



Save the Children

REINTEGRATION
OF CHILDREN AND JUVENILES IN CONFLICT
WITH THE LAW AND CORPORATE SOCIAL
RESPONSIBILITY IN ALBANIA

Analysis Study

Tirana, 2013



Save the Children



MERIDIA

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This document is part of the Programme “Strengthening the Juvenile Justice System in Albania”, supported by “Save the Children” and implemented in close collaboration with the General Directorate of Prisons.

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ACRONYMS

PI	Penitentiary Institutions
GDP	General Directorate of Prisons
MoU	Memorandum of Understanding
SC	Save the Children
RED	Regional Educational Directorate
EO	Employment Office
VTC	Vocational Training Center
NPO	Non-Profit Organization
OSCE	Organization for Security and Cooperation in Europe
UNICEF	United Nations Children Fund
MES	Ministry of Education and Sport ¹
Meridia	Consortium of Social Cooperatives, Office in Albania
CILPS	Center for Integrated Legal Practices and Services
UNCRC	United Nations Convention on the Rights of the Child
AFCR	Albanian Foundation for Conflict Resolution and Reconciliation of Disputes
JPU	Juvenile Protection Unit
CSR	Corporate Social Responsibility
IPA	Instrument for Pre-accession Assistance
SME	Small and Medium Enterprises

¹ Since September 2013 this is the new name of Ministry

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We strongly believe that further initiatives based on studies and researches will produce a positive impact on the assessment and improvement of the situation of children and juveniles in conflict with the law in Albania.

INTRODUCTION

The cooperation between Meridia Office in Albania and Save the Children through the programme “Strengthening the Juvenile Justice System in Albania”, which aims for the reintegration of children and juveniles in conflict with the law in Albania, seeks to give a general overview on the situation of this target group and encourage the commitment of all stakeholders and the implementation of all the required instruments to improve the current situation.

Based on the direct practice during the implementation of this programme from 2011 to date, it has been assessed that children and juveniles in conflict with the law, who live in these difficult conditions and come into conflict with the law, are reportedly confronted with a hostile environment after their release from the penitentiary institutions. This environment does not offer them opportunities to improve or begin a new life.

The possibility to build an educational, professional or job experience, based on the positive experiences of other countries, plays a crucial role in the reintegration process of children and juveniles in conflict with the law back into the society.

Children or juveniles going through these experiences face a higher risk of social exclusion. The awareness of stakeholders at central and local level as part of the referral system and in particular the social responsibility of the business community are key factors to promote and facilitate social and professional integration.

This study is a document which expresses the current condition of standards and practices followed during the reintegration process of children and juveniles in conflict with the law in Albania and the impact of the social responsibility of the business community on this process. Further, it recommends standards and models based on the Italian best experiences.

1. GENERAL INFORMATION

The purpose of this analysis study, "Reintegration of Children and Juveniles in Conflict with the Law and the Corporate Social Responsibility in Albania" is to reflect the situation of the process of reintegration for children and juveniles in conflict with the law, the role of the social responsibility of the business community and the Italian positive model and experience introduced through Meridia.

Considering that the terms *child* and *juvenile* correspond to the institutional division of children and juveniles in penitentiary institutions and the Albanian cultural context, both terms will be used across the study and will be the target to be addressed.

The present study analysis contains seven main chapters: 1) Overview of the situation of the reintegration of children and juveniles in conflict with the law in Albania; 2) The programme "Strengthening the Juvenile Justice System in Albania"; 3) The Context of the national and international legal instruments regarding children and juveniles in conflict with the law; 4) Vocational training and employment guide policies as a key process for the reintegration of the juveniles in conflict with the law; 5) Corporate social responsibility as an important facilitating instrument for the reintegration of children and juveniles in conflict with the law; 6) The Italian best practice on the reintegration of children and juveniles in conflict with the law and business community's social responsibility; 7) Conclusions and Recommendations.

Some of the findings of this study are as follows:

- There is a growing trend of children and juveniles getting into conflict with the law in Albania. Another indicator is also the increasing number of recidivist cases². The worsening or the stagnation of the socio-economic situation of the family or of other causes, attributable to this conflict relationship with the law, and the absence of a comprehensive national referral system, have contributed for this target group, facing the same problems even after being released from the Penitentiary Institutions.
- In these recent years Albania has made positive steps toward the improvement of the domestic legislation, based on international instruments for the protection of children and juveniles' rights. However, there is a lack of legal instruments safeguarding and protecting specifically the rights of children and juveniles in conflict with the law, focussing on the reintegration through education, guidance and vocational training or employment. We still lack a national strategy for children and juveniles in conflict with the law, where to imply the reintegration component as well.

