

Understanding of the level of involvement of young people in criminal activities, as well as the push and pull factors through available documents

Desk Research report

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For Albania

In the frame of the project

“BUILDING RESILIENCE OF YOUTH TOWARDS CRIMINAL ACTIVITIES”

Led by **NGO Juventas** financed by **Smart Balkans** (Civil Society for Shared Society In The Western Balkans)

Call Reference No: SB RG 02/23

August 2024

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ABBREVIATIONS

CRC - Committee on the Rights of the Child

CCJJ - Criminal Code of Juvenile Justice

CPU – Child Protection Unit

NARU – Need Assessment and Referral Unit

NGO – Non-governmental Organization

I. INTRODUCTION

1-2 pages - information about the scope of the publication and the project

1.1 Project background

The fight against organized crime requires a multidimensional approach, particularly in today's rapidly shifting socio-economic landscape, where vulnerable youth are increasingly at risk of criminal involvement. Many young people face significant challenges, including economic instability, lack of opportunities, and social pressures, which can lead them to become targets for recruitment into criminal networks. To address these challenges, this project aims to build a new paradigm by focusing on the resilience of young people, offering systematic solutions, and strengthening institutional capacities.

Organized crime thrives on exploiting the vulnerabilities of youth, and this project is dedicated to not only understanding the push and pull factors that contribute to their recruitment but also providing a clear path for intervention and support. Addressing the root causes of youth involvement in crime and promoting collaboration between key stakeholders—such as police, sports organizations, media, and youth-focused NGOs—the project aims to create long-lasting changes in how societies protect their younger generations. The project also seeks to transform the relationship between youth and law enforcement. In many communities, distrust of the police remains a barrier to effective crime prevention. By fostering stronger connections between youth and the police, the project aims to build a sense of mutual respect and cooperation, ultimately reducing the appeal of organized crime.

Specific Objectives

1. Improved understanding of push and pull factors for recruitment in criminal activities through conducting research among elementary and high school students through two researches.
2. Strengthening capacities of police, sport clubs, journalists and youth NGOs for building resilience of youth.
3. Building trust between youth and police.

The project aims to contribute to the overall fight against organized crime by creating a sustainable framework for youth empowerment, reducing the recruitment of young people into criminal networks, and promoting stronger institutional cooperation. Through this multifaceted approach, the project will help shape a safer future for youth and communities alike. NGO Juventas in Montenegro in consortium with Nisma për Ndryshim Shoqëror ARSIS in Albania and Belgrade Centre for Human Rights in Serbia are in the process of the development of the desk research in all 3 countries for a better understanding of the level of involvement of young people in criminal activities, as well as the push and pull factors through available documents.

1.2 Scope and objectives of the research

This research is focused on conducting a comprehensive desk analysis across three countries to assess the level of youth involvement in crime and to identify the push and pull factors influencing these behaviours. This effort aims to provide critical insights into the current situation and help shape policy interventions that build the resilience of young people against criminal behaviour.

Youth involvement in criminal activities is often a consequence of complex interrelated factors, including socio-economic conditions, peer influence, family background, education, and broader systemic challenges. Through available documents, we seek to uncover these factors and assess the institutional capacities of different organizations to address youth criminality. The research also aims to provide guidance on improving preventive measures and fostering resilience among young populations.

The project's methodology includes a review of policy papers, reports, studies, and other relevant documents from governmental bodies, non-governmental organizations, and academic institutions in Albania. This research will support the development of a comprehensive training plan for professionals working directly with young people at risk of involvement in criminal activities.

Objectives:

The desk research will facilitate the development of training plans for professionals by offering a thorough understanding of:

- The current level of youth involvement in criminal activities across the three countries.
- The factors that push young people toward crime, such as poverty, lack of education, or peer pressure.
- The pull factors, such as systemic inefficiencies or the allure of criminal networks.
- The capacities of institutions to effectively intervene and build resilience in young populations.

Scope:

The desk research will cover an analysis of at least 20 different documents from each country, including reports, academic studies, and government documents that explore:

- Statistics on youth crime rates.
- Policies aimed at preventing youth involvement in crime.
- Socioeconomic data to understand the vulnerabilities faced by young people.
- The role of institutions in mitigating or exacerbating youth criminal behavior.

II. PULL AND PUSH FACTORS ANALYZED

Up to 5 pages - literature review on push and pull factors on resilience of youth towards criminal activities (scientific publications, international and national reports, strategies and action plans – at least 20 documents analyzed)

Why youth engage in criminal activities and in the justice system?

2.1 Context of juveniles in Albania

The minimum age of criminal responsibility is 14 years in Albania, which was established by article 6 of the 1995 Criminal Code and is in line with international standards including what the Committee on the Rights of the Child (CRC) deemed in 2019 to be an absolute minimum.¹ In most European Union (EU) countries the minimum age is 14 or 15 years old. Albania's Criminal Code distinguishes between felonies (criminal offenses) and misdemeanors (contraventions of the law) for which the ages of responsibility are 14 and 16 years respectively. Capital punishment is prohibited at any age.²

An essential measure in enhancing the safeguarding of children in conflict with the law involved the Albanian Parliament's endorsement of the new Criminal Code of Juvenile Justice (CCJJ) in 2017. This move was a significant component of the comprehensive Justice Reform undertaken in Albania. The CCJJ supplements the regulations outlined in the Law on Rights of the Child and Protection³ (Law no.18/2017), specifically designed to provide special legal protections for children who have reached the age of criminal responsibility and are involved in legal matters. For the first time in Albania's legislative system, children who encounter the law are not treated as adults, adhering to international standards on juvenile justice. Equally important is the provision for law enforcement and justice authorities to collect and report on children's data using an integrated electronic tracking system.

Based on the Minister of Interior's Instruction No. 274, dated 10.09.2014, "On Crime Statistics," and the Order of the General Director of the State Police No. 1531, dated 24.10.2014, "On the Preparation of Crime Statistics," the State Police administers data on juvenile victims of criminal offenses, categorized by age (under 14 years old and 14-18 years old), gender, and residence. Data regarding their mental or physical health disabilities are not administered. Additionally, in accordance with Decision of the Council of Ministers No. 149, dated 20.03.2019, "On the Creation, Organization, Functioning, Characteristics of Use and Access, Primary and Secondary Data, and Information Provider of the Integrated Juvenile Justice Data System," the General Director of the State Police issued Order No. 513, dated 04.06.2021, "On the Use and Registration of Data in the 'Juvenile Justice Data System'," for the registration of data on juveniles involved in criminal offenses as perpetrators, victims, and witnesses. This system records data from the

¹ Committee on the Rights of the Child (CRC). General comment no. 24 (2019) on children's rights in the child justice system, (Geneva): CRC, 2019, page 22. Available at:

<http://docstore.ohchr.org/SelfServices/FilesHandlerashx?enc=6QkG1d%2FPPrICAqhKb7yhsqlkirKQZLK2M58RF%2F5F0vEnG3QGKUxFivhToQfjGxYjV05tUAlgpOwHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2Bf0RPR9UMtGkA4>

² Albania Child Notice 2021 (Retrieved from [Albania Child Notice](#), page 75)

³ Decision of Council of Minister (DCM), mo.18/2017, date 23.2.2017 "Law on the Rights and Protection of the Child", available in English at: <https://femijet.gov.al/al/wp-content/uploads/2017/06/Law-No-18-2017-On-the-rights-and-protection-of-the-child.pdf>

Police and the entire network of institutions involved in juvenile justice. The data are categorized by age, gender, child's status in contact with the law, geographical area, etc.

The State Police, in fulfillment of its mission and legal responsibilities, ensures public order and safety by safeguarding the lives of individuals, promoting economic freedom, and upholding the rule of law in its entirety. The number of individuals **affected by criminal acts** in 2022 was 13,651, compared to 16,910 in 2021. Of this number, **1,057 or 7.7% were in the age group up to 18 years old**, while 4,200 of them are female, representing 37.1% of the total affected.⁴

A total of 34,420 perpetrators were involved in criminal activities in 2022. Among them, 1.5% were aged up to 14 years, and 3.2% were aged 15-17 years. Tirana County is the county where the majority of criminal acts have occurred, even for the year 2022, while Kukës County is the county with the smallest number of reported criminal acts during 2022, leaving behind Gjirokastrë County compared to the previous year.

Law no. 108/2014 "On State Police"¹³, Article 103, paragraph 2, Article 123 determines the measures to be taken by police officers in cases where a child/youth who disrupts public order or security or who is identified as the offender of a criminal offense may be held in police premises, by age and psychological needs. These standards for the treatment with dignity and following the age and psychological needs of the child/youth, together with the informing of their rights, legal representation and presumption of innocence have been the elements taken into account in this analysis.⁵

In 2015, a risk analysis conducted by the General Directorate of Prisons focused on children in conflict with the law. Based on statistical data from the previous five years, the analysis revealed a consistent upward trend in children's involvement in criminal activities.⁶

In 2023, of the 1,993 suspected child offenders, 337 were under the age of 14, while 1,656 were aged 15 to 18.

Table 1: The distribution of the data of juveniles' offenders at national level

Statistics	2021	2022	2023
Number of juveniles who are suspected perpetrators of criminal offenses registered by the police	1940	1630	1993
Total	1940	1630	1993

*Source: SARPC, Të dhënat statistikore (Statistical data), Indicator 38. Available at: <http://statistikafemijet.gov.al/charts.php?ind=38>.

