

# **TOWARDS A COMPREHENSIVE JUVENILE JUSTICE SYSTEM FOR ALBANIA**

**Final Report of an Expert Group Mission organised by UNICEF**

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## Preamble

The mission took place from February 3<sup>rd</sup> till February 10<sup>th</sup>, 2000. The mission was organised as a result of the request for assistance to the UNICEF country office in Tirana, from the Albanian Minister of Justice in view of setting up a re-education centre for delinquent children near the city of Kruja.

It was agreed between UNICEF and the Albanian authorities that the mission offered an excellent opportunity to consider an overall plan for the development of a comprehensive juvenile justice system for Albania.

This report contains a set of recommendations and action steps for short term and long term planning and policy in the area of juvenile justice. The action steps are spread over the period 2000 - 2006, as requested by UNICEF. The recommendations are meant to guide the UNICEF country office in its planning and policy in the area of juvenile justice for the upcoming 5 years, as well as advise for the spending of available additional funding for the year 2000. The reports builds further upon the report and recommendations prepared for the UNICEF country office in 1998<sup>1</sup>.

There is much to be done in general in this field in Albania and the members of the mission emphasise the limited nature of this report produced after only a number of days. The mission is also of the view that much of the specific details of the recommendations contained in this report can only, and must necessarily be, identified in their realisation in the specific Albanian context, perhaps with the additional support of experts in specific fields.

The members of the mission acknowledge the wish of the Ministry of Justice to implement effective change in this field and note their appreciation for the free and open access to a number of facilities during visits and for the opportunity to discuss possible developments with key personnel concerned with dealing with children at risk of becoming offenders and those who have already been dealt with for having offended.

The mission also acknowledges the opportunity to have spoken with a number of significant actors in other government departments, the NGOs involved and in particular appreciated the opportunity to hear the views of a number of young Albanians involved with the Albanian Youth Council- the views of the “younger generation Albanians “ was most instructive and helpful to the mission.

The mission is also committed to the view that the development of appropriate measure for dealing with children who offend and for reducing the risk that children will become offenders has to be done in the wider context of promoting the rights of children in general. That is, the promotion of children’s rights in the community at large will have a positive impact on the prevention of criminal behaviour more specifically.

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<sup>1</sup> CAPPELAERE, G.; Action Plan on Children and Violence in Albania. Report prepared for the UNICEF country office in Albania. Tirana, 8 April 1998.

## 1. International Legal Framework

The recommendations contained in this report are premised on the commitment of the Albanian government to the full implementation of the international normative standards and guidelines included in the UN Convention on the Rights of the Child (CRC, 1989), the United Nations Guidelines for the Prevention of Juvenile Delinquency (PJD, 1990), the United Nations Minimum Rules for the Administration of Juvenile Justice (AJJ, 1985) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (JDL, 1990).

This universally applicable international legal framework should be completed with binding and non-binding regional standards adopted by the Parliamentary Assembly and the Council of Ministers of the Council of Europe. The European Convention on Human Rights, for example, as well as the jurisdiction of the European Court of Human Rights provide indeed very important additional guidelines.

The mission view as key requirements in an effective and fair justice system for juveniles, following provisions:

- (a) "Juvenile justice shall be conceived as an integral part of the national development process of each country, within a comprehensive framework of social justice for all juveniles (...)" (AJJ, article 1.4)
- (b) "(...) the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which take into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society." (CRC, article 40.1)
- (c) "(...) Deprivation of liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release." (JDL, article 2)
- (d) "States parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." (CRC, article 12)<sup>2</sup>

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<sup>2</sup> For a more comprehensive and detailed overview of the applicable legal framework, we can refer to: CAPPELAERE, G ; VERHELLEN, E., 'Human rights, juvenile justice and children in conflict with the law'. Vienna, Austrian Federal Ministry for Youth and Family Affairs, United Nations Center for International Crime Prevention, 1997.

CAPPELAERE, G.; GRANDJEAN, A., 'Children deprived of their liberty. Rights and Realities.' London, Jessica Kingsley Publishers, to be published during Summer 2000.