² Reoffending cases when juveniles are placed at penitentiary institutions more than once;

- The services provided to children and juveniles in conflict with the law from both the governmental local institutions and NPO-s, are focused on their rehabilitation. Meanwhile, there are inadequate services for the preparatory reintegration of children and juveniles in conflict with the law. The reference system institutions have not identified them as a vulnerable target group.
- There is a lack of an inter-institutional mechanism for the reference of children and juveniles in conflict with the law by the penitentiary institutions to the Child Protection Units. In addition, the experts of those units lack information about this particular target group.
- There are absent policies for the social support and the promotion of employment for this target group. The most possible consequence, as a result would be a potential return within the institutions of the penitentiary system. Education and professional qualifications for the labour market represent significant approaches to reduce possible recidivism and to successfully accomplish the reintegration process of children and juvenile in conflict with the law.
- The current situation shows that there is a low level of vocational training courses and of professional preparation for the labour market due to an absence of studies into the labour market, of the demand-supply mechanism and of the governmental policies in both central and local levels, on vocational training and employment orientation for this target group.
- The current Albanian Legislation foresees and protects the right to work for children and juveniles over 16 years of age in conflict with the law, within or outside the penitentiary premises, However, there is a lack of implementing policies on the remuneration for the work performed by children and juveniles in form of payment or contributions, recognized as well by the social and health insurance system within, the penitentiary system as an important step of the preparatory process for reintegration.
- Investments from the Albanian government for employment promotion programmes are still modest. Employments within the implementation of these programmes are not only limited in number but in many cases are temporary and unstable. There are not sufficient programmes which offer services and support to juveniles, in particular to juveniles in conflict with the law. Children and juveniles in conflict with the law are not considered, neither treated as a vulnerable target group, part of the programmes for the employment promotion. Instead, they are included into the category of “ex-convicts” whilst their needs are not the same.
- There are no governmental policies or any relevant legislation to encourage the business in exercising social responsibility, or other forms of social economy, social enterprise, social business aiming the facilitation of the reintegration process for vulnerable groups, part of which are children and juveniles in conflict with the law.
- Governmental and non-governmental institutions have made continuous efforts over the years in relation to preparation for the reintegration of children and juveniles in conflict with the law. However, this process still remains a challenge for all the relevant stakeholders and for the wider Albanian society.

2. Methodology:

This analysis study was carried out by a working group of experts in the field, including law experts, experts for employment policies and experts of active labour policies from Italy. Further contributions are from representatives from the General Directorate of Prisons, who provided useful general information about the situation of children and juveniles in conflict with the law. The working group was assisted by the implementing staff of the programme “Strengthening the Juvenile Justice System in Albania”.

The main target groups of the study were:

- Children and juveniles in conflict with the law from 16 to 24 years of age, who are currently or have been part of the penitentiary system in Albania;

2.1 The applied methodology is based on:

- *Primary data analysis;*

The primary data analysis focused on the analysis of the data gathered: by focus group discussions with representatives from the target group of children and juveniles in conflict with the law, who are or have been part of the penitentiary system in Albania. Data was also gathered from interviews with family members or relatives of children and juveniles in conflict with the law and local stakeholders involved in the reintegration process of this target group. A very important method of the primary data analysis was the analysis of case studies under the programme “Strengthening the Juvenile Justice System in Albania”.

- *Secondary data analysis;*

The secondary data analysis includes analysis of reports, studies, strategies and official governmental and non-governmental documents applicable to children and juveniles in conflict with the law. Further, an analysis has been conducted of the implementation of vocational training and employment policies for this target group; of the current legislation, as well as of other national and international instruments relating to the target group of this study.

- *A comparative analysis of the situation in Albania and Italy*

The results of the main chapters are due to a comparative analysis between the current situation in Albania and the best experiences from Italy in the reintegration process of children and juveniles in conflict with the law. Additionally, this comparative analysis included the local governmental policies relating to the social responsibility of the business communities in Italy in comparison with the same situation in Albania.

