



for every child

THE JOURNEY OF RESTORATIVE JUSTICE IN ALBANIA

FOCUS ON JUVENILES

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THE BEGINNING OF IT ALL

- Albania had almost the same legal provisions applying to juveniles as to adults
- The approach was very punitive and retributive – high numbers in detention; no alternatives
- Restorative justice, although popular in Albanian culture, had only made it into the formal justice system governing family law and commercial law disputes
- UNICEF started collaboration with Albanian Foundation for Conflict Resolution in 2006
- Initially efforts to promote restorative justice focused on the education sector (to address peer violence) and on police/law enforcement

FIRST CHANGES NOTICED:

- 2946 children participated in peer mediation or victim-offender mediation interventions with UNICEF and AFCR support (2007-2011).
- 240 police, probation and penitentiary officers, magistrates and mediators trained;
- Professionals started to understand RJ and its potential benefits;
- 2009 – Albanian legislation provides for the establishment of Probation Office and alternative sentences;
- However, a 2009 UNICEF Report on Lessons Learned on the development of JJ systems in Albania and 4 other countries stated:

Victim – offender mediation is underutilised, if not unknown

SHAKING HANDS AND RECONCILING



RESTORATIVE JUSTICE AT THE END OF THE CHAIN (2011 – 2014)

- Probation service and juveniles in probation start to be targeted, along with juveniles in detention;
- Positive in playing a role in juvenile's smooth reintegration in community and prevention of recidivism
- Probation and Detention staff start referring more cases, increasingly recognising the benefits of restorative justice;
- 409 children involved in restorative justice interventions;
- 82 additional probation officers and mediators trained;
- An evaluation of this phase indicates that 90% of the persons involved in mediation value it positively as the right way to solve a dispute; 100% admit they would recommend this approach to others and 97% state they would use mediation again;

TESTIMONIES OF PARTICIPANTS

“...it was something unknown to me or my family. It came to us at the very best time... The party I was in conflict with was super angry at me and would get fussy any time I would walk in proximity of their place. Their frustration stemmed from the fact that I was not imprisoned but the court had issued an alternative sentence, to be completed under probation.

Although I was hesitant at first to accept the invitation of the probation officer to be referred to mediation, at the conclusion of the process I was able to establish a normal communication with the other party and I thought to myself: “How great it would have been if I was offered this type of solution earlier.”

CHALLENGES WITH END OF CHAIN APPROACH

"I am already convicted and I am now serving my sentence. This is the reason why I have no interest in communicating with the other party, not even to reconcile. But if the mediation service you described was offered to me from the beginning and if it were able to influence the length of my sentence, I would be more motivated to readily accept it and seek reconciliation with the other party."

- Police seemed more willing to refer cases for mediation – positive outcome would be taken into account by the court, in determining the type and the extent of the sentence
- No possibility of diversion
- Prosecutors resistant to the restorative justice practices, due to lack of legislation
- Legislation very limiting

2015-2018 NEW MOMENTUM

- UNICEF along with its international community and NGO partners advocated for changes in legislation to align with international standards of criminal justice for children
- Justice for Children elements were analysed and integrated into the Justice System Reform
- The country progressed within a short time from the idea of a JJ Chapter in the Criminal Justice for Children Code, into a whole Criminal Justice for Children Code, encompassing measures to protect children in conflict and those in contact with the law
- The law elevated the restorative justice principles and practices to the level of a Code (2017)

2015-2018 NEW MOMENTUM (CONT.)

- Considering legislative changes in the making, UNICEF supported the Probation Service to sub-contract mediation services from NGOs – previously UNICEF partnered directly with NGOs
- 554 persons (mostly children) participated in restorative justice processes in the past 3 years and 62 probation officers participated in more advance training on restorative justice, bringing the total to 3909 participants and 384 professionals
- The support to the public authority underlined:
 - The idea that children's cases are to be dealt with in an inter-disciplinary fashion with justice professionals collaborating with other professionals, such as mediators
 - The idea that children are to be supported with services and that the government should budget and be responsible for ensuring that these services are offered
 - The benefit of restorative justice in the peaceful reintegration of children in the community, particularly in light of the Amnesty Law approved in end of 2016

NEXT STEPS

- Training and specialization of mediators – a list of accredited mediators provided to the justice system institutions and made available to children
- Joint training/workshops/interactions with the other professionals is to be promoted
- State budget to plan for provision of mediation services free of charge for children (alleged) offenders and victims of crime
- Legislative and other measures to be taken to ensure an effective mechanism of procuring the services of skilled mediators, with full coverage for cases
- Service to be provided with high quality standards and mechanisms to assure quality to be established

THANK YOU

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