⁴ Annual Report State Police 2022, page. 5

(Retrieved from https://mb.gov.al/wp-content/uploads/2023/05/Raporti-Vjetor_Policia-e-Shtetit_2022.pdf)

⁵ Save the Children and Albanian Rehabilitation Centre for Trauma and Torture (ARCT).(2019) *Children with[in] Judiciary system: Monitoring of child' legal protection system and equitable access to justice in civil, administrative and criminal proceedings* Uncertain Pathways: Bridging practice policy gaps in enabling access to justice for children in Albania (Retrieved from: <https://albania.savethechildren.net/sites/albania.savethechildren.net/files/library/Children%20with%5Bin%5D%20Judiciary%20system%20-%20ARCT.pdf>)

⁶ Doci. B & Beqo.A (2015) *Juveniles in conflict with the law, Analysis of risk factors that influence the juveniles' criminality* (Retrieved from: <https://dpbsh.gov.al/wp-content/uploads/2022/03/1450093768-Faktoret-e-kriminalitetit-tekte-miturit-studim.pdf>)

The table presents the distribution of suspected juveniles offenders at the county level in Albania from 2021 to 2023, categorized by age groups (under 14 years old and 15-18 years old).

Juvenile delinquency often involves minors committing crimes against property, with theft being the most common offense as classified by the Penal Code. However, a concerning rise has been observed in the involvement of minors in drug-related offenses, such as the distribution and use of narcotics, especially in recent years. Crimes against individuals tend to involve victims who are either unknown to the juvenile or display specific characteristics that make them targets. The rise in criminal behavior among minors is particularly notable in urban areas with diverse populations, where they increasingly engage in offenses similar to those committed by adults. Unfortunately, support and reintegration structures for juveniles post-sentence are limited or non-existent, leading to a high recidivism rate among this group, although a slight decrease has been noted in recent years.

Table 2: Distribution of the number of children suspected offenders in county level and including age

Year	2021		2022		2023	
County	Under 14 y.o	15-18 y.o	Under 14 y.o	15-18 y.o	Under 14 y.o	15-18 y.o
Albania	531	1409	414	1216	337	1656

*Source: SARPC, *Të dhënat statistikore (Statistical data), Indicator 38. Available at: <http://statistikafemijet.gov.al/charts.php?ind=38>.*

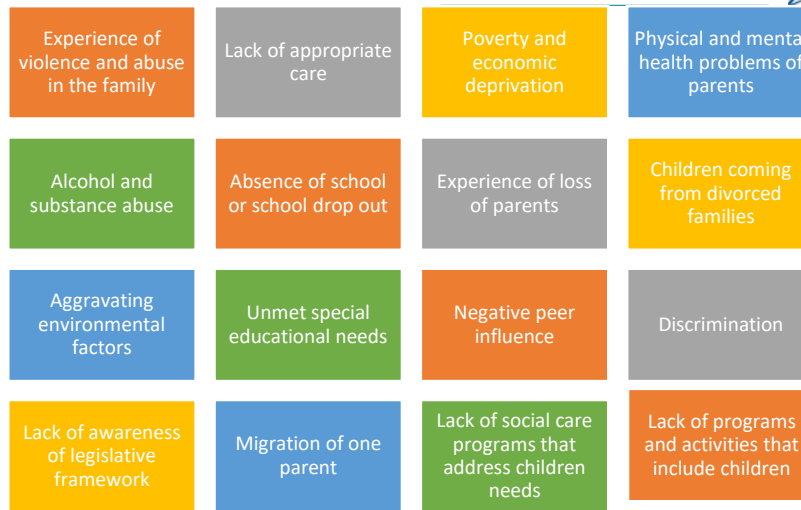
2.2 Pull and push factors

Resilience refers to the ability of young people to cope with risk factors and adversities while maintaining a positive trajectory. When youth are exposed to unfavorable environments, they may be driven toward criminal activities, but resilience-building factors can pull them away from this path.

Juvenile delinquency across 12 counties in Albania is driven by a combination of socio-economic issues, family dynamics, and educational factors. Common offenses like driving without a license, theft, and violence are prevalent, with underlying causes such as poverty, family dysfunction, and negative social media influence playing significant roles. Nisma ARSIS experience with juveniles in conflict with the law⁷ and the data collected in years highlights several contributing factors as presented in the following figure:

Figure 1: Contributing factors for juveniles

⁷ Nisma ARSIS since 2010 is providing psychosocial assistance in 6 police station in Tirana Municipality during the interview of juvenile sin police station including children/youth being victims, witnesses and offenders of criminal acts.



Most professionals agree that the presence of a single risk factor is unlikely to lead to delinquency in juveniles. For this reason, it is necessary to address multiple levels, including the individual, family, peer group, neighborhood, and school. While some risk factors are common among many juveniles in conflict with the law, the characteristics and combination of these factors vary from case to case. In early childhood, individual and family-related factors, such as birth complications, difficult temperaments, or antisocial parental behavior, play a significant role. As children grow and integrate into society, new risk factors associated with peer influence, school, and the community become increasingly important in shaping their development and potential delinquent behavior.⁸

Push factors: drivers toward youth criminality

Poverty and socioeconomic disadvantage

In summary, poverty is a structural driver of delinquency because it limits access to education, employment, and positive social environments while increasing exposure to high-risk situations. The cumulative stress of living in poverty often pushes youth toward crime as a means of survival or a way to cope with feelings of frustration and alienation from mainstream society.

Poverty is a significant push factor that predisposes youth to criminal activities. According to **Merton's Strain Theory** (1938)⁹, young people in impoverished environments often experience a disconnect between societal expectations (e.g., financial success) and their limited means to achieve those goals, leading them to resort to crime as a coping mechanism. **World Bank** (2020)¹⁰ highlights that in fragile settings, youth often lack employment and educational opportunities, pushing them toward illegal means for survival.

⁸ Doci. B & Beqo.A (2015) Juveniles in conflict with the law, Analysis of risk factors that influence the juveniles' criminality (Retrieved from: <https://dpbsh.gov.al/wp-content/uploads/2022/03/1450093768-Faktoret-e-kriminalitetit-tek-te-miturit-studim.pdf>)

⁹ Merton, R. K. (1938). Social Structure and Anomie. *American Sociological Review*, 3(5), 672–682

¹⁰ World Bank. (2020). Ending Poverty: The Role of Youth in Fragile Settings.

UNICEF (2019)¹¹ and OECD (2021)¹² further emphasize how economic hardship leads to increased criminal behavior, especially in contexts where poverty intersects with systemic inequalities like lack of access to quality education or social services. Such environments increase the likelihood of youth resorting to theft, drug-related crimes, or gang involvement. The majority of studies and programmes dealing with juvenile delinquency focus on youth as offenders. However, adolescents are also victims of criminal or delinquent acts. The continuous threat of victimization is having a serious impact on the socialization of young men and on their internalization of the norms and values of the larger society.¹³

Poverty fosters feelings of social and economic inequality, which can lead to frustration and alienation. Youth in impoverished communities often witness wealth and success in media or their surroundings but find themselves excluded from those opportunities. This sense of exclusion can breed resentment toward society and the institutions that seem to perpetuate their hardship. This is reflected in Relative Deprivation Theory, which suggests that when people perceive themselves as unfairly disadvantaged compared to others, it increases the likelihood of deviant behavior.

Family dysfunction and abuse

Most of studies reveal that violence, abuse, and neglect within the family are among the key factors leading to children's involvement in legal proceedings. One of the primary reasons children/youth find themselves entangled in legal issues is the breakdown of their family and protective structures. Whether stemming from domestic violence, parental loss, divorce, separation during emergencies, or migration due to chronic poverty, such breakdowns significantly heighten a child's vulnerability to both violence and legal entanglements, as these two are intricately intertwined. When children are forced to fend for themselves, often taking on responsibilities for younger siblings, and resort to living or working on the streets or in precarious environments, their lack of stable social circumstances and legal status, coupled with the criminalization of many survival strategies, exacerbates what is already a personal crisis, potentially leading to conflicts with the law.

The children's perceptions about the factors/causes that lead to deviant behavior part of the research were specifically related to their home (family) environment they listed a number of factors that contribute to problematic behaviors, ranked as follows: a) psychological or physical violence, and verbal abuse by or against members of their own household. b) the family social and economic status. c) disputes/disagreements in general.¹⁴ Similarly, **UNICEF (2019)** reports that children raised in abusive or neglectful homes often turn to crime as a form of escape or rebellion.

The cycle of shifting between care and justice responses for children deemed "at risk" highlights a systemic issue in our approach to child welfare. While families bear the primary responsibility for caring for children, they also serve as significant status-bestowing institutions. When children are marginalized or excluded from their families, they often lose not only the essential care provided by familial structures but also their social standing. This loss of status can be profound, leading to stigmatizing labels such as

¹¹ UNICEF. (2019). Hidden in Plain Sight: A Statistical Analysis of Violence against Children.

¹² OECD. (2021). Education at a Glance: Disengagement in School and Youth Crime.

¹³ World Youth Report 2003 (Retrieved from: <https://www.un.org/esa/socdev/unyin/documents/ch07.pdf>)

¹⁴ Community Development Center "Today for the Future" (2021) Social Integration and Re-integration Programme of children in contact or conflict with the law through norms, values and a law-abiding lifestyle

"orphan" or "street child," which further exacerbate their vulnerability and hinder their access to support and opportunities for positive development.