2.2 Limitations:

- Different legal acts of the Albanian legislation define the term “child” as an individual up to 18 years old, whilst there are no present definitions on the term “youth/juvenile/s”. Given that in some legal acts³ we find references to individuals up to 25 years of age, the present study has included the target group of children between 16 to 18 years old and of juveniles between 18 to 24 years old.
- Although this target group is considered as a special category provided for in **Law No 7995**, dated 20.09.1995 (On Employment Promotion), as amended by Law No.9570, dated 03.07.2006, there are many difficulties in terms of their specific identification. The unemployed registered as jobseekers at the employment offices are self-declared as unemployed. Therefore, they may or may not declare their status as ex-convicts.
- The representatives of governmental and non-governmental institutions lack considerable information about this category of children or juveniles, and on what happens to them after their release from the Institution for the Execution of Penal Decisions. This makes the analysis of the socio-economic situation of this target group very difficult, and equally challenging is the formulation of supporting measures or for any intervention to be followed.

³ Law No 9355/2005 “On social assistance and social services”, as amended

3. THE PROGRAMME “STRENGTHENING THE JUVENILE JUSTICE SYSTEM IN ALBANIA”

3.1 Background

Save the Children has been implementing the programme “Strengthening the Juvenile Justice System in Albania” from 2010 to date. The programme offers services aiming to support the rehabilitation and the preparation for integration of children and juveniles within and outside of the penitentiary system.

This programme is being implemented on national levels for all children and juveniles waiting for trial and for those who have been sentenced within the respective Penitentiary Institutions of Tirana district (Jordan Misja⁴ - 313), Korça, Vlora, Shën-Koll and Kavaja⁵, in cooperation with its partners, Meridia Office in Albania, Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR) and Center for Integrated Legal Services and Practices (CILSP).

The purpose of the programme is to promote and contribute to the delivery of child friendly services and better opportunities for the future of children and juveniles in conflict with the law, in order to meet the following objectives:

- Improvement of policies aiming to ensure the protection and respect of the rights of children and juveniles in conflict with the law;
- Strengthening of the referral system for the purpose of the rehabilitation of children and juveniles in conflict with the law;
- Facilitation of the reintegration process for children and juveniles in conflict with the law from the five PIs in Albania;
- Promotion of conflict management instruments and methods within and outside of the penitentiary institutions;
- Delivery of psycho-social and legal services for children and juveniles in conflict with the law in Albania both within the penitentiary institutions and within their families after the release;
- Preparation for reintegration and facilitation of the process of reintegration of children and juveniles in conflict with the law, including formal and non-formal education, education opportunities, vocational training courses and employment;
- Capacity development of the Albanian penitentiary facility staff dealing with children and juveniles in conflict with the law;

4 PI- Penitentiary Institutions

5 PIs of Vlorë, Tiranë, Korçë, Shën-Kollë represent institutions in which juveniles are pending trial. Kavaja IP is an institution where juveniles from all over Albania serve their sentence. In this institution there are two sections of sentenced juveniles and two sections with juveniles pending trial. The only institution of that kind in Albania was opened in October 2009.

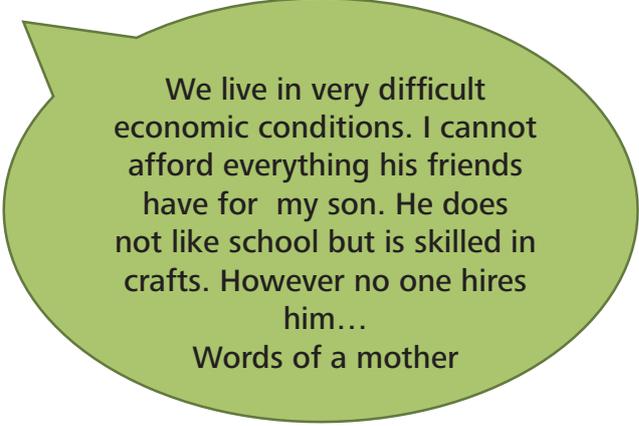
3.2 Some of the programme achievements are as follows:

- The support of around 520 children and juveniles with psycho-social counselling, and rehabilitation and re-integration programmes within the penitentiary system;
- Reintegration of more than 52 children and juveniles after their release from the Penitentiary Institutions attending schools, vocational courses and employed by business companies;
- With the support of Save the Children and UNICEF, the educational process in the 5 PIs is enhanced, as well as vocational courses in Kavaja PI through the establishment and consolidation of wood and metal workshops, and greenhouses;
- Implementation of activities relating to the management and mediation of conflicts within and outside the Institutions. There have been more than 82 cases of mediation within the Institutions and around 17 cases of management and mediation outside them;
- Capacity building of the PIs staff through Training Courses and Study Visits in Italy, aiming to exchange experiences and positive models;
- Drafting and publication of a training manual for professionals dealing with children and juveniles in conflict with the law within the penitentiary system;
- Legal counselling and representation of juveniles during all stages of the judicial process;
- Establishment and empowerment of a regional referral system through regional workshops with representatives from the business community, Regional Employment Offices, JPUs, NPOs etc;
- Mapping of Small and Medium Enterprises of public and private services in regional levels;
- Preparation of the personnel of the Institutions to offer services for the reintegration of children and juveniles in conflict with the law through the establishment of a database with contacts of Small and Medium Enterprises, as well as other local institutions.

...If I had not met you, I would have been with those friends again and I would have end up in prison again....
Now I feel good as I work and get benefits from my job....
Juvenile A.S

3.3 Issues of concern during the reintegration process of children and juveniles in conflict with the law:

- 1- Lack of a national programme on prevention, treatment and reintegration of children in conflict with the law;
- 2- Inconsistency between supply and demand for vocational trainings and employment;
- 3- Lack of supporting services for the families of children and juveniles in conflict with the law;
- 4- The distribution of services as part of the local referral system is not comprehensive, lack of services in rural and remote areas of Albania.
- 5- Low awareness of the business community toward this target group and lack of fiscal facilities for businesses supporting children and juveniles in conflict with the law;
- 6- Low socio-economic, educational and cultural levels of the families and of children and juveniles in conflict with the law;



We live in very difficult economic conditions. I cannot afford everything his friends have for my son. He does not like school but is skilled in crafts. However no one hires him...

Words of a mother

Referring to the current situation, to the problems encountered and the real challenges these minors face, **there is a need for developing programs to focus on their reintegration through:**

- 1- Further developing their individual capacities with the final goal of a personal and professional empowerment, as well as employment skills;
- 2- Strengthening the role of local stakeholders, Child Protection Units, Regional Employment Offices and Penitentiary Institutions during the process of reintegration of children and juveniles in conflict with the law in Albania;
- 3- Establishing Regional Contact Groups with JPU representatives at municipalities and towns, Employment Offices, Vocational Training Centers and other governmental and non-governmental partners, with the aim of facilitating the rehabilitation process;
- 4- Strengthening of the support network, providing assistance for specific cases and raising community awareness about the importance and function of the related institutions;
- 5- Building bridges of cooperation between the sources of assistance in the community and the families of the minors.
- 6- Signing cooperation agreements between the responsible institutions for the central and local delivery of services to this target group;

4. OVERVIEW OF THE SITUATION OF CHILDREN AND JUVENILES IN CONFLICT WITH THE LAW IN ALBANIA

Juvenile delinquency has become a real concern for Albanians, especially during the last decade⁶. Referring to the official data, infantile and juvenile delinquency has been a growing trend during these recent years.

In the structural division of the penitentiary institutions “minors and children are considered those individuals of 14-16 years of age and **juveniles or youth** from 18 to 24 years of age. “There are 22 Penitentiary Institutions in Albania (PI) but only the facilities in Tirana, Vlora, Lezha, Korça and Kavaja have sections for minors who are waiting for trial. When the minors receive an irrevocable final judgment by the court, they are transferred to Kavaja PI. Although, in these last years, only a few cases of female minors pending trial are reported, the only Penitentiary Institution where they may be transferred is “Jordan Misja” PI in Tirana, which does not have a section for female minors⁷.

The General Directorate of Prisons (GDP) has produced the following data regarding children from 16 to 18 years old and young people from 18 to 21 years old placed in penitentiary institutions for the last five years: in 2008, 340 children and 313 young people; in 2009, 325 children and 416 young people; in 2010 there was a number of 236 children and 500 young people housed. During the last three years within the penitentiaries system there have been 241 children and 600 young people, in 2011, 342 minors and 653 young people in 2012, and in 2013 until September of this year, there were 201 children and 468 young people.

