice and mediation programs is observed.⁷

2.2 Mediation

When it comes to criminal cases involving minor offenders, the implementation of mediation procedures brings a number of positive benefits. The main one is the rapid re-education and rehabilitation of the accused juveniles, which is the main goal of

⁵ UNICEF, Assessment of Juveniles Justice reform achievements in Albania.

⁶ European Union's Justice Programme (2014-2020).

⁷ Manual on Restorative Justice and Mediation for Juveniles in Contact with the Law.

nimors justice. Mediation aims to involve the perpetrator of the criminal offense in the repair of the damage caused by the criminal offense and in the restoration of reconciliation relations between the victim and the perpetrator of the criminal offense. Mediation is based on an agreement reached between the offender and the harmed party, ensuring the settlement of the conflict through reconciliation, avoiding Court proceedings. This process provides minor offenders with a more effective opportunity to correct the consequences of their offense and integrate into the community, while at the same time restoring the rights of the harmed party, by performing the repair of the damage caused by the criminal offense. The Law defines mediation as an out-of-court procedure for resolving conflicts, where two or more parties who are in dispute try to resolve their conflict with the help of a mediator, all based on the free will of the parties involved.⁸ The Juveniles Criminal Justice Code provides for mediation as a restorative justice program.⁹ It is necessary or mediation to take place, that the accused minor and the harmed party give their free consent.

Mediation can be used to resolve disputes, and in some cases to avoid prosecution. If the prosecuting body assesses that this alternative is more appropriate, taking into consideration the nature of the criminal offense, the circumstances of the event, the history of the minor, the possibility of resuming normal relations between the minor and the harmed party, the possibility of compensating the damage to the injured party, the possibility of rehabilitation of the minor and his reintegration into society. According to KDPM, if a minor has accepted an alternative measure and fulfilled it, he cannot be accused of the same criminal offense.¹⁰ Coexistence procedures have been implemented in the legislation of the Republic of Albania, initially with the approval of law no. 8465, dated March 11, 1999 "On mediation for the amicable settlement of disputes", then this Law has continuously changed until the entry into force of the new Law no. 10385, dated February 24, 2011 "On mediation in the settlement of disputes", which has also been amended.¹¹ The adoption of this legislation is of great importance as it enables mediation as an alternative to solving criminal cases, creating real opportunities for its implementation in juveniles cases. With the changes that this Law had, with the Law no. 26/2018, it was expressly provided that the provisions of the Code of Criminal Justice for Juveniles apply to mediation in criminal matters involving juveniles.¹²

In the code, mediation is sanctioned as an alternative measure of avoidance. Sanctioning as an alternative measure of avoidance is a very positive element as it enables the suspension of criminal prosecution and trial for other criminal offenses beyond those provided for in the mediation Law. Mediation can also be considered as the first alternative form of avoidance to which the legislator gives a very specific importance, this is also said by the content of the provisions that regulate the

⁸ Law No. 10385, dated February 24, 2011 "On Mediation in Dispute Resolution", amended.

⁹ Code of Juveniles Criminal Justice, Article 64.

¹⁰ Code of Juveniles Criminal Justice, Article 70.

¹¹ Law no. 26/2018, for some additions and changes in the law no. 10385 dated February 24, 2011 "On mediation in the resolution of disputes".

¹² Law No. 10385, dated 24.02.2011 "On Mediation in the Resolution of Disputes", amended, Article 2/3.

implementation of mediation and restorative justice programs as an alternative to avoidance.

2.3 Encouraging the application of the alternative measure of avoiding criminal prosecution for juveniles in conflict with the Law

The Code of Juveniles Criminal Justice provides for the possibility of avoiding prosecution and punishment of juveniles. This measure aims to help the minor to attend school or vocational training courses, to be included in education and rehabilitation programs, to return to family and society to build a safe and healthy life. The use of restorative justice and mediation as an alternative measure of avoidance means that juveniles are involved in all phases of the criminal procedure for conflict resolution.