The child protection unit in Tirana highlighted that there is the misconception that juvenile delinquency is limited to children from vulnerable families. The root problem often lies in the lack of positive communication and inadequate parental capacity, regardless of the parents' educational level. Schools report cases to relevant structures when they lose effective communication with the parents or families and find it challenging to mediate this communication. This suggests that good parental education does not necessarily correlate with proper or effective parenting.

Also, the increasing trend of divorces impacting juvenile delinquency, particularly in cases where children find themselves repeatedly involved with law enforcement. This trend is often seen in well-educated and financially well-off families, where parents accuse each other of child abuse during divorce proceedings. The children are frequently interviewed at police stations as a result. The underlying problem is that these parents are using allegations of child abuse strategically to influence the division of assets and custody arrangements, rather than prioritizing the best interests of the child.

Refusal and violation upon rights and social benefits

Professionals part of the study were asked about the main motives to which children/youth come into contact with the justice system and some of the most mentioned ones are:

- *Being 'out of place': dropping out of school*
- *Denial of health services (Physical and mental health problems of parents,*
- *Denial of social benefits*
- *Unmet special educational needs*
- *Negative peer influence*
- *Discrimination*
- *Lack of programs and activities that include children (cultural, artistic, social and educative)*

UNODC (2020) also highlights the role of peer influence, particularly in environments where gang culture is prevalent, and youth seek a sense of belonging or protection.¹⁵

The children's perceptions about the factors/causes that lead to deviant behavior part of the research were related with the school environment, among the factors, they listed: bullying, the feeling of being marginalized, social exclusion, conflicts among peers and relations with the teachers about school progress and in the social environment, they listed factors such as: insults, bullying - whether direct (individual or in group) or in the social media/networks (Facebook, Instagram etc.), and different types of threats, as a more aggravated level of conflictual situations.

- Economic problems
- Not interested in schooling
- Quality of education
- Family disapproval of schooling
- Lack of documents for enrolment
- Behavioral difficulties

¹⁵ United Nations Office on Drugs and Crime (UNODC). (2020). Global Study on Violence Against Children.

Overall, these results reinforce the link between the denial of rights and poverty, stressing that poverty and discrimination are intersecting vulnerabilities that hinder the realization of children’s rights, including to education, health care, social benefits and full participation in society.

- Child’s observed disability
- The child’s observed physical trauma
- Child’s observed toxic substance use
- Health issues perceived as a family hardship
- Health issues are perceived as a reason for no schooling

Pull factors: resilience-building elements

Children’s care and protection system

The systems responsible for the care and protection of children play the main role in their well-being and development. For children who find themselves in conflict with the law, their exposure to violence often precedes their initial encounter with legal authorities. This exposure is frequently a significant factor in their involvement in unlawful activities. Moreover, when traditional familial support systems fail to provide adequate protection for children deemed "at risk," violence can become an unfortunate consequence. However, it's essential to recognize that violence can also result from misguided criminal justice policies, which may unjustly label children's coping mechanisms and behaviors as criminal, limiting their available options and pushing them towards riskier behaviors. Understanding the intricate relationship between violence and criminalization is paramount to effectively addressing the challenges faced by these children, their families, and their communities. Failing to grasp this complexity will result in superficial adjustments to a system that inherently fails to address the underlying issues, ultimately exacerbating the problems faced by these vulnerable children and introducing further violence into their lives.

- *Being ‘out of place’: on the streets*
- *Aggravating environmental factors*
- *Lack of awareness of legislative framework*
- *Lack of social care programs that address children needs*

“...In our country, there is a critical need for minors involved in legal proceedings—whether as perpetrators, victims, or witnesses—to be continuously supported by social services and other local services. It is essential to provide services that reach the child's location to address their needs comprehensively. Failing to consider the needs of these minors and not conducting thorough assessments of the underlying causes of their actions will likely increase the number of recidivist cases...” (Respondent from police)

Access to Education and Employment Opportunities

Education and access to employment opportunities play a crucial role in pulling youth away from criminal behavior. **OECD (2020)** and **World Bank (2018)** both stress that youth engaged in meaningful educational programs are less likely to engage in crime, as they gain the skills and qualifications necessary to find

employment. These opportunities create a sense of hope and purpose, reducing the allure of illegal activities.

Lack of preventive measures:

Preventive measures that could proactively address delinquent behavior before it escalates are also lacking. Early intervention programs that identify and support at-risk youth are not widely implemented, missing the opportunity to redirect potential offenders towards healthier paths. Moreover, current preventive strategies often fail to address the complex interplay of social, economic, and psychological factors that contribute to delinquency.

Legal and Policy Frameworks

Strong juvenile justice systems and rehabilitation programs play an essential role in building resilience in youth. **UNODC (2021)** discusses model strategies that emphasize rehabilitation over punishment for youth offenders, focusing on restorative justice approaches that pull youth away from criminal activities and reintegrate them into society.

Policies that promote youth empowerment, as seen in the **European Commission's Youth Strategy (2019-2027)**, are crucial in creating environments that foster resilience. These policies encourage social inclusion, access to education, and participation in decision-making processes, all of which reduce the risk of criminality among youth.

III. LEGAL AND INSTITUTIONAL FRAMEWORK

From 4 - 6 pages on legal framework (International conventions, Constitution, Criminal Code, Family Law, Law on children in the conflict with the law, Law on social and children protection...)

From 4 - 6 pages on institutional framework (list of all relevant institutions with basic information on the scope of the work on the national and international level)

3.1 Legal framework

In Albania, the existing legal framework concerning child victims, witnesses and offenders is largely similar to that governing adults, albeit with certain exceptions, provisions, and specifications. International standards set by the United Nations (UN) and the Council of Europe encompass regulations tailored to both adults and children, addressing various aspects of their rights and legal treatment.

Key international and European policies are summarized as follows:

- United Nations Convention on the Rights of the Child (1989)
- Optional Protocol to the Convention on the Rights of Child on the sale of children, child prostitution and child pornography (2000)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)
- United Nations Guidelines on justice in matters involving child victims and witnesses of crime adopted by ECOSOC (2005)
- United Nations Convention on the Rights of Persons with Disabilities (2006)

- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007)
- Council of Europe Guidelines on child friendly justice (2011)
- EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (2011)
- EU Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography (2011)
- Council of Europe Convention on preventing and combating violence against women and domestic violence (2011)
- EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (2012)

Key national policies and legislative framework

- *The Constitution of the Republic of Albania and standards related to juvenile justice*

The Constitution is the supreme law in which Albanian values and political principles are found. According to article 3 of the Constitution «dignity of the individual, human rights and freedoms, social justice, are the bases of this state, which has the duty of respecting and protecting them». In fact, the whole Albanian legal framework is based on those constitutional rights and principles which is one of the reasons why legislative activity was so intense following the adoption of the Constitution in 1998.

Its main values and principles had to be indeed reflected by new legislation. Furthermore, the country had to comply with the international and European human rights standards which served as solid bases for the respect of human rights by the judicial system. In the Albanian Constitution, terms such as “all”, “anyone”, “no one” and “everyone” are employed to show that protections provided by the text make no exception and discrimination whatsoever.

The second part of the constitution deals precisely with the fundamental human rights and freedoms and is divided into four chapters. When talking about juvenile justice, it is important to remind that: «The fundamental human rights and freedoms are indivisible, inalienable and inviolable, and stand at the basis of the entire legal order. The organs of public power, in fulfilment of their duties, shall respect the fundamental rights and freedoms, as well as contribute to their realization» (article 15); «The life of a person is protected by law» (article 21); «No one may be subjected to torture, cruel, inhuman, or other degrading treatment or punishment» (article 25); «No one should be deprived of his or her liberty...The freedom of a person shall not be limited» (article 27); «Marriage and family enjoy special protection of the state» (article 53/2); «1. Children, juveniles, pregnant women and new mothers are entitled to special protection by the state.

Every child has the right to be protected from violence, abuse and exploitation, especially when under the minimum age for work...» (article 54). There is no definition in the Constitution regarding categories as “minors”, “juvenile” and “child”. The term “minor” is only used in article 27/ç: «Freedom may not be limited except in the following cases... ç) for the supervision of a minor for purposes of education or for escorting him to a competent organ» “Child” is mentioned in articles 54 and 59/ ç and “juvenile” in article 54/1.

- *Penal Code*

According to the Penal Code of the Republic of Albania, the minimum age for criminal responsibility is 14 years old. For individuals aged 14 to 18 years old, the penal law uses the term "minor."