⁶ Juvenile Delinquency in Albania, Analysis of factors and causes of juvenile delinquency in Albania, UNICEF, June 2007

⁷ Assessment of the Situation of Juvenile Offenders, Save the Children, November 2011

Placed in PIs:

PI	2008C/Y	2009C/Y	2010C/Y	2011C/Y	2012C/Y	2013C/Y
Korça	5/10	13/23	10/20	11/16	10/14	3/13
Ali Demi	-/54	-/30	-/41	-/47	-/50	-/27
I.M Kavaja	-----	20/	105/	105/	153/	119/
Peqin	-/18	-/19	-/17	-/21	-/23	-/24
Lezha	23/46	24/47	37/57	30/71	47/96	13/63
Vlora	42/17	31/36	31/29	28/50	53/55	24/31
J. Misja	82/36	82/39	43/41	51/49	63/46	38/32
Sarandë	-/9	-/8	-/11	-/9	-/9	-/6
Vaqarr	179/6	147/15	-/20	-/41	-/71	-/25
Lushnja	-/8	-/9	-/12	-/8	-/11	-/7
M. Peza	-/79	-/57	-/72	-/73	-/54	-/33

C= 14-17 year old children

Y= 18-21 year old young people

As indicated from the data above, there is a growing trend of the number of children and juveniles in conflict with the law in Albania. A key data source is the delivery of the probation service, whose mission is to supervise and support the application of alternative sentences, support the offenders to meet the obligations deriving from the alternative sentences, overcome difficulties for their social rehabilitation and bring positive changes in the lives of the convicts⁸.

Alternative sentences aim to prevent the experience of imprisonment or limit its term. These sentences foresee a form of treatment or restrict the personal freedom of offenders, which is not imprisonment, thus encouraging the improvement of general standards toward more humanitarian regimes for perpetrators of petty offences.

Additionally, alternative sentences have a dual purpose. Firstly, they aim to protect the society both in the context of maintaining legal order and the fulfillment of regulatory standards for damage compensation to the victim. Secondly, they provide substantial knowledge about the offenders' needs, taking into consideration their adaption and integration in the society⁹.

The Probation Service has brought about a key impact on statistical data in cases of children and juveniles who are part of the penitentiary system. In the case of Korça's PI alone, most of children and juveniles in conflict with the law have been subject to alternative sentences¹⁰.

8 <http://www.sherbimiproves.gov.al/?fq=brenda&gj=gj1&kid=20>

9 <http://www.sherbimiproves.gov.al/?fq=brenda&gj=gj1&kid=20>

10 Discussions in the regional workshop of Korça;

Participants in Vocational Training Courses:

PI	2008	2009	2010	2011	2012	2013
Korçë	-	-	-	-	9	9
Ali Demi	4	11	8	15	13	8
I.M Kavajë	-	-	100	54	31	56
Peqin	6	5	3	6	6	6
Vlorë	-	23	58	52	116	63
J. Misja	-	-	-	-	24	23
Vaqarr	-	-	6	12	11	2
Lushnje	-	-	8	11	-	-
M. Peza	-	-	12	33	35	38
FushëKrujë	-	33	75	31	41	30
Rrogozhinë	-	-	14	15	3	4
Berat	-	-	13	5	16	8
TOTAL	10	72	297	234	305	247

Aiming for the reintegration and social inclusion of inmates, the Ministry of Justice has taken measures regarding the implementation of the right to education and professional training. A Memorandum of Understanding was signed on December 2008, between the Ministry of Justice and the Ministry of Education and Science¹¹ to ensure the delivery of compulsory formal education at PIs for all inmates, including children who have not completed elementary education¹². A Memorandum of Understanding was signed in July 2009¹³ between the Ministry of Justice and the Ministry of Labour, Social Affairs and Equal Opportunities¹⁴, to ensure delivery of professional trainings to the prisoners, including children. The implementation of these Memoranda of Understanding has faced some challenges and they are not being applied in some of the PIs¹⁵.

4.1 The Process of preparatory reintegration and reintegration of children and juveniles in conflict with the law

The process of preparatory reintegration and the reintegration of children and juveniles in conflict with the law is a process which starts with the identification of the functions and duties of staff members of the Albanian Penitentiary Institutions. Progress has been achieved by these institutions through special programmes implemented for children, these programmes are focused on the rehabilitation of children and juveniles in conflict with the law, as a preliminary step to the preparatory reintegration and their final reintegration.