## 2. Observations/ Issues

The mission made a number of observations and noted a number of issues which have directly influenced the recommendations made:

- a. Lack of a developed system of justice for juveniles but a positive will of the Albanian government, in particular the Minister of Justice, to develop a system of juvenile justice in line with international standards and practices and including appropriate means of dealing with children under 14
- b. Absence of any comprehensive and systematic data gathering on juvenile delinquency in Albania as well as on the value/merits of particular projects/programmes/approaches
- c. High incidence of violence also amongst young people; high proportion of children in prison who commit murder - the need for awareness raising strategies on juvenile justice/violence issues
- d. Overemphasis on the value of institutions and residential care; important number of children in prisons and pre-trial facilities but acknowledged difficulties in respecting international human rights and care standards
- e. Lack of community based alternatives but high commitment of some to the few existing
- f. Active involvement of NGOs and academic institutions but need for development of training and expertise of key actors
- g. It is not the case that nothing is being done in Albania -rather that there is a lot being done but it is not coordinated. There is a great need for an audit of just what is being done in Albania and by whom so that a coordinated approach can be taken in the strategic planning of developments. There is a need for common and coordinated planning and organisation to be done effectively. It should be strongly recommended to make an audit of what is being done, identify strengths and weaknesses, develop a short and long term strategy on the basis of this audit and allocate resources accordingly.

### **3. Recommendations**

#### **Introduction**

The present recommendations are meant to contribute to the development of a comprehensive and sustainable juvenile justice system in Albania.

Our recommendations are based on the wish to contribute to both short term (such as the improvement of facilities, development/establishment of pilot projects) and long term concerns to develop an integrated package of measures and procedures which constitute an effective juvenile justice system governed by international standards.

A long term plan has to unfold in the light of experience in the field and in development of particular projects.

#### **3.1. Awareness raising on the rights of the child in general, with a particular emphasis on the effects of violence on the non-respect of children's rights**

##### a. introduction

Policy with regard to children and violence therefore should be linked to the overall challenge of the promotion and the protection of the rights of the child. Developing juvenile justice (as a specialized administration or special services for dealing with children and violence) should not be considered as an isolated issue. It should be framed within the priority to fully implement the Convention on the Rights of the Child.

Phenomena such as street children, juvenile delinquency, school dropouts, children in need of care are primarily expressions of important structural social problems (with regard to children).

##### b. The need for public awareness and public debate

Social problems in general and the issue of children and violence in particular have for a very long time not been publicly debated. Sometimes it is said that the public is rather indifferent.

However, we can observe today important attempts to bring the issue on society's agenda. And this is as such already an important step forward. Making a problem subject to public discussion is indeed an important step towards the possible solution of the problem. The Albanian society should be further encouraged to discuss the issue of children and violence in all its aspects openly.

However there is an important condition to be met: we should guarantee that issues are not only discussed in a speculative way. The existing lack of consistent and systematic information on phenomena such as children and violence presents in this respect a certain danger.

Awareness raising can be realized in many ways, for example:

- media campaigns, stressing the right to integrity of all human beings

- human rights (children's rights) education in all schools
- awareness raising as an integrated part of professional training (law enforcement personnel, teachers,...)
- child advocacy

c. The role of the media (United Nations Guidelines for the Prevention of Juvenile Delinquency, article 41)

- The mass media should be encouraged to portray the positive contribution of children to society.
- The mass media should be encouraged to ensure that children have access to information for ex. on the existence of services, facilities and opportunities for children.
- The mass media should be encouraged to minimize the level of violence portrayed and to display violence and exploitation disfavouredly, as well as to avoid demeaning and degrading presentations, especially of children, women and interpersonal relations, and to promote egalitarian principles and roles.
- The mass media should be aware of its extensive social role and responsibility, as well as its influence, in communications related to youthful drug and alcohol abuse. It should use its power for drug abuse prevention by relaying consistent messages through a balanced approach.

Campaigns could be organized on topics such as:

- "Children have rights too"/"Children are people too"
- "Let us stop violence together"
- positive examples on how violence is prevented
- positive examples of reconciliation

The media should also be encouraged towards well documented and balanced reporting on phenomena such as street children, child prostitution, etc.

### **3.2.Guaranteeing children and families ready access to (specialised) social services and other prevention strategies**

a. Prevention

Some ideas for prevention programs:

- making education attractive/monitoring school attendance
- economic integration of young adults
- family support schemes
- supporting child participation in social life, in policy making and in policy implementation
- support programs for street children/street corner work
- creating leisure facilities for and with children
- prevention of drug and alcohol use/abuse
- develop sport facilities as a tool for social integration

b. developing social services including family support

- *the assumption*

The development of a general social policy for everyone is the best way to prevent problems such as delinquency, neglect or abuse. It should therefore be the first challenge, also in rebuilding Albanian society.