In the Penal Code of the Republic of Albania, criminal offenses involving the trafficking of minors, mistreatment/exploitation, exploitation for prostitution, and pornography with minors are provided for. Specifically:

- i. Article 128/b "Trafficking of Minors" stipulates that: "Recruitment, sale, transportation, transfer, concealment, or harboring of minors for the purpose of prostitution or other forms of sexual exploitation, forced labor or services, slavery or similar practices to slavery, organ trafficking or other forms of exploitation, are punishable by imprisonment from ten to twenty years. Organizing, directing, and financing the trafficking of minors is punishable by imprisonment from ten to twenty years. When this offense is committed in cooperation or more than once, or is accompanied by mistreatment and physical or psychological violence against the victim, for performing various acts, or results in serious consequences for health, it is punishable by imprisonment of not less than fifteen years. When the offense results in the death of the victim, it is punishable by imprisonment of not less than twenty years or life imprisonment. When the criminal offense is committed through the exploitation of a state or public service function, the imprisonment is increased by $\frac{1}{4}$ of the imposed sentence."
- ii. Article 124/b "Mistreatment of Minors" provides that: "Physical or psychological mistreatment of minors by parents, siblings, grandparents, legal guardians, or any person obligated to care for them, is punishable by imprisonment from three months to two years. Forcing, exploiting, coercing, or using minors to work, to earn income, to beg, or to perform actions that harm their mental and/or physical development, or their education, is punishable by imprisonment from two to five years. When serious injury or death of the minor is caused by the offense, it is punishable by imprisonment from ten to twenty years."
- iii. Article 114 "Exploitation of Prostitution" stipulates that: "Inducing, mediating, or receiving compensation for engaging in prostitution is punishable by imprisonment from two to five years. When this offense is committed with minors, against certain individuals, with persons with whom there are close kinship ties, guardianship, or by exploiting official relationships, or is committed in cooperation or more than once, or by persons entrusted with state and public functions, it is punishable by imprisonment from seven to fifteen years."
- iv. Article 117 "Pornography," in its second paragraph, stipulates that: "Production, distribution, advertisement, importation, sale, or publication of pornographic materials in environments where there are children, by any means or form, constitute criminal offenses and are punishable by imprisonment up to two years. Production, importation, offering, provision, distribution, transmission, use, or possession of child pornography, as well as intentionally accessing it, by any means or form, are punishable by imprisonment from three to ten years. Recruiting, using, coercing, or persuading a child to participate in pornographic performances, or participating in pornographic performances involving children, is punishable by imprisonment from five to ten years."

- *Strategy on Juvenile Justice 2022- 2026*

The Strategy for Juvenile Justice 2022–2026 (SJJ 2022–2026) was approved by DCM no. 892, dated 27.12.2022, "For the approval of the Cross-sectoral Juvenile Justice Strategy 2022-2026, Action Plan and the Passport of the Indicators". This cross-sectoral approach of the strategy provides protection and guarantee of children's rights, aiming for justice as much as possible friendly to each child based on the

best interest of the child. This strategy addresses consolidation of access to friendly justice for every child, prevention priority of children's involvement in crime and their victimization, access to help free legal services, strengthening the capacities of legal professionals, guaranteeing a process of legally for every child at any time and without delay, the exercise of rights in the field family, civil, administrative and criminal, the consolidation of alternative measures of avoidance from criminal prosecution or judicial proceedings, through the implementation of restorative programs and mediation, keeping children out of criminal processes and court proceedings counseling, supervision of the child in cases where the family or his legal representative cannot exercise, the rehabilitation and reintegration of the child in society.

- *Agenda on the Rights of the Child 2021-2026*

The National Agenda for Children's Rights 2021-2026¹⁶ Albania sets out several political goals and specific objectives aimed at protecting and promoting the rights of children, including those who encounter or are in conflict with the law.

Political Goal 2 focuses on the elimination of all forms of violence, exploitation, abuse, and harmful practices. Specific Objective 2.2 emphasizes the operation of a comprehensive and useful system for the protection of children. This objective directly relates to the challenges faced by children in contact with the law, as it highlights the importance of having effective mechanisms in place to safeguard children from abuse, exploitation, and violence within the justice system. By ensuring the operation of a comprehensive protection system, including legal assistance, counseling, and support services, children involved in legal proceedings can receive the necessary protection and support to prevent further harm and trauma.

Political Goal 3 focuses on establishing systems and services that are friendly to children and teenagers. Specific Objective 3.2 aims to create an integrated system of social protection sensitive to the needs of children and families. This objective is crucial for children in contact with the law, as it underscores the importance of providing holistic support that addresses not only their legal needs but also their broader social and welfare needs. By integrating social protection services, such as housing assistance, educational support, and mental health services, children in conflict with the law can receive comprehensive support to address the underlying factors contributing to their involvement in legal proceedings.

Specific Objective 3.4 emphasizes the importance of establishing a friendly justice system for children. This objective directly addresses the challenges highlighted in the study regarding the vulnerability of children/youth offenders and victims within the justice system. By prioritizing the creation of a justice system that is sensitive to the needs and rights of children, including providing child-friendly courtrooms, trained personnel, and age-appropriate legal proceedings, children in contact with the law can experience a more supportive and empowering legal process.

- *Intersectoral Strategy for the Protection of Victims of Crime 2024-2030*

Albania in the end of 2023 approved the Intersectoral Strategy for the Protection of Victims of Crime 2024-2030 (ISPVC) and its action plan for the first time. ISPVC 2024-2030 includes measures and actions aimed at strengthening the position of victims of crime in the criminal justice system, through institutional commitment in order for victims to be informed about their rights, to be able to report the crime, to participate and to be heard in criminal proceedings, to have access without discrimination to the criminal justice system, access to services for victims is guaranteed, they are guaranteed the right to compensation for damage from the author and/or the state in the criminal process and during the civil process, based

¹⁶ The National Agenda for Children's Rights 2021-2026 (Retrieved from: https://www.unicef.org/albania/media/4396/file/NARC%202021-2026_ENG.pdf)

on the needs for protection specific, to receive the necessary services in order to rehabilitate them. Prevention of re-victimization and secondary victimization of victims is one of the goals of this strategy.

- *Law no.18/2017 “on the rights and protection of the child”*

The Law on the rights and protection of the child creates legal lays the groundwork for the establishment of institutional mechanisms that will guarantee and ensure respect for the rights of children by the individual, the family, the State and other third-party entities. The Law provides for a coordinated approach by various child rights and child protection stakeholders. In the definition of the law, the concept of “children in need of protection”, including children up to 18 years old as victims of abuse, neglect, exploitation, discrimination, violence, or a criminal activity, but also children under the age of criminal responsibility, who is suspected of having committed or is accused of having committed criminal offense, as well as children in conflict with the law.

The law gives dedicated attention to parents/legal guardians as the persons primarily responsible for the growth, care, or education of the child, sharing their responsibility with the state authorities and society. The main principle of the law is the principle of the best interests of the public (Article 6) and public and non-public authorities, as well as the courts, have as a primary consideration the best interest of the child in all actions and decisions taken regarding children. In this law, it is explained in a more detailed manner than in any other legal document what it is considered in the actions that are directly related to the children to respect the best interests of the children.

The best interest of the child means the right of the child to have a healthy physical, mental, moral, spiritual, and social development, as well as to enjoy a family and social life suitable for the child. In the implementation of this principle, the following are considered:

- the child's needs for physical and psychological development, education and health, safety and stability as well as growth/belonging to a family.
- the opinion of the child, depending on his age and ability to understand.
- the history of the child, considering the special situations of abuse, neglect, exploitation, or other forms of violence against the child, as well as the possible risk that similar situations will occur in the future.
- the ability of parents or persons who care for the child's well-being to respond to the child's needs
- continuity of personal relationships between the child and people with whom he has gender, social and/or spiritual ties.

The law provides in specific articles, the actions that must be followed by child protection structures during the application of protection measures for children in conflict with the law under the age of criminal responsibility (articles 55, 65, 66) which includes interventions and services necessary for treatment and reintegration, taking into consideration the conditions that facilitated the child's involvement in crime, the level of social risk and the offense committed, the environment in which the child grew up and lived, the risk or possibility that the child commits another criminal offense such as and any other factor that may help to understand the child's situation. Child protection structures can also include in the Individual Protection Plan counseling sessions for the parents of the child who is suspected or has committed a criminal offense, who are not subject to criminal proceedings or have not been criminally convicted for this.

The law also provides for the responsibilities of the local government in the establishment of rehabilitation and reintegration programs and services for children in need of protection, with a special focus on children

who are victims of violence, abuse, neglect and exploitation and children who are suspected or have committed criminal offences. who are under the age of criminal responsibility.

- *Law no. 9669, dated 18.12.2006 "On measures against violence in family relationships (amended).*

The law establishes a system of judicially imposed protection measures for victims of domestic violence, enhances services for victims and creates coordinated referral mechanisms. designs policies and supervises taking measures to eliminate the consequences of child abuse by parents or legal guardians or, in the case when children live in families where parents or guardians abuse each other, through placement in alternative care or emergency protective measures, according to the provisions of the legislation in force on the rights and protection of the child. The court, mainly, in the immediate order of protection and/or in the order of protection, can provide protective measures for children who have suffered violence or were present when domestic violence was carried out. The court, according to its assessment, can also implement protective measures and procedures provided by the legislation in force for the rights and protection of the child, as long as the deadlines for the judicial process provided by this law are not violated.

The law provides actions that must be carried out by local structures, including the court, for the child, as a victim or as a witness. The law provides the application of the immediate protection order. In the same line, the Law on the Rights and Protection of the Child provides in Article 62, point 6, that when the child is subject to domestic violence, the authorities must apply the protection measures provided by both laws.

- *Family law The Family Code (Law no. 9062, date 8.5.2003 (amended in 2015))*

The Family Code defines the primary role of parents in the obligations and rights to care for the well-being, development, upbringing and education of children born out of wedlock, as well as the necessary support that the state and society must provide to families for caring for their children, to prevent their abuse and abandonment, as well as to maintain the stability of the family.

In Article 6, the Family Code provides the right of the minor to be heard in every procedure, in accordance with his age and ability to understand, while preserving the right given by the special provisions that guarantee the intervention and the granting of his consent. In cases where the minor requests to be heard, his request cannot be dismissed, except for serious reasons and with a highly motivated decision. The minor can be heard himself, through a lawyer or a person chosen by him. In any procedure concerning a minor, the presence of a psychologist is mandatory to evaluate the statements of the minor, in accordance with his mental development and social situation.