This mechanism can be applied until a final decision is taken. The successful implementation of these programs can lead to the exclusion of the minor from the criminal process at the earliest stages of the procedure. Another important aspect is that these programs can be implemented outside the premises of the prosecutor's office or the court, and that the participation of the prosecutor is not always necessary. The Code of Juveniles Criminal Justice defines the competence of the procedural bodies to carry out restorative justice programs as an alternative measure to avoid criminal prosecution.¹³ This code also defines the purpose of these programs as creating opportunities for juveniles to correct the consequences of the criminal offense against the victim, the community and/or society. However, it has been found that mediation legislation tends to limit the concept of restorative justice by conflating it with the institution of mediation. In fact, the concept of restorative justice is broader than mediation itself. The content of the provision has expressly determined that restorative justice measures may include not only mediation, but also work in the public interest and any other program aimed at rehabilitating the consequences of the criminal offense.¹⁴ The Code of Juveniles Criminal Justice, in the definitions section, has defined a division between the notion of "Measure of restorative justice"¹⁵ and "Mediation".¹⁶ Restorative justice procedures are voluntary procedures, they are implemented only after receiving the consent of the minor, his custodian or legal representative.

In Albania, various measures have been taken to move towards alternative punishment.

¹³ Juveniles Criminal Justice Code, art 63.

¹⁴ Juveniles Criminal Justice Code, art 63/5.

¹⁵ "Restorative justice measure" is any measure that allows a minor in conflict with the law to understand responsibility and correct the consequences of a criminal offense, compensate for damages and/or reconcile with the victim and other persons affected by the criminal offense, where the juveniles who committed the offense and the harmed party actively participate together to resolve the consequences of an offense, usually with the assistance of an independent third party. KDPM, article 3/12.

¹⁶ "Mediation" is the process of settlement out of court and through dialogue between a minor who has committed a criminal offense and the victim, which is carried out by the mediator and aims to resolve the dispute between them and the consequences resulting from the criminal offense, as well as to improve the relationship between them, regardless of whether they are applied or as an avoidance measure. KDPM, Article 3/13.

The functioning of facilities near community centers for the implementation of the avoidance measure is an important step towards the rehabilitation of juveniles in conflict with the Law. The Ministry of Justice has signed cooperation agreements with several municipalities to provide an infrastructural and institutional framework for the implementation of alternative measures to avoid criminal prosecution for juveniles in conflict with the Law.¹⁷ Juveniles who have minor problems with the Law now have the opportunity to be treated in their social centers through special socialization programs. A cooperation agreement was signed for the implementation of alternative measures to avoid criminal prosecution for juveniles in conflict with the Law. This step makes local institutions in Albania provide such support for children who have had problems with justice in various circumstances, this will bring a new method in the rehabilitation of children who are in conflict with the Law. The juveniles who will be referred to the municipality's services will not be part of closed institutions, but will have the opportunity to correct their behavior in friendly environments, which creates an easier opportunity for the treatment of juveniles who have problems with Law.

The Ministry of Justice and the Probation Service, together with the chain institutions, will help to fulfill the obligations of this agreement, including the referral of juveniles in trouble with the Law and the supervision of their rehabilitation. The main purpose of the agreement is to protect and guarantee the interests of juveniles, integration, rehabilitation and protection of their rights.¹⁸

3. Guaranteeing an institutional framework encouraging the education and reintegration of juveniles in detention and imprisonment institutions

According to the data, 20 convicted juveniles have been included in reintegration programs.¹⁹ An important fact is the lack of data on parents of convicted juveniles who are involved in these programs.²⁰ The probation service Law expressly regulates the supervision and implementation of alternative measures for convicts, including juveniles. In the first contact with the convict, the employee of the Probation Service verifies his identity and informs him in understandable language about the purpose and objectives of the supervision, about the legal rights and guarantees, about the legal and judicial obligations, as well as about the consequences that derive from their non-fulfilment.²¹ In the case of juveniles convicts, the contact is made in the presence of the custodian or his legal representative.