Children and families should have easy and unconditional access to basic social services. These services should be integrated as much as possible in 'normal life' schemes and become part of existing structures. It is important to avoid that projects become isolated islands (for example: very well developed professional training supported by an international organization in nice facilities for a selected group of young people with little or no link however to the regular Albanian educational system). Attention for sustainable development work is extremely important.

There is an urgent need to develop at local level social services for assisting the population facing problems. The justice system is indeed not the best and should not be the only place where social problems are dealt with.

- *International recommendations*

"Community-based services and programmes which respond to the special needs, problems, interests and concerns of young persons and which offer appropriate counselling and guidance to young persons and their families should be developed, or strengthened where they exist. " (United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990, article 32)

"Communities should provide, or strengthen where they exist, a wide range of community based support measures for young persons, including community development centres, recreational facilities and services to respond to the special problems of children who are at social risk. In providing these helping measures, respect for individual rights should be ensured." (United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990, article 33)

- *a community center*

The mission, guided by the international standards, is of the view that all reasonable efforts must be made to insure that services must be available to children in the community. Whilst there may a small number of children who would benefit from residential care, deprivation of liberty {even to a good residential facility} should only be considered where it is the only suitable option available. Community centres, being part of general services provided to the population, should serve a much larger portion of children. Offering some of the services to a wider group of children is thus cost-effective crime prevention work.

The concept of a community centre, as contemplated by the mission, is that of a centre based in the community which offers a variety of services-some provided by government, some by NGOs. These services would include information and

awareness raising; basic social services, including family support services; assistance for children with learning difficulties and school burn outs (through formal education, vocational and entrepreneurial, training); assistance in search for proper employment; counselling; therapeutic services; etc.

This centre could also be a focal point for providing services linked to alternative sentences such as probation services, community services order and victim offender meditation.

The idea is that although some children will have been ordered by a court to attend the centre, some of the services attend at the centre should also be available to the children in the community who have not yet committed offences.

A community center should be established in every municipality.

The existing local social administrations should be further developed towards multidisciplinary social service centers, including family support services.

The appointment of social workers in these administrations should be encouraged.

Due consideration should be given at first to already existing facilities in the municipality. Attention should go to governmental and non-governmental initiatives. The community center should be developed in close cooperation with the interested local organizations and in consultation with the local population (including children).

The support of the World Bank for the development of Multi Social Services in municipalities could be taken into consideration in this respect.

- *family support*

In view of the search for a more effective coping with violence committed by and against children, it should be recommended to give particular attention to the development of family support services, within the community centers.

Little or no family support services exist in Albania. Only a limited income support is possible. The growing number of children living on the streets, being abandoned, etc. could be partly prevented with the nationwide provision of family support services at a local level.

A family support center should help families for ex. in:

- the upbringing of children
- the provision of facilities for children of working parents
- mediation in case of divorce
- family planning
- support in cases of abuse and neglect of children

- *possible initial steps to take*

The mission recommends the establishment of a community center, initially as a pilot to be replicated by the project in two other regions and to be replicated further by the government as and when necessary.

- identify a city and a neighbourhood (selection criteria should help in targeting areas with an important part of the population 'at risk') for starting a community centre for children and families as a pilot project
- assess in these neighbourhood the existing available facilities and social services and their accessibility for children and families in general and children and families at risk in particular
- identify existing needs - in close co-operation with and with the active involvement of the population, including children
- establishment of the pilot Community Centre and preparation of the assistance for the pilot project - prepare the modalities for transfer of the positive outcomes to other neighbourhoods/cities/regions

#### c. the development of street corner work

Street corner work should be developed in large cities in view of assisting street children. Essential in street corner work is that the children do not have to come to social services (often they don't know them) but that professionals in social work go themselves to the children in order to assist them. The assistance should be meant to bridge the gap between the life in the streets and the social provisions such as education, health facilities, employment, etc. Street corner workers could be part of the local social service centers.