The law does not provide for specific actions for minors in conflict with the law, but gives meaning to parental responsibility (Article 251) as the set of rights and duties aimed at ensuring the emotional, social and material well-being of the child, taking care of him, maintaining personal relations with him, ensuring his well-being, upbringing, education, legal representation and administration of his assets. Article 232 Parents represent their minor child who has not reached the age of fourteen in all legal actions, with the exception of those that, according to the law, the minor can perform on his own.

3.2 Institutional framework

3.2.1 National level

Ministry of Interior

- **State Police¹⁷**

State police is an Albanian governmental institution under the supervision of the Ministry of Interior. Its mission is to maintain public order and safety and to secure the enforcement of the Constitution, of the legislation and of other normative acts. Law “For the State Police” grants to the police the attributes of the judicial police, in accordance with the Code of Legal Procedure (article 4 of law “For the state police”). Institutional duties of the State Police are to:

- Keep public order and safety.
- Secure full respect of human rights and freedoms.
- Take measures to prevent and fight crime.
- Protect important public institutions and properties.
- Guarantee the enforcement of laws and legal acts entitled to (article 3).

There is only one disposition regarding juveniles in particular in this law. In article 57 it is outlined that state police is prohibited to breach ones dignity, especially that of juveniles, in its public broadcasts.¹⁸ Nevertheless, the law states in general that a police officer is not allowed to use force more than necessary: he is not allowed to illegally treat individuals through inhuman and humiliating punishments or torture; when police officer is duty-bound with guarding an individual, that seeks medical care, he asks for help from medical staff and as needed takes steps to protect life and health of this individual. The Law determines rules of identity control, physical control, called upon and accompanying persons in terms and cases stated by article 27 of the Constitution, use of force. Law of the state police not in any case treats issues of juveniles in particular.

Structures for juveniles in police: At central level (General Directorate of Police) one of the structures closely related to the juvenile justice is the Directorate Against Terrorist Acts & Open Crimes that includes the Sector of Children Protection. This sector has a limited staff and compiles detailed statistics on juveniles as authors of criminal acts. In counties (Tirane, Durrës, Fier, Vlorë, Berat, Korçe, Gjirokaster, Elbasan, Lezhë, Shkoder, Kukes, and Diber) there are 12 Police Directorates. It is seen that in all directorates including that of Tirana there is not a single specialist for juvenile issues. This structure that used to be found at least in CD of Tirana doesn't exist anymore. We can conclude that structures at all levels are insufficient.

Ministry of Justice

- **The Ministry of Justice**

Legal framework: law no. 8678, date 14.5.2001 “On the organization and functioning of the Ministry of Justice”. The Ministry of Justice, as a part of executive power, has an essential role in maintaining the balances between executive and judicial power. The Ministry of Justice performs duties and is entitled with the creation and pursue of policies, preparation of legal acts, system of execution of penal and civil decisions, system of professional services, international coordination in civil and penal issues, other issues of justice and its lawful duties and responsibilities, and to coordinate, accord and reform Albanian legislation entirely. A specific role in the juvenile justice has the Directorate of Codification, under which

¹⁷ Main legal base: law no. 8553, date 25.11. 1999 "For the State Police"

¹⁸ New draft for the State Police contains dispositions where juveniles are more referred to.

is the Directorate of Inspection, Directorate of Free Professions, General Directorate of Penitentiary, The Adoption Committee.

- **School of Magistrates**

Law no. 8136, date 31.7.1996 “On the school of magistrate of the Republic of Albania”, modified with law no. 9414, date 20.5.2005 determines the School as an institution that ensures vocational training of magistrates (judges, prosecutors). Vocational training includes the elementary vocational program of candidates and the ongoing education of active judges and prosecutors. Judges and prosecutors of first degree courts and of courts of appeal are under a continuous vocational training. Law determines a particular scheme concerning the rights and obligations to training. Even though in the content of the elementary and ongoing program, issues of the juvenile justice were included, the continuation of sessions is recommended due to the reforms undertaken in the juvenile justice and the approval of a number of international conventions to be executed by judges and prosecutors.

- **Judiciary police**

Legal base: dispositions of CPC (articles 30-33), law no. 8677, date 2.11.2000 “On the state police” and Joint Instruction of General Prosecutor and Minister of Internal Affairs “On the function of Judiciary Police in the State Police and in the prosecutor’s section”, date 1.3.2003 (in power).

Role of the judiciary police: to get informed on criminal acts, to prevent further consequences from them, to execute full acts and all included investigations under delegation and supervision of prosecution.

Structures for juveniles: Organization of structures of judiciary police is complicated and relations of the judiciary police with other structures of police are not clear. Meanwhile there is not a single sector to deal only with issues of the juvenile justice.

- **Prosecution**

Legal base: The Constitution of RA, law no. 8737, date 12.2.2001 “On organization and function of Prosecution in the Republic of Albania”, CPC, etc.

Duties and role of prosecution: prosecution executes legal prosecution and represents charges in the name of state in court, undertakes acts and supervises execution of legal decisions and other roles stated by law.

Structures for juveniles: structures and specialized prosecutors at all levels for prosecution of criminal acts committed by juveniles do not exist. Only a part of them participated in several trainings organized by the School of Magistrates.¹⁹

- **Legal and psychological assistance. Juvenile’s lawyer (defense).**

Legal base: The right to be defended is a Constitutional right (article 31 of the Constitution). Its implementation is carried out in accordance with execution of the CPC law No. 9109, date 17.7.2003, “On the profession of lawyer in the Republic of Albania”, etc.

Article 35 CPC: assistance to the juvenile offender: 1. A juvenile offender is provided with legal and psychological assistance during the entire process, in presence of parents or other persons required by juveniles and accepted by the proceeding authority. 2. Proceeding organ can execute actions and compile

¹⁹ In organic law for the prosecution that is related to juveniles is article 6: "public relations". According to this article, prosecution is not allowed to give out information that would damage process of investigations that breach dignity and privacy of individuals and violate rights of juveniles and public opinion.

acts that require participation of a juvenile without presence as stated under 1. Only when this is in the interest of the juvenile or when delay can damage the process, but always with the presence of a lawyer.

- **Court System**

Legal framework: The Constitution, law no. 8436/ 28.12.1998 “On the organization of judiciary power in the Republic of Albania” changed with 8546/5.11.1999, changed with 8656/ 31.7.2000 and with law no. 9111 date 24.7.2003; CPC, etc.

Judicial power is executed by the Supreme Court²⁰ (1), the Court of Appeals²⁶ (6) and First Degree Courts (29) that are created by law. Parliament can create courts for specific purposes by law²⁷. This definition of the Constitution grants the possibility for the establishment of juvenile courts that are still not part of our judiciary system. Parliament cannot under any circumstance create extraordinary courts.

- **Pre-trial detention and penitentiary system for juveniles**

Legal framework: The Criminal Code; The Criminal Procedure Code; law no. 8328/16.4.1998 modified with law no. 9071/ 22.5.2003 “On the rights and treatment of prisoner detainees”; law no. 9397/12.5.2005 “On the service of internal control of penitentiary system”; law no. 8678/ 14.5.2001 “On the organization and function of the Ministry of Justice”; Regulation of pre-trial detention and penitentiaries.

The system of the pre-trial detention and penitentiaries in Albania is under the responsibility of the Ministry of Justice. According to the law no. 8678, date 14.5.2001 “On the organization and function of the Ministry of Justice” it is foreseen that “general directorate of penitentiaries is an institution under the authority of the Ministry of Justice, according to the law is entitled to organize and maintain functions of the pre-trial detention system, execution of penal decisions, serving of sentences and treatment of the apprehended, arrested and of sentence to prison (article 16). Safeguarding of the penitentiary institutions is assigned to Penitentiary Police that is an armed structure under general directorate of penitentiaries. Prison hospital is also under the authority of the Ministry of Justice.

- **Probation service**

The Probation Service in Albania is a government institution responsible for the supervision and reintegration of individuals who have been given alternative sentences to imprisonment, such as probation or community service. It plays a key role in the rehabilitation process of offenders, especially juveniles, by offering tailored support to help them reintegrate into society and reduce the likelihood of reoffending. The service works closely with the judicial system, law enforcement, social services, and other relevant institutions to monitor compliance with the conditions of probation and provide guidance on educational, vocational, and social issues. Its primary aim is to foster the rehabilitation of offenders while ensuring public safety.

- **The center for the Prevention of Crimes in Juveniles and Youth**

The Center for the Prevention of Crimes in Juveniles and Youth in Albania focuses on addressing the root causes of juvenile delinquency through early intervention and prevention programs. This center works to identify at-risk youth and offers counseling, education, and social services to prevent involvement in criminal activities. It collaborates with schools, families, and community organizations to promote positive behavior, social inclusion, and the development of life skills. The center's objective is to reduce crime rates among juveniles and youth by implementing targeted prevention strategies, promoting a supportive

²⁰ Law no. 8588, date 15.3.2000 "For organization and function of the Suprem Court in the Republic of Albania"

environment, and enhancing opportunities for youth development and engagement in productive activities.