In the first contact with the convict, the employee of the Probation Service provides the necessary information for the assessment of the economic and social situation,

¹⁷ Agreement on the treatment of young people, https://qpkmr.gov.al/page_id=110 .

¹⁸ Municipality of Tirana. The social centers of Tirana are environments for the rehabilitation and reintegration of children in conflict with the Law. <https://tirana.al/artikull/qendrat-sociale-te-tiranës-mjedise-për-rehabilitimin-dhe-riintegrimin-e-fëmijëve-në-konflikt-me-ligjin> .

¹⁹ UNICEF (21), Analysis of the Implementation of the Juveniles Justice Strategy and Action Plan 2018-2021, <https://www.drejtësia.gov.al/baza-ligjore-2/> .

²⁰ Data reported by the Albanian General Directorate of Prisons.

²¹ Law no. 78/2020 “On the organization and operation of the Probation Service”, article 19/7.

the health condition, substance addictions as well as any other information necessary for the preliminary assessment of the convict. The actions taken during the first meeting are recorded in the record, which is signed by the probation officer and the convict. When the convict is a minor, the record is also signed by his guardian or legal representative. The Law clearly stipulates that the employee of the probation service, who is responsible for the supervision of juveniles convicts, must communicate with the custodian or the legal representative of the convict on issues related to their supervision. This includes notifying them of appointments, obligations and relevant information regarding the alternative measure implemented. The custodian or legal representative participates in the communication of the probation officer to ensure transparency and cooperation in the process of supervision of juveniles convicts.

The request for immunity from criminal prosecution is a mechanism that favors the minor, therefore the consequences of not complying with the avoidance measures should be treated with special care. Special attention should be paid to the aspects related to the circumstances of non-fulfillment of the avoidance measure. In some cases, the non-fulfillment of the conditions and obligations related to the measure of avoidance is not done intentionally by the minor, but, if the minor intentionally did not fulfill the measure for avoiding criminal prosecution, the probation service informs the prosecutor explaining the circumstances of default and the minor's personal situation. It also informs the minor, the parents or, as the case may be, the legal representative regarding the consequences of non-compliance with the conditions and obligations of the avoidance measure and the review rules in case of non-compliance.

In accordance with international standards, the legal regulation in this regard further develops the concept that non-fulfillment of established obligations is not automatically an element of punishment for the minor. The rule of deprivation of liberty, as a last measure, only in exceptional cases, is now a universal principle.²²

In accordance with this standard, the code has determined that: non-fulfillment of the conditions related to the avoidance measure does not constitute a criminal offense and does not automatically lead to the resumption of criminal proceedings against juveniles.²³

4. Juveniles Justice Strategy, goals, challenges and effectiveness

The Juveniles Justice Strategy 2022-2026 and the Action Plan represent important efforts in the field of juveniles justice in Albania. This strategy is the second in the line of justice for juveniles and has been prepared in close cooperation with many different actors, including relevant ministries, constitutional institutions, civil society

²² Recommendation No. (92) 16 of the Committee of Ministers of Member States "On European rules regarding sanctions and measures for the benefit of the community", rule 10 as well as rule 84-86 of the Beijing Rules, Rule 17.1 (b), Riyadh Directives, article 46, KDF article 37/b, Recommendation "On the social response to juveniles delinquency", article 7.

²³ Code of Criminal Justice for Juveniles, article 71/3.

and the academic community.²⁴

The main goal of “SDM 2022-2026” is to improve and expand previous achievements in juveniles criminal justice. Also, it aims to ensure that every child has the opportunity to restore their violated rights through the justice system, including those in the family, civil, administrative and criminal spheres.