### **3.3.Preparation of a Juvenile Justice system in line with the international legal framework**

#### a. legislation

There is a need for drafting a new, comprehensive juvenile justice legislation for Albania. This legislation should be fully in line with the international legal standards and should be prepared, taking into consideration the national context.

A team of national experts should be appointed by the government in order to prepare such a legislation. If needed, the drafters could request, through UNICEF, international assistance for this important exercise.

What follows are a number of issues to be covered in the legislation. But their implementation could be anticipated and should not be postponed until a fully new legislation will be adopted. Existing legislation could be studied, in order to see the possibilities it may offer for initiating these ideas.

#### b. specialized police units

We have the impression that formal reactions to juvenile delinquency, if any, are very often limited to reactions by the police, including unreported detention for several hours in police cells and the use of physical punishment by policemen.

The legality of this reality should of course be questioned. It is in any case against the international provisions with regard to the administration of juvenile justice (the United Nations Minimum Rules for the Administration of Juvenile Justice – 1985).

It seems very useful on a short-term basis to discuss the possibility of introducing specialized Youth Units in every police Commissariat (There are 43 Commissariats over the whole country divided over 12 Prefectures). The specialized Youth Unit could consist of one regular policeman especially trained for this purpose and a social worker.

These specialized Youth Units should be involved with both children as victims of abuse, exploitation and violence in general and children as authors of crime and violence.

The Unit could be in charge of:

- interviewing of children
- if needed, transferring the cases to existing social services/schools

c. specialized juvenile magistrates

Currently the criminal justice administration is not functioning very well. Very few cases involving children seem to be dealt with by the Criminal Courts.

On a short term basis and in attendance of a new legislation dealing with juvenile delinquency, each criminal court (in every district – 36 in total) should be encouraged to have at least one public prosecutor and one judge especially trained in juvenile justice. They will deal exclusively with criminal matters involving children (child victims as well as juvenile delinquents).

Special Courts for children could be developed in the context of a possible new legal framework (see the drafting of a Juvenile Justice Act)

d. involvement of social workers

- in supporting the police
- in supporting the courts
- in supporting the penitentiary personnel
- in supporting prevention schemes

e. constructive sanctions

In order to avoid the feeling of impunity amongst young Albanians, it is important that society has also the formal possibility to react to juvenile delinquency. On the other hand, it is important that juveniles suspected of having infringed the law are diverted as much as possible from criminal proceedings.

Reactions to juvenile delinquency within the criminal justice area should always be constructive, humane and fully respecting all human rights of the children concerned. Some examples are:

- *community service orders*

We would like to encourage the search for sanctions (for children aged 14 or more) that make the delinquents part of the restructuring and development of the Albanian society in general.

Young persons for example could be invited by the judge to accomplish during their leisure time a constructive activity in the interest of the society as a whole for a limited period of time.

Examples: helping in the construction of playgrounds, helping in distributing goods for the poorest populations, helping in the cleaning of the environment, etc.

- *compensation/victim/offender reconciliation*

Another possibility is to make the delinquent aware about the consequences of his/her acts for the direct victim. The child or young person could be invited to compensate the victim for what he/she did. The compensation could be direct (restoring) or indirect (to accomplish under supervision an activity in the interest of the victim during a limited period of time).

- *alternatives to arrest cells/detention cells*

The detention of children in police cells should always be forbidden. Today it is possible that a child older than 14 is kept for 12 hours arrested.

Only in very extreme cases the child could be placed in pre-trial detention but only after a decision by the judiciary and for the shortest period of time. The number of detention facilities should be limited (see Deprivation of liberty, a measure of last resort).

An alternative to detention awaiting trial could be the application of supervision orders. The court could decide to keep the child at home but under strict conditions (positive for ex. to attend school and/or negative: for ex. not to leave a certain area). The police could be in charge of the control of the respect of the conditions.

- *deprivation of liberty, a measure of very last resort*

According to different international standards including the Convention on the Rights of the Child, deprivation of liberty should be a measure of very last resort and for the shortest possible period of time.

During the mission in Albania, we could observe that indeed only a limited number of children seem to be detained or imprisoned. However, the lack of facilities and the problems in the functioning of the court system and the police as a whole could provide an explanation for this observation. It seems not the result of a de-institutionalisation policy.

f. rehabilitation/reintegration

The lack of programs for reintegration and rehabilitation of children under institutional care is an important problem.