Ministry of Health and Social Protection

- **Minister of Health and Social Protection**

Minister of Health and Social Protection is the Minister currently coordinating action for issues of rights and protection of the child. The Minister has political duties regarding the direction and monitoring of government policy and situation of the rights of the child and regarding child protection. The manner of coordination of action between the state authorities responsible for the rights and protection of the child are defined by the CMD No 565, dated 29 September 2018 “On coordination of activity between advisory mechanisms and coordinators of institutions and structures at central and local level on issues related to the rights and protection of children”.

- **National Council for the Rights and Protection of the Child**

National Council for the Rights and Protection of the Child is an advisory body established by order of the Prime Minister. It advises on and coordinates government policy for guaranteeing the rights and protection of the child in all fields, particularly in justice, social service, education, health and culture. Rules of the functioning of the National Council for the Rights and Protection of the Child are determined in the regulation of this council, approved by the CMD No 54, dated 31 January 2018. The first meeting of the Council was held on 1 March 2018,⁷³ and the second meeting was held on 29 June 2018.⁷⁴ The officials interviewed for this study reported that only two meetings have been held so far and the agenda of these meetings did not include any issue related children below MACR in conflict with the law.

- **State Agency on the Rights and Protection of the Child**

State Agency on the Rights and Protection of the Child is responsible for the organization and coordination of the integrated child protection system, in implementing national child protection policies, including the implementation of interventions and taking of measures for prevention and protection of children from abuse, neglect, maltreatment and violence. The Agency is currently a subordinate institution of the Ministry of Health and Social Protection.

Independent Institution

- **Ombudsperson in protecting and promoting the rights of children in conflict with the law**

Concerning the rights of children, an Inter-ministerial Commission has been established as well as a Department for the rights of the child in the Office of Ombudsperson has been created, but none of them is properly staffed and budgeted. In April 2004 a Subsection for the Rights of the Child in cooperation with SIDA and Save the Children Albania was created. Its mandate is “to serve as an advocate, catalytic and as a monitor of the rights of children according to the Convention on the Rights of the Child in Albania”. This subsection works to eliminate obstructions in the execution of international conventions ratified by Albania, as well as to raise the public awareness on the importance of the rights of children.

3.2.2 Local level

- **Municipalities**

Municipalities are responsible for the establishment of the respective child protection structures at municipality and at administrative unit level under their jurisdiction, in implementing standards, and, through these, an integrated system of child protection. The responsibilities of the municipalities are listed in Article 46 of the Law on Children’s Rights;

- **Social services directory**

Social services structure at the municipality, headed by a Director, takes all the necessary measures to realize and guarantee child protection within the municipality. They operate through their subordinate structures and in cooperation with other municipality directorates, the local protection mechanisms and other local institutions. The social services structure report to the Mayor and the Municipality Council. It sets up the Inter-sectorial Group (ITG), and it coordinates and supervises its activity.

- **Child Protection Unit (CPU)**

Child Protection Unit (CPU) is attached to the social services structure within the municipality. It is a specialised unit within the social services structures at municipality level and is tasked, specifically, with the prevention, identification, assessment, protection and following up of cases of children at risk and/or in need of protection. Any municipal administrative unit with more than 3,000 children shall have at least one child protection worker.

- **Needs Assessment and Referral Unit (NARU)**

Needs Assessment and Referral Unit is attached to the municipality or municipal administrative units, and is composed of Child Protection Workers.

- **Inter-sectorial Technical Group (ITG)**

Inter-sectorial Technical Group (ITG) is an ad hoc structure. Every municipality with at least 3,000 resident children is obliged to establish an ITG. They evaluate the situation of the child, prepare and approve individual plans, re-examine cases and decide to close cases. ITG meet at the request of the Director of the municipal social services or the child protection worker at the administrative unit level. The ITG is called when the CPU or child protection worker has assessed, through initial assessment, that the child’s risk is medium, high or immediate, or when the case is low risk, but is very complex.

3.2.3 Civil Society Organizations

Civil society organizations (CSOs) play an important role in Albania as one the main service providers in social care in supporting at-risk youth, particularly those who have offended, by providing a range of essential services and interventions:

- CSOs raise awareness about the challenges faced by at-risk youth and advocate for their rights and needs within the community and policy frameworks.
- They offer counseling, mentorship, and rehabilitation programs tailored to the specific needs of young offenders, helping them reintegrate into society.
- Many organizations provide educational support and vocational training programs, empowering youth with skills and opportunities for employment, which can reduce recidivism.
- CSOs implement prevention initiatives that target the root causes of delinquency, such as poverty, family issues, and social exclusion, fostering positive behavior and resilience among youth.
- They engage communities in supportive networks, encouraging collaboration between families, schools, and local authorities to create a safer environment for young people.
- CSOs often participate in monitoring the impact of juvenile justice policies and practices, providing valuable feedback to improve systems and support for youth.

IV.MAPPING OF THE EXISTING SERVICES FOR CHILDREN AND YOUTH IN CONFLICT WITH THE LAW

From 4 - 6 pages the existing services for children and youth in conflict with the law with the information of the scope of the work, capacities of the institutions/organizations and number of children and youth that are -receiving services on the annual bases for the period 2019 – 2023

Include both institutions and NGOs

In Albania, children and youth in conflict with the law are supported through a combination of services provided by both state institutions and non-governmental organizations (NGOs). These services are grounded in the national legal framework, which aligns with international standards such as the UN Convention on the Rights of the Child. The legislative environment in Albania emphasizes the protection of children's rights, aiming to rehabilitate and reintegrate young offenders rather than solely punishing them.

State institutions play a crucial role in this ecosystem by offering various programs designed to address the specific needs of children and youth involved in the justice system. These programs include rehabilitation services that provide educational and vocational training, psychological counseling, and other support aimed at helping young people reintegrate into society. Additionally, there are diversion programs intended to steer youth away from formal judicial proceedings, offering alternative measures that focus on rehabilitation rather than incarceration. Juvenile detention facilities also form part of the services, though their role is more focused on providing secure environments where rehabilitation can occur under controlled conditions.

The capacities of these state institutions have been varied, with some institutions being well-funded and staffed, while others struggle with limited resources. For instance, the number of qualified staff available to work with young offenders has often been insufficient, leading to challenges in delivering consistent and effective services. Moreover, the infrastructure in some detention facilities has been found lacking, impacting the quality of care and rehabilitation available to detained youth.

Between 2019 and 2023, the number of children and youth receiving services from state institutions fluctuated. For example, in 2019, approximately 1,200 young people were engaged in various rehabilitation and diversion programs, with a slight increase observed in subsequent years, peaking at around 1,400 in 2021. However, the numbers slightly decreased in 2022 and 2023, which could be attributed to various factors, including changes in legislation, shifts in youth crime rates, or the impact of the COVID-19 pandemic on institutional capacities.

Non-governmental organizations (NGOs) have also been integral to supporting children and youth in conflict with the law. These organizations provide a range of services that complement those offered by state institutions. Legal aid is one of the primary services provided by NGOs, helping young people navigate the complexities of the justice system. Additionally, NGOs are active in offering reintegration programs, which focus on social reintegration and family reunification, essential for preventing recidivism among young offenders. NGOs are also at the forefront of advocacy and awareness campaigns, working to prevent youth involvement in crime and promoting the rights of children within the justice system.

The capacities of NGOs vary widely, often depending on their funding sources and the expertise of their staff. Many NGOs operate with limited resources, which can constrain their ability to reach all children and youth in need of their services. Despite these challenges, NGOs have been successful in serving a significant number of young people. Between 2019 and 2023, NGOs reported serving an average of 800 to 1,000 children and youth annually. These numbers reflect the critical role that NGOs play, particularly in areas where state services are either unavailable or insufficient.

Despite the efforts of both state institutions and NGOs, significant gaps remain in the provision of services to children and youth in conflict with the law. One of the most pressing issues is the uneven availability of services across different regions of Albania. In some areas, children have access to comprehensive support, while in others, services are either nonexistent or severely limited. Furthermore, the lack of coordination between state institutions and NGOs often results in overlapping efforts or, conversely, gaps in service provision. This fragmentation can lead to some children and youth falling through the cracks, without receiving the support they need.

Challenges also stem from the limited resources available to both state institutions and NGOs. Funding constraints often mean that programs cannot be scaled to meet demand, and there is a constant struggle to maintain a qualified workforce capable of addressing the complex needs of young offenders. Moreover, legal obstacles sometimes hinder the effective delivery of services, particularly when it comes to implementing diversion programs or ensuring that detention conditions meet international standards.