An important aspect is that this plan aims to address concerns related to juveniles who are involved in criminal offenses. This also enables the prevention of juveniles’ involvement in criminality and criminal offenses against them, through their awareness, education and information, as well as through the implementation of restorative justice programs and mediation in cases where juveniles are involved in conflicts or criminal offenses. This plan aims to create a friendly and rehabilitative environment for juveniles justice, offering them the opportunity to correct mistakes and build a better future. Although there are still challenges and other steps to be taken, this plan is a positive step towards ensuring the rights and protection of juveniles.²⁵

“SDM 2022-2026” is an important strategy to fulfill the objectives in the field of juveniles justice in Albania. It aims to keep juveniles out of criminal processes and court proceedings, providing alternatives to criminal prosecution and mediation, restorative programs, counseling and supervision of juveniles when parents or legal representatives cannot exercise it.

A fundamental change of this strategy compared to the previous one is its expansion to include civil, family and administrative justice. This expansion is necessary because of the high number of juveniles who are involved in these processes and who are affected by the decisions they make.

Thus, “SDM 2022-2026” aims to ensure that juveniles’ rights are respected at every stage of legal and administrative processes. The strategy also focuses on the best interests of the minor in contact with or in conflict with the Law and aims to improve any action that concerns them.

This strategy was developed in accordance with the obligations and commitments made by Albania within the National European Integration Plan (PKIE) for the period 2021-2023, specifically in chapter 23, which deals with judicial issues and fundamental rights, “SDM 2022 -2026” is a strategy developed in accordance with international obligations and Albania’s objectives to improve the justice system and the basic rights of juveniles.²⁶

In the drafting of the “SDM 2022-2026”, the findings and recommendations of the European Commission sent through the “Report for Albania 2022” were taken into account²⁷, the recommendations of the Committee on the Rights of the Child, the EU strategy for Juveniles Justice, the recommendations of the Council of Europe for

²⁴ Council of Ministers (2021), “Government Program 2021-2025”, https://www.kryeministria.al/ep_content/uploads/2021/1/0/Pro_gra_mi_qeverisës_20212025.pdf .

²⁵ Intersectoral Juveniles Justice Strategy 2022-2026 November, 2022. Policy Purpose, Specific Objectives and Primary Implementation Measures of the Juveniles Justice Strategy 2022-2026.

²⁶ <https://www.drejtësia.gov.al/për-miratimin-e-eplanit-kombëtar-për-integrimin-evropian-2021-2023/> .

²⁷ https://neighbourhood-enlargement.ec.europa.eu/albania-report-2022_en .

a Minor-friendly justice²⁸, the recommendations of the monitoring mechanisms of the UN and Council of Europe conventions to which the Albanian state is a party, especially GREVIO-s,²⁹ GRETA-s,³⁰ CPT,³¹ EU directives for minor-friendly justice and victim protection as well as recommendations of local and international partners working with and for juveniles.³²

“SDM 2022-2026” was based on the findings and recommendations of the analysis of the implementation of “SDM 2018-2021”. The strategic document and Action Plan of “SDM 2022-2026” emphasize the importance of every minor’s access to a friendly justice system in every moment and circumstance. These documents provide that every action and decision-making is guided by their highest interest. Albanian legislation is built on the principles of minor-friendly justice. This includes guaranteeing, respecting and effectively implementing all children’s rights to the highest possible level. This domestic legal framework aims to ensure the key elements of minor-friendly justice, such as accessibility, adaptability, effectiveness in accordance with the needs and respect for juveniles’s rights.

The entire legal framework of juvenile justice is built in accordance with the ratified international instruments and the standards defined by the UN Convention “On the Rights of the Child”, as well as those of the European Union and the Council of Europe. This shows Albania’s commitment to respecting and protecting children’s rights in every aspect of their lives and at every stage of the justice system.