The development of community centers is very much needed also for this reason. They will help to guarantee the further integration of children once they find themselves back in the community (see the idea of developing local Social Services).

g. improving the legal assistance to children

Legal assistance is provided to children deprived of their liberty. Most of the children consider however the legal assistance of very little help. Lawyers have little expertise, receive low indemnity for the assistance of children and do not seem to be taken seriously.

An organization such as Lawyers without Borders could be invited to help their Albanian colleagues.

### **3.4. Establishment of a multi-purpose Centre at Kruja**

a. introduction

It is clear that the wish of the Albanian Minister of Justice to make good use of an available institution at Kruja reflects the general will to develop facilities and measures for children which removes them from the prison system in which they come into contact with adults and where there is a lack of appropriate measures and facilities for this age group.

Our proposal for the institution at Kruja is that it be used as a multi functional facility with a threefold set of purposes:

- (i) An information, training and resource centre for all actors dealing with juveniles in conflict with the law.
- (ii) A small experimental unit for maximum 15 children sentenced for murder, determined according to strict criteria.
- (iii) A small experimental unit for maximum 15 underage pre trial detainees, alleged or accused of murder, again determined by strict criteria.

Kruja could in this respect

- Meet the existing and urgent needs to improve the living conditions for an important part of children currently in prisons, detention centres or police cells, as well as their chance for rehabilitation and reintegration.
- Express the strong commitment of the Albanian Government for the development of a new human rights based juvenile justice system, through the provision of the much needed resources for capacity building in the country.

The pilot projects at Kruja should never provide an opportunity to increase the numbers of children in custody/institutions/residential care. The institution at Kruja should be perceived and used, from the very start, as only one measure/ facility in a range of measures needed for an effective juvenile justice system. The resource centre could help in contributing to the development of non custodial/community based alternatives, even for children alleged, accused or sentenced for murder.

b. the residential centre

- *starting point and permanent reference: applicable international legal framework*

The experimental residential centres for children alleged, accused or sentenced for murder should be prepared fully in line with the Convention on the Rights of the Child (and in particular its article 37) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

The international requirements can provide useful, concrete guidance for:

- records
  - admission, registration, movement and transfer
  - classification
  - physical environment and accommodation
  - education, vocational training and work
  - recreation
  - religion
  - medical care
  - provision of information
  - contacts with the wider community
  - limitations of physical restraint and the use of force
  - disciplinary procedures
  - inspection and complaints
  - return to the community
  - personnel
- *development of a national legal framework<sup>3</sup>*

The above mentioned international standards should be translated in national legislation related to:

- standards for institutional care, to be respected in each institution
- recognition and financing of residential institutions (determining at the national level the number of institutions, their purpose, feature and size, according to the international standards and reflecting the obligation that deprivation of liberty should be a measure of very last resort) - the institution has to be part of an integrated policy for dealing with children in conflict with the law

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<sup>3</sup> The procedure for depriving a child of his/her liberty should be determined by law as well, see the need to improve the existing criminal code in this respect and to develop a new legal framework for a comprehensive juvenile justice system .

- *a resource guide*

The UNICEF publication "Children deprived of their liberty. Rights and realities." (to be published soon) can serve as a resource guide for the setting up of the residential institution. The second part of the book can be found in annex 1 to this report.

- *identification of a national co-ordinator/future director for the practical organisation*
- *co-operation with experts from similar institutions abroad for the practical set up*

The preparations can be accomplished in close co-operation with existing, secure facilities for serious offenders in other countries that have proven to be efficient and respectful for human rights at the same time.

#### Suggestions:

"De Zande" (Ruisselede - Belgium) (contact persons and contact details have been provided already in the past to the UNICEF country office in Tirana)

#### c. training and resource centre

- *international legal framework*

Article 40.3 of the CRC invites States Parties "to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised as having infringed the penal law (...)".

One of the preconditions for such specialisation is training. The need for training of all personnel involved in dealing with children having committed crimes or at risk of doing so, is stress in many different other international standards.

See for example article 22.1 of the United Nations Standard Minimum Rules for the Administration of Juvenile justice: "Professional education, in-service training, refresher courses and other appropriate modes of instruction shall be utilised to establish and maintain the necessary professional competence of all personnel dealing with juvenile cases."