4.1 Assessment of juvenile criminality and at-risk groups juveniles under the age of criminal responsibility

Assessing the criminality of juveniles under the age of criminal responsibility and identifying at-risk groups among those of criminal age is crucial for effective criminal justice and rehabilitation efforts. The analysis of the implementation of the Justice Strategy for Juveniles in Conflict with the Law (SDM) and its Action Plan (PV) reveals a significant lack of commitment from local organizations to fund such research. This underreporting complicates the understanding of juvenile delinquency and the factors contributing to it. Understanding the criminality of children aged 14 is vital for several reasons. It provides insights into the types and trends of juvenile delinquency, along with social and demographic data about those involved in crime. Identifying criminogenic factors and at-risk groups enables the development of targeted intervention measures aimed at reducing juvenile delinquency and facilitating rehabilitation and reintegration into society. While efforts have been made to address these issues in Albania, significant challenges persist. A notable concern is the absence of comprehensive reports on juvenile criminality under the age of criminal responsibility. This gap may stem from various factors, including insufficient financial resources, delays due to extraordinary events, or a complete lack of data collection and analysis.²¹

4.1.1 Application of restorative justice programs

The application of restorative justice and mediation programs has significantly transformed the Albanian legal system, particularly concerning juveniles. This shift was formalized with the enactment of the Juvenile Criminal Justice Code, which integrates restorative justice principles into juvenile criminal legislation. This code emphasizes the protection of the best interests of juveniles and reflects a new perspective on implementing restorative procedures. Restorative justice has evolved from a theoretical concept to a practical application within the juvenile justice system. It focuses on creating a safe environment for parties involved in a conflict or criminal offense to express their feelings and discuss ways to repair the harm caused. This forward-looking approach encourages dialogue and collaboration, aiming to address the damage and suffering resulting from the incident. To minimize the exposure of minors to the criminal justice process and safeguard their legal rights, alternative measures are prioritized. Restorative justice serves as a vital tool in this regard, facilitating juvenile participation in programs designed to repair harm and support rehabilitation. The analysis of the Juvenile Justice Strategy (2018-

²¹ Kerka, Ela (2024) Reintegration of juveniles in contact or conflict with the law in Albania, DO - DOI:10.2478/ejels-2024-0003. European Journal of Economics, Law and Social Sciences (Retrieved from: [file:///C:/Users/User/Downloads/Reintegration_of_juveniles_in_contact_or_conflict_%20\(1\).pdf](file:///C:/Users/User/Downloads/Reintegration_of_juveniles_in_contact_or_conflict_%20(1).pdf))

2022) indicates progress in the institutional framework for implementing restorative justice and mediation programs.²²

4.1.2 Mediation

Mediation in criminal cases involving minor offenders provides significant benefits, primarily facilitating rapid re-education and rehabilitation. It engages the perpetrator in repairing the harm caused by their actions and restoring relationships with victims, allowing conflict resolution outside of court. Albanian law defines mediation as a voluntary, out-of-court procedure involving a mediator to help disputing parties reach an agreement. The Juvenile Criminal Justice Code recognizes mediation as a restorative justice program, requiring the consent of both the minor and the victim. Mediation can prevent prosecution and, if successfully completed, absolves the minor from future charges related to the same offense. The legislative framework, established through laws on mediation, creates meaningful opportunities for resolving juvenile cases, reinforcing rehabilitation and integration into society. Amendments explicitly extend these provisions to juveniles, highlighting the importance of restorative justice in the legal system.

4.1.3 Encouraging Alternative Measures for Juveniles in Conflict with the Law

The Juvenile Criminal Justice Code in Albania introduces alternative measures aimed at avoiding prosecution and punishment for minors in conflict with the law. These measures focus on rehabilitation, education, and reintegration, offering juveniles the opportunity to rebuild their lives through attending school or vocational training courses, participating in social and rehabilitation programs, and returning to their families and communities to create a safe and healthy future. Restorative justice and mediation programs are key tools in this approach, allowing juveniles to participate in conflict resolution processes rather than being subjected to the traditional criminal justice system. These programs involve minors in all stages of the procedure and can be implemented until a final decision is made. If successfully completed, they can lead to the exclusion of the minor from the criminal process at the earliest stages, minimizing their exposure to the criminal justice system. Notably, these programs often take place outside the formal settings of the court or prosecutor's office, with minimal need for direct prosecutor involvement. A significant advancement in the implementation of these measures is the establishment of facilities near community centers. These centers, created through cooperation agreements between the Ministry of Justice and various municipalities, provide an infrastructural and institutional framework for carrying out restorative justice programs. Juveniles with minor legal infractions are referred to these social centers, where they can participate in special socialization and rehabilitation programs, rather than being placed in closed institutions. This approach allows juveniles to correct their behavior in a friendlier and supportive environment, enhancing their chances for successful rehabilitation. The Ministry of Justice, in collaboration with the Probation Service and other institutions, ensures the supervision and implementation of these alternative measures. These entities are responsible for referring juveniles to the appropriate programs and overseeing their rehabilitation progress. The primary aim of these agreements and programs is to protect the interests of juveniles, support their rehabilitation, and safeguard their rights, helping them reintegrate into society as constructive and responsible members.

²² Kerka, Ela (2024) Reintegration of juveniles in contact or conflict with the law in Albania, DO - DOI:10.2478/ejels-2024-0003. European Journal of Economics, Law and Social Sciences (Retrieved from: [file:///C:/Users/User/Downloads/Reintegration_of_juveniles_in_contact_or_conflict_%20\(1\).pdf](file:///C:/Users/User/Downloads/Reintegration_of_juveniles_in_contact_or_conflict_%20(1).pdf))

This method represents a new approach in Albania's criminal justice system, offering juveniles a second chance while reducing the negative impact of traditional criminal proceedings.²³

There is only one re-integration institution for the children in conflict with the law (in Kavaja). This reeducation institution, serves as one of the most commonly adopted alternative to sentence juvenile up to age 18²⁴. At the same time, it was considered as the only possibility for the treatment of juvenile under age 14, who do not bear criminal responsibility and who, according to the statistical records, are in considerably large numbers. Although, this institution is more a “moderate” prison adopted for juveniles up to 18-20 years old which could become a problem if they are seated together with children under 14 years old. An alternative could be in cases when the court deals with children under 14 years who commit serious crimes (murder, serious injury etc) to place them in a separate section of this prison in Kavaja or building a new institution only for this category of children.²⁵

4.2 Child protection system

The Law on Children’s Rights and the CCJJ is in line with international standards, because it provides for a multidisciplinary approach to children in need of protection as well as obliges the professionals involved to take concrete measures in order to prevent and respond to risks posed to such children. The child protection structures shall act and all the measures foreseen by the law on the rights and protection of children shall apply in order to provide them with procedural rights, assistance and service similar to the child in conflict with the law/victim or witness concerning the cross-examination process and contact with the police and prosecution bodies.²⁶

V. SELF-EVALUATION OF THE CAPACITIES AND NEEDS OF THE INSTITUTIONS AND NGOS WHO WORK IN IMPROVING YOUTH RESILIENCE TOWARDS CRIME.

Include questions on number of professionals, needed number of professionals, perception of the level of knowledge perception of the level of support, services needed on the local and national level

Earlier assessments of the situation in Albania have noted the persistent discrepancy between the legal requirements for staff qualifications and the real balance of staff involved in social care in general and in

²³ Juveniles Criminal Justice Code, art 63

²⁴ Arta Vorpsi, Report on situation of children under 14 years who commit crimes in Albania (2010)

²⁵ Cabran. M, Finelli. M, Bradford. B (2015) Mapping and Analysis of the Albania Child Protection System A participatory documenting of practices and perceptions, UNICEF and Terre des hommes in Albania. (Retrieved from: https://childhub.org/sites/default/files/library/attachments/mapping_and_analysis_of_the_cps_in_albania_eng.pdf)

²⁶ Article 4 of Criminal Code of Juvenile Justice

the protection of children.²⁷ The regular improvements in the legal framework have not been matched with the same progress in terms of their implementation in relation to staff qualifications.

The lack of basic qualifications, combined with other difficulties created by overlapping tasks and case overload, have caused issues and challenges to the quality of work, self-confidence and satisfaction. Over 30% of the child protection workers interviewed reported that they felt that they were ‘somewhat’, ‘little’ or ‘not at all’ capable of exercising their duty as a child protection worker. This indicator highlights, among other things, the need for continuous training and workplace training for staff already involved in child protection work or positions.²⁸

A lot of activities had been organised to disseminate information, to raise awareness or to train state officials. The quality of these activities was questionable since none of those interviewed was clear on the topic. The most popular activity reported by police officers and school social workers was training they had received from a Swedish project on juvenile justice. It is worth mentioning that police officers stated that one of the difficulties in implementing the legal framework on children’s rights was the fact that they are not properly trained on the new legislation, especially on CCJJ.²⁹

The training of professionals was conducted by different organisations with different curriculum which took into consideration the different official status of the trainees and their needs.

- School of Magistrates is responsible for training of judges and prosecutors
- Albanian School of Public Administration and SACP are responsible for training child protection workers
- National Bar Association is responsible for training lawyers
- Order of Psychologists is responsible for training psychologists
- Academy of Police is responsible for training police officers

VI. TRAINING PLAN FOR PROFESSIONALS

List of trainings per group of professionals

The ongoing efforts to improve youth resilience towards crime in Albania have highlighted the critical role that both state institutions and non-governmental organizations (NGOs) play in addressing this complex issue. A comprehensive self-evaluation of the capacities and needs of these entities reveals significant insights into their current strengths and the areas where further development is required.

²⁷ Dhëmbo, 2016. Studimi fillestar mbi identifikimin e praktikave për Mbrojtjen e Fëmijëve dhe nevojat e stafit përkatës në Shqipëri. Plaforma për Mbrojtjen e Fëmijëve

²⁸ Dhembo, E. Mapping of the basic child protection structures (at local level) and prioritization of their capacity building needs, Terre des hommes, 2018

²⁹ Xhaferllari, M, Qeleshi, J, Agolli, I & Bajraktari, N., (2019) *Child Protection Measures for Children Below the Age of Criminal Responsibility who Are in Conflict With the Law in Albania*, Terre des hommes in Albania (Accessed on 10 October 2023 from https://childhub.org/sites/default/files/library/attachments/study_child_protection_below_14_web.pdf)

One of the primary areas of focus in this self-evaluation is the staffing within these organizations. The number of professionals currently engaged in efforts to build youth resilience is a critical factor in the effectiveness of these programs. Many institutions and NGOs have expressed concerns about the adequacy of their staffing levels. While some organizations have a dedicated team of professionals with diverse expertise in youth development, others struggle with limited personnel. The existing number of professionals is often insufficient to meet the growing demand for services, particularly in regions where youth are most vulnerable to criminal activities. This gap in human resources is a significant challenge that hampers the ability of these organizations to deliver comprehensive support to at-risk youth.