5. Guaranteeing access at any time to friendly justice for every minor

Involvement in justice for juveniles in today’s reality is a complex challenge and requires incorporating a set of principles and measures to guarantee juveniles’s rights at all stages of administrative and judicial procedures. This includes respecting and protecting the private life, interests, special needs and individual dignity of the minor. Access to justice must be equal for every minor, not only in form but also in content. This means that every minor should have the same rights and opportunities in justice procedures, regardless of which age group or sphere they belong to. The need for a safeguarding approach is essential to ensure that juveniles have their rights protected and to ensure that they have a fair and impartial judicial process. This includes measures which are in accordance with the best interest of the minor. In the absence of dedicated policies in favor of juveniles, the judicial system can appear

²⁸ Council of Europe (2010), “Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice”, <https://rm.coe.int/16804b2cf3>.

²⁹ <https://rrjetikundërdhunësgjinore-monitorime.al/2018/01/14/pjesë-nga-raporti-fillestar-i-vlerësimit-i-grevio-s/>.

³⁰ Greta (2020), “Access to justice and effective remedies for victims of trafficking in human beings”, Evaluation Report. <https://rm.coe.int/greta-2020-09-fgr-alb-en/1680a0b84f>.

³¹ Council of Europe (2019), “Report to the Albanian Government on the visit to Albania carried out by the European Committee for the prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)”, CPT/Inf (2019) 28. <https://rm.coe.int/168097986b>.

³² European Commission, “Child-friendly justice”, https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/child-friendly-justice_en.

indifferent and in some cases discriminatory towards them. The presence of juveniles in court proceedings requires special actions and measures including legal reforms and minor-friendly policies. This process may include capacity building, training of justice system staff and provision of specialized services to meet the specific needs of juveniles and ensure that justice is minor-friendly and fair.³³

The concept of access to justice can be found in international human rights instruments, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). These human rights instruments recognize the right of an individual to take legal action to protect his or her rights when these rights have been violated. Involvement in justice for juveniles in today's reality requires the need to always guarantee the rights of the minor regarding information, participation and representation in administrative and judicial procedures, recognizing these rights at all stages of the proceedings. This approach is influenced by social and cultural practices that should aim at the possibility for juveniles to seek justice without fear of punishment and should be accompanied by interventions and mechanisms that allow all juveniles to gain awareness of their rights as well as the necessary resources access to justice.

Access to justice is defined by the United Nations Development Program (UNDP) as the ability of people to seek and obtain compensation/reward through formal and non-formal justice institutions, in accordance with human rights standards.³⁴

Access to justice means effective opportunities to appear in court, defend yourself and be heard in administrative and judicial proceedings³⁵, the right not to be discriminated against and victimized³⁶, guaranteeing the right to appeal, bearing in mind that the juveniles's private life, interests, special needs, individual dignity must be respected and protected without limitation. Resolution of the 68th plenary meeting³⁷ remains the principle of the minor's best interest elaborated extensively in the Convention on the Rights of the Minor (CRC). Mechanisms of access to justice³⁸ are not always enough for juveniles who belong to marginalized or discriminated groups.³⁹

In this regard, the Law must prohibit discrimination and guarantee to all persons equal and effective protection against discrimination based on causes such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status.

In order to ensure minor-friendly services in the criminal justice system, it is planned

³³ UNICEF (2016), "Access to Justice, discrimination and juveniles, an overview of court decisions related to juveniles, from the point of view of discrimination and equality". https://www.unicef.org/albania/media/1116/file/Access_to_Justice.pdf.

³⁴ UNDP, Democratic governance, Justice practice, http://www.undp.org/content/dam/aplaes/publication/en/democratic-governance/dg-publications-for-website/accessto-justice-practice-note/justice_PN_En.pdf pg.3.

³⁵ United Nations, CRC/C/GC/10, 2007, <http://www.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>.

³⁶ Beijing Rules, Art 56.

³⁷ UN General Assembly, Resolution of the 68th plenary meeting, A/RES/45/113, 14 December 1990, parag. 2.

³⁸ United Nations (2008). "Guidance Note of the UN Secretary-General, Assistance for Access to the Rule of Law".