- *Assessment/analysis of existing training possibilities in Albania, including in universities and high schools - assessment of the need for further specialised training*

Assessment is useful because different training programs are already being/have been organised in Albania. Different national and international organisations are taking initiatives in this respect. The resource centre however could be a useful too in better co-ordinating training in the future.

The training and resource centre should also be established in very close co-operation with Albanian academic institutions and high schools. The training and resource centre should essentially provide additional and specialised training. Basic training on

juvenile justice and human rights of children should be provided in universities and high schools.

- *identification of Albanian resource person(s) to set up the training and resource centre*
- *identification of an international partner/international partners*

### Suggestions

- Centre for Europe's Children (University of Glasgow) - Andy Bilson/Stewart Asquith
- International Institute for Children's Rights (Institute Kurt Bosch - CH-Sion - Jean Zermatten)
- *A possible training programme in juvenile justice*

The need for awareness raising and more intensive training of personnel were the 2 most often quoted needs during the different contacts and meetings.

With respect to the needed training within the criminal justice system, we propose the development of a training program in 3 stages, including:

- h. training in human rights
- i. training in social skills (mainly concentrating on non-violent communication)
- j. technical training in juvenile justice (legislation, prevention, administration of juvenile justice, rehabilitation, deprivation of liberty and alternatives)

The training should be linked with the envisaged overall reform in dealing with children and violence. The objectives should be:

- k. to identify in each professional group a number of persons who will deal exclusively with children in the future (on the basis of their expertise, interest and willingness) (see the proposal for the establishment of special child units)
- l. to start a process of awareness raising and restructuring by supporting positive developments to improve knowledge and skills of the professionals concerned
- m. to develop a Training Manual
- n. to guarantee on a longer term the inclusion of this training in the regular curricula of the basic training for these professional groups

The training could cover 3 stages:

- o. a training of national trainers
- p. a nationwide training of professionals directly involved with children and violence in the criminal justice system
- q. a permanent follow-up

*A national workshop: training of trainers on juvenile justice and children's rights*

Duration: one week

Coordination: a national coordinator (to be appointed)

Target group: 40 persons (lawyers, educators, social workers, magistrates, penitentiary personnel, police, NGOs, public administrations), identified by the Government or the responsible authorities

Trainers: group of national and international experts

Aim: to constitute and to train a group of national trainers

Program: National and International standards, Prevention, Administration of Justice, Alternatives to deprivation of liberty, Rehabilitation/Reintegration, worldwide constructive experiences - to be developed

*A nationwide training on juvenile justice and children's rights (by the national trainers) for every professional group concerned*

Duration: one week per professional group

Coordination: the national coordinator

Target group: 30 persons per professional group, to be identified by the Government and the responsible authorities

Trainers: national trainers

Aim: training of professionals concerned

Program: National and international standards, Prevention, Administration of Justice, Alternatives to deprivation of liberty, Rehabilitation/Reintegration (to be developed in cooperation with national coordinator)

*A permanent follow-up for training needs/a permanent provision of training materials*

The national coordinator could be a permanent focal point for this purpose.

r. Creating the possibility of training Albanian professionals abroad

Possibilities should be developed and encouraged for Albanian professionals to follow a training abroad. Co-operation could be sought with the Council of Europe.

- *permanent and systematic data gathering about children and crime*

No one today in Albania can give systematic and reliable information on the issue of juvenile delinquency and the way it is dealt with formally and informally.

Systematic and reliable information is lacking also on other social phenomena/social problems such as child abuse, exploitation of children, children living in single parent families, adoption, children born out of wedlock, children with a handicap, etc.

It looks difficult to have reliable information because of the lack of official information resources.

The development of a permanent and systematic data gathering system on children's issues should be encouraged. The Kruja resource center offers an excellent opportunity for setting this up and further co-ordination, especially related to the issues of children and crime, including as well attention for juvenile delinquency as children as victims of criminality.

- *A quantitative and qualitative study on children and violence*

An in-depth quantitative and qualitative study on the phenomenon of children and violence in Albania should be undertaken. The study should concentrate on:

- expressions of violence committed by and against children
- etiology of violence
- formal and informal reactions
- public awareness
- attitudes related to violence
- children's perception of violence
- reported facts/statistics
- unreported/undiscovered facts (dark number research)

However, such a comprehensive study on the issue can only take place when the basic information is available and accessible.