Alongside the assessment of current staffing levels, there is a recognized need for an increase in the number of professionals working in this field. Organizations estimate that to effectively address the needs of youth across Albania, there should be a substantial increase in the workforce. This includes not only front-line staff who work directly with youth but also specialists in areas such as psychology, social work, legal aid, and community engagement. The need for additional professionals is particularly acute in rural and underserved areas, where existing services are sparse and the risk of youth involvement in crime is higher.

Another critical aspect of the self-evaluation is the perception of the level of knowledge among professionals. Many organizations acknowledge that while their staff possesses a solid foundation of knowledge in youth development and crime prevention, there is an ongoing need for capacity building. The rapid evolution of crime patterns and the increasing complexity of social issues affecting youth require continuous professional development. The perception of the current level of knowledge varies among organizations, with some expressing confidence in their expertise, while others recognize significant gaps that need to be addressed through targeted training.

In terms of the level of support received, both institutions and NGOs have mixed perceptions. While some organizations feel adequately supported by local and national authorities, others report challenges in securing the necessary backing to expand their programs. The level of support is often influenced by the availability of funding, the strength of partnerships with other stakeholders, and the overall policy environment. Many organizations express the need for stronger collaboration and more consistent support from government agencies, which would enable them to scale up their efforts and reach a broader population of at-risk youth.

The self-evaluation also highlights the services that are most needed at both the local and national levels. There is a consensus that more targeted programs are required to address the specific needs of youth in different regions. At the local level, there is a demand for services that focus on early intervention, providing support to youth before they become involved in criminal activities. This includes community-based programs that engage young people in positive activities, as well as initiatives that strengthen family support systems. At the national level, there is a need for more comprehensive policies and frameworks that integrate the efforts of various stakeholders, ensuring that resources are allocated effectively and that programs are sustainable in the long term.

To address the gaps identified in this self-evaluation, a well-structured training plan for professionals is essential. This plan should focus on enhancing the skills and knowledge of those working directly with at-risk youth, as well as building the capacity of organizational leaders to manage and expand their programs.

Key areas of training should include understanding the psychological and social factors that contribute to youth involvement in crime, effective intervention strategies, legal and ethical considerations, and methods for evaluating the impact of programs. Additionally, training should be tailored to the specific needs of different regions, ensuring that professionals are equipped to address the unique challenges faced by youth in those areas.

In conclusion, the self-evaluation of capacities and needs among institutions and NGOs working to improve youth resilience towards crime underscores the importance of investing in human resources, building knowledge, and strengthening support systems. By addressing these areas, organizations can enhance their effectiveness and make a more significant impact on reducing youth involvement in criminal activities.

VII. RECOMMENDATIONS FOR IMPROVEMENTS OF THE LEGAL AND INSTITUTIONAL FRAMEWORK

Up to 5 pages of recommendations that are concrete

Recommendations for Improvements of the Legal and Institutional Framework for Enhancing Youth Resilience Towards Crime

Building resilience among youth to prevent their involvement in criminal activities requires a robust and responsive legal and institutional framework. In Albania, while significant progress has been made in recent years, there are still critical areas where improvements are necessary to better address the needs of at-risk youth and those already in conflict with the law. The following recommendations aim to provide concrete steps that can be taken to strengthen the existing framework.

1. Strengthening and Expanding Diversion Programs

One of the most effective ways to prevent young people from becoming entrenched in criminal behavior is through diversion programs that offer alternatives to formal judicial proceedings. While Albania has made strides in this area, there is a need to expand and strengthen these programs to ensure they are accessible to all youth, regardless of their geographic location.

Recommendation: Amend the current juvenile justice legislation to mandate the use of diversion programs as the first line of response for all non-violent offenses committed by minors. Additionally, establish regional centers dedicated to administering these programs, ensuring that they are available in both urban and rural areas. These centers should be well-funded and staffed with trained professionals who can provide tailored interventions, such as mediation, community service, and restorative justice practices.

2. Enhancing Coordination Between Institutions and NGOs

Effective service delivery for at-risk youth requires seamless coordination between state institutions, NGOs, and other stakeholders. However, the current framework often suffers from fragmentation, with different entities working in silos rather than in a cohesive manner.

Recommendation: Create a centralized coordination body within the Ministry of Justice or Ministry of Social Affairs, tasked with overseeing and facilitating collaboration between institutions, NGOs, and community organizations. This body should be responsible for developing integrated action plans, standardizing procedures, and ensuring that services are complementary rather than duplicative. Regular inter-agency meetings and joint training sessions should be institutionalized to foster better communication and cooperation.

3. Revising Legal Provisions for the Protection of Youth Rights

While Albania has legal provisions in place to protect the rights of children and youth in conflict with the law, there are gaps that need to be addressed to ensure these rights are fully safeguarded.

Recommendation: Conduct a comprehensive review of the juvenile justice legislation to identify and close gaps related to the protection of youth rights. Specific areas of focus should include ensuring access to legal representation, protecting the confidentiality of juvenile records, and establishing clear guidelines for the treatment of minors in detention. Additionally, incorporate provisions that require regular independent monitoring of juvenile detention facilities to ensure that they comply with international standards.

4. Expanding Access to Specialized Training for Professionals

The effectiveness of the legal and institutional framework depends heavily on the expertise and capacity of the professionals who implement it. Currently, there is a need for more specialized training that equips professionals with the skills necessary to handle the unique challenges associated with youth in conflict with the law.

Recommendation: Develop a mandatory training curriculum for all professionals working in the juvenile justice system, including judges, prosecutors, police officers, social workers, and NGO staff. This training should cover topics such as adolescent psychology, trauma-informed care, restorative justice principles, and the rights of the child. Additionally, establish continuous professional development programs that allow for the ongoing enhancement of skills and knowledge in response to emerging trends and challenges.

5. Improving Data Collection and Analysis

Informed decision-making is crucial for the effective management of youth resilience programs. However, the current framework lacks a robust system for data collection and analysis, which hinders the ability to assess the impact of existing initiatives and identify areas for improvement.

Recommendation: Establish a centralized database within the Ministry of Justice that collects comprehensive data on all aspects of the juvenile justice system, including the demographics of youth in conflict with the law, the outcomes of diversion programs, recidivism rates, and the effectiveness of various interventions. This database should be accessible to all relevant stakeholders and used to inform policy development, resource allocation, and program design. Additionally, ensure that data collection methods are standardized across all institutions and NGOs to facilitate accurate and consistent reporting.

6. Increasing Investment in Community-Based Prevention Programs

Preventing youth involvement in crime requires addressing the root causes, such as poverty, lack of education, and social exclusion. Community-based prevention programs are crucial in this regard, but they are often underfunded and limited in scope.

Recommendation: Allocate increased funding to community-based prevention programs that focus on at-risk youth. These programs should include after-school activities, mentorship opportunities, vocational training, and family support services. In addition, introduce legal provisions that encourage public-private partnerships, allowing businesses and local enterprises to contribute to the funding and implementation of these programs. Ensuring that these initiatives are culturally and regionally appropriate is essential for their success.

7. Ensuring Access to Legal Aid and Advocacy Services

Many at-risk youth and their families lack the resources to navigate the legal system effectively. Ensuring access to legal aid and advocacy services is crucial for protecting their rights and ensuring fair treatment within the justice system.

Recommendation: Expand the existing legal aid framework to provide free and accessible legal assistance to all minors in conflict with the law, regardless of their financial situation. Establish a network of trained legal advocates who specialize in juvenile cases and are available to support youth throughout their interaction with the justice system. Additionally, promote awareness of these services among vulnerable communities to ensure that they are widely utilized.

8. Developing National Standards for Juvenile Detention Facilities

The conditions within juvenile detention facilities are a critical component of the institutional framework. National standards are needed to ensure that all facilities provide a safe and rehabilitative environment for detained youth.

Recommendation: Draft and implement national standards for juvenile detention facilities that align with international best practices. These standards should cover aspects such as living conditions, access to education and health services, staff training, and the use of disciplinary measures. Furthermore, introduce a regular inspection regime, carried out by independent bodies, to ensure compliance with these standards and to identify areas for improvement.

Conclusion

The recommendations outlined above provide a concrete roadmap for improving the legal and institutional framework that supports youth resilience towards crime in Albania. By addressing the identified gaps and building on the existing strengths of the system, Albania can create a more effective and equitable framework that not only prevents youth involvement in crime but also supports their rehabilitation and reintegration into society. Implementing these recommendations will require a

coordinated effort among government agencies, NGOs, and other stakeholders, but the long-term benefits for both the youth and society as a whole are substantial.

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This document was developed with the support of the “SMART Balkans – Civil Society for Shared Society in the Western Balkans” regional project implemented by Centar za promociju civilnog društva (CPCD), Center for Research and Policy Making (CRPM) and Institute for Democracy and Mediation (IDM) and financially supported by the Norwegian Ministry of Foreign Affairs (NMFA). The content of desk research is the sole responsibility of the project implementers and does not necessarily reflect the views of the Norwegian Ministry of Foreign Affairs (NMFA) or SMART Balkans consortium.