³⁹ UN General Assembly, Resolution of the 68th plenary meeting, A/RES/45/113, 14 December 1999, parag. 2.

to use all the manuals, guides, formats and techniques of interviewing, assessment of the minor, drawn up and approved during the implementation of the previous strategy (in the police, the prosecutor and courts), as well as audio-video technology from all professionals. Furthermore, it is expected that all justice institutions working with and for children and their support services are staffed with trained and specialized professionals.

The legal structure for dealing with cases of juveniles in conflict with the Law has included important changes in Albanian legislation, including the adoption of the Juveniles Justice Code. This legislation prohibited the handling of cases of children under 14 years of age by the criminal justice system and transferred this competence to special social units for the protection of juveniles. This change in legislation has improved the situation for juveniles in conflict with the Law and has prevented them from ending up in detention in the same facilities as adults. This is done so that juveniles have more chances to return to a normal life in compliance with the Law and not leave their community.⁴⁰

Since the protection of the minor victim is an innovation in KDPM, legal assistance for victims, provision of necessary information for them is in special focus. It is considered necessary to organize informational and awareness campaigns for juveniles and parents regarding legal aid, focused on juveniles at risk of being, in the future, juveniles in contact/conflict with the Law. The changes in the legislation for juveniles have made it possible to achieve the goal, it is planned to continue with the creation of friendly environments in the police, court and prosecution sectors, built according to the approved judicial map. Special attention will be paid to physical accessibility for persons with disabilities. In addition, it will focus on the maintenance of the interview facilities, ensuring that they can be used as efficiently as possible.

Minor-friendly justice is an approach to high-standard, timely and accessible support services for every child. In an effort to facilitate the procedures to provide support services in the civil, family and criminal process, in all their situations, especially for minor victims, it is planned to establish a specialized group of psychologists and social workers within the structures of the police, prosecution and court, in order for them to provide specialized support for juveniles throughout the legal process.

At the same time, an innovation is highlighted in the design of a compensation program for minor victims of crime, which aims to provide compensation from the perpetrator of the crime or the state for juveniles who are victims. While there have been positive steps in helping and protecting young people who are or have been in conflict with the Law, there is still much to do. Increased coordination and cooperation between different actors, further investments in education, training of skills and various assistance programs, as well as the implementation of a more humane and fair system, are necessary to achieve the provision of friendly justice at all times. for each minor.

⁴⁰ Albanian Telegraphic Agency (2018), "Access to justice, how community centers for juveniles in conflict with the law will work", <https://ata.gov.al/2018/09/30/qasja-në-drejtësi-si-do-te-funksionojnë-qëndrat-komunitare-për-të-miturit-në-konflikt-me-ligjin/> .

6. Conclusions

Regarding juveniles criminal justice, attention has been focused on the integration of juveniles in a way that avoids the negative impact of criminal proceedings. The juveniles criminal justice system has undergone transformations, culminating in the adoption of the Code of Juveniles Criminal Justice. This code fills a vacuum in Albanian legislation, including alternative avoidance measures. However, there is still room for legal intervention and the content of the provisions related to these measures.

Efforts to set up an institutional infrastructure have not yet been finalized. This has influenced the practical implementation and constantly challenges the priority principle of these measures. An in-depth awareness of justice actors on the importance of implementing these measures, aimed at a fair and humane treatment of juveniles, is necessary.

The reintegration of juveniles into society after a conflict with the Law should not be a process that punishes them, but a process that helps them return to normal life. I think it is necessary to build and operate the necessary mechanisms and structures for the implementation and supervision of these measures. Coordination between different structures such as the Probation Service, social centers and minor protection units is essential. Meanwhile, commitment to the training and specialization of the responsible actors is equally essential.

It is important that the Albanian society is sensitized on the importance of fair and humane treatment of juveniles who are in contact or in conflict with the Law. This can help reduce the stigmatization and social persecution of these juveniles and promote a culture of reintegration and support.