- *development of a database on existing governmental and non governmental initiatives dealing with the issue of children and violence*

Not only information on the phenomena/problems should be systematically gathered and updated but also information on all the existing initiatives and organizations active in the field. This information could help in the coordination of and the consultation amongst organizations (see chapter with proposals related to coordination).

A database already exists at the UNICEF office of international organizations operating in Albania with activities related to humanitarian assistance. This database could be updated and further developed.

- *a handbook of good practices*

It could be useful to develop with all interested Albanian and international organizations a handbook of good (local and international) practices on how to prevent and how to deal with children as subjects and objects of violence. Such a handbook could be compiled and permanently updated by an the Kruja training and resource center.

### **3.5.Improvement and monitoring of existing facilities for children deprived of their liberty**

#### a. applicable international legal framework

"Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juvenile are or may be deprived of their liberty, to all juveniles and to all

records of such facilities." (United Nations Rules for the Protection of Juveniles Deprived of their Liberty, article. 72).

b. Children in institutions

The development of a framework for permanent and systematic registration of children deprived of their liberty/children in institutions should be encouraged.

This should include:

- children in arrest cells (in police commissariats)
- children in detention centers
- children in prisons
- children in institutions for handicapped
- children in psychiatric institutions
- children in (former) orphanages

c. pre-trial detention

- *assessment of the number of children in pre-trial detention*
- *assessment of the places used for pre-trial detention*
- *assessment of the conditions under which children are deprived of their liberty*
- *setting up of a permanent and independent monitoring mechanism*

d. imprisonment and other closed residential institutions

- *assessment of the number of children in prison or other closed institutions for sentenced children*
- *assessment of the reasons for being imprisoned*
- *assessment of the living conditions and respect of the human rights of the children concerned*
- *setting up of a permanent and independent monitoring mechanism*

e. a resource guide

The UNICEF publication "Children deprived of their liberty. Rights and realities." (to be published soon) can serve as a resource guide for monitoring purposes. The second part of the book can be found in annex 1 to this report.

f. possible international partners

A team of official inspectors from different countries could be brought to the country in order to assist the Albanian authorities and Albanian experts in developing a comprehensive, permanent and independent monitoring mechanism for residential institutions.

**3.6. Establishment of co-ordinating mechanisms**

a. National Commission on the Rights of the Child

A National Commission on the Rights of the Child should be established.

The Commission should include all relevant governmental agencies, non-governmental organizations and academic institutions.

The objective of this Commission could be twofold:

- s. study, analyze and evaluate the living conditions of children
- t. prepare the initial and periodic reports to the United Nations Committee on the Rights of the Child, considering article 44 CRC
- u. coordinate the efforts in view of an effective application of the Convention

The President or his representative could be invited to chair the Commission.

b. Inter Ministerial Committee on the Rights of the Child

An Inter Ministerial Committee should be set up including all Ministries having a direct or indirect responsibility over children's issues.

The role of the Inter Ministerial Committee is to coordinate the governmental activities in the area of children's rights. The existing Inter Ministerial Committee in charge of drafting the initial reports on the implementation of the Rights of the Child could be invited to be in charge of this coordination.

The Prime Minister or his representative should chair the Inter Ministerial Committee.

One of the first responsibilities of this Committee could be the co-ordination of the drafting and implementation of a comprehensive juvenile justice legislation.

c. A national NGO-Coalition on the Rights of the Child

Non-governmental organizations involved with children should be encouraged to set up a national coalition.

The NGO-coalition should be a focal point for promoting and coordinating children's rights activities at a non-governmental level and play a leading role in the drafting of an alternative report for the Committee on the Rights of the Child.

d. Inter-agency cooperation amongst international governmental agencies and amongst international non-governmental organizations

Many international governmental and non-governmental organizations are active already in Albania. Consultation and coordination of activities should be encouraged in order to avoid overlapping and even duplication of work.

UNDP and UNICEF could help in facilitating such coordination.

e. Focal points

The establishment of focal points for children's issues in different Ministries is very valuable. These units should be supported.

Support for these newly established focal points in the Ministry of Justice (Center for Justice for Minors), the Ministry of Labor and Social Policy and the Ministry of Interior could include:

- training
- permanent information/documentation supply
- improve working conditions

Other Ministries such as the Ministry of Education and the Ministry of Health should be encouraged to develop similar focal points.