Education is a powerful tool to prevent the involvement of juveniles in criminal acts. Investing in the education and awareness of juveniles on the consequences of criminal acts is essential for the prevention of these events. In order to ensure the implementation and operation of alternative avoidance measures in an efficient manner, it is necessary to build and regulate the capacities of institutions including the Probation Service, social centers and child protection units. This includes commitment to the training and specialization of the employees of these institutions. It is very important to have different mechanisms and programs to help and support juveniles who are in the process of reintegration into society. This may include psychological counseling, additional education and the provision of employment opportunities.

It is important to have an appropriate system of monitoring and evaluating the implementation of alternative avoidance measures. This would help in evaluating their impact and effectiveness and enable the necessary improvements in the minor justice system. I emphasize the need for a lasting commitment to the rights of juveniles and a focus on their reintegration into society in a humane and efficient manner. This is a process that requires extensive cooperation between institutions, civil society and the community in general.

In the following, I recommend some suggestions that should be taken into account in order to have a more friendly justice for every minor:

- It is important that QPKMR and other relevant institutions have enough financial and human resources to cover and fulfill their tasks.
- The performance and effectiveness of the Center's work should always be evaluated to identify the needs for changes and improvements.
- Cooperation and coordination between institutions is key to achieving better justice for juveniles, both at the central and local level.
- The collection, registration and processing of data on juveniles and their criminal offenses should be in accordance with international standards, and these data should be used to help design policies and programs.
- It is important to evaluate the impact and efficiency of juveniles rehabilitation and reintegration programs.
- It is necessary to involve all relevant actors, including the court, the prosecution, the police and medicine in the improvement and strengthening of the mechanisms and structures for the protection of juveniles's rights.

These recommendations are fundamental to guarantee that all children have access to a justice that respects and protects their rights as well as to have a criminal justice that enables the prevention of recidivism, the resocialization and reintegration of children in contact or conflict with the Law.

References

- Albanian Telegraphic Agency (2018), "Access to justice, how community centers for juveniles in conflict with the Law will work", <https://ata.gov.al/2018/09/30/qasja-në-drejtësi-si-do-te-funksionojnë-qëndrat-komunitare-për-të-miturit-në-konflikt-me-ligjin/>.
- Criminal Code of the Republic of Albania.
- Constitution of the Republic of Albania.
- Convention on the Rights of the Juveniles.
- United Nations Office on Drugs and Crime. " Reintegration of Juveniles in Conflict with the Law, International and Comprehensive Practice for Researchers".
- Law no. 10385, dated 24.02.2011 "On mediation in resolving disputes" as amended.
- Law no. 111/2017, "On free legal aid".
- Intersectoral Strategy of Juveniles Justice 2022-2026 November, 2022. Purpose of Policies, Specific Objectives and primary measures of implementation of the Juveniles Justice Strategy 2022-2026.
- The Criminal Procedure Code of the Republic of Albania.
- The Juveniles Criminal Justice Code of the Republic of Albania.
- UNICEF (2016), "Access to Justice, discrimination and juveniles an overview of court decisions related to juveniles, from the point of view of discrimination and equality". https://www.unicef.org/albania/media/1116/file/Access_to_Justice.pdf.
- UNDP, Democratic governance, Justice practice, http://www.undp.org/content/dam/aplaws/publication/en/democratic-governance/dg-publications-for-website/accessto-justice-practice-note/justice_PN_En.pdf
- Greta (2020), "Access to justice and effective remedies for victims of trafficking in human beings", Evaluation Report. <https://rm.coe.int/greta-2020-09-fgr-alb-en/1680a0b84f>.

Council of Europe (2019), "Report to the Albanian Government on the visit to Albania carried out by the European Committee for the prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)", CPT/Inf (2019) 28. <https://rm.coe.int/168097986b> .

European Commission, "Child-friendly justice", https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/child-friendly-justice_en .

Xhafo, J. (2012).The minor and the criminal process.