The PI of Kavaja has a positive experience in terms of the preparatory reintegration activities. This is made possible due to its proper infrastructure and to the fact that it is the only institution in Albania specially designed for children and juveniles in conflict with the law.

¹¹ Since September 2013 renamed the Ministry of Education and Sport.

¹² <http://www.dpbsh.gov.al/?fq=brenda&m=shfaqart&aid=132> accessible on 5 November 2011

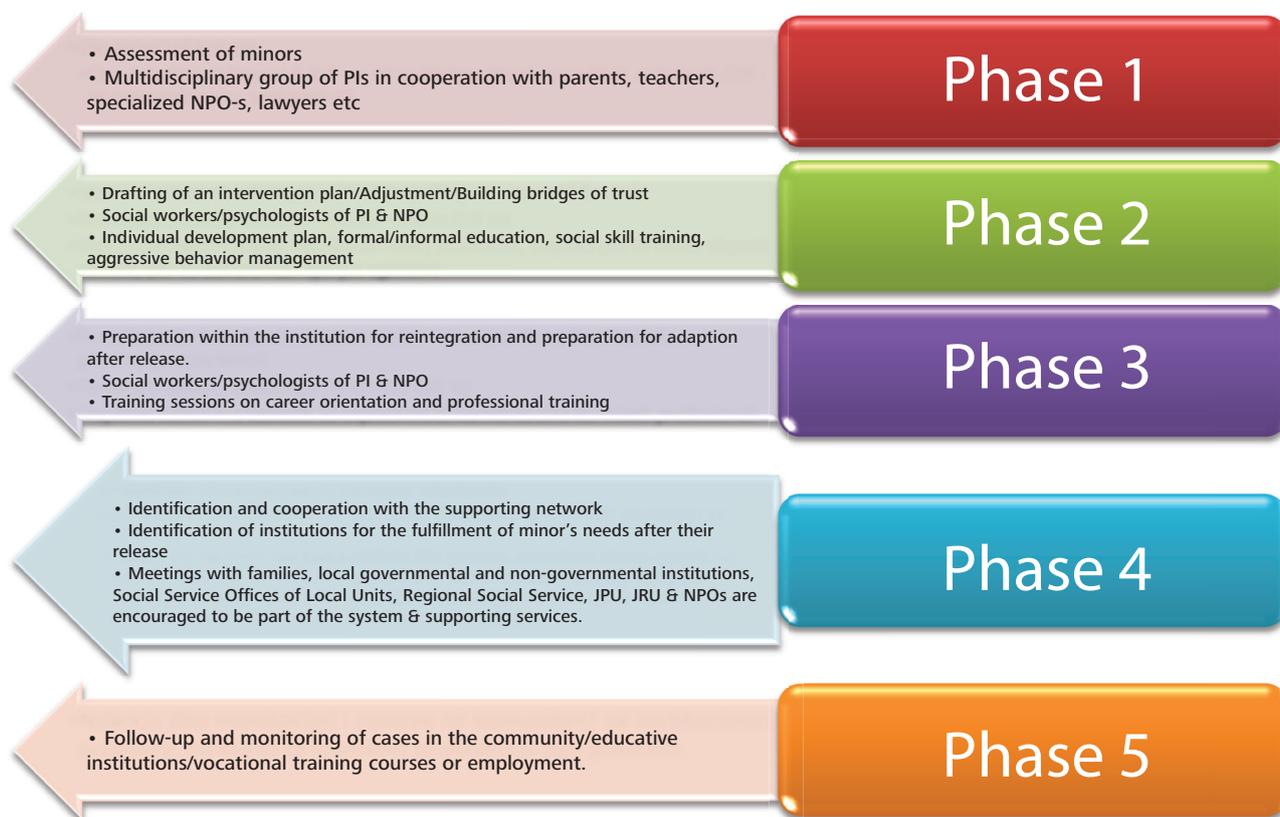
¹³ <http://www.dpbsh.gov.al/?fq=brenda&m=shfaqart&aid=131> accessible on 5 November 2011

¹⁴ Since September 2013 renamed the Ministry of Social Welfare and Youth

¹⁵ Survey poll conducted for the assessment of the situation of juvenile offenders within the penitentiary system; prepared by Save the Children in Albania, in cooperation with the General Directorate of Prisons, November 2011;

In cooperation with the regional Vocational Training Centers, it also offers licensed vocational courses. With the support of Save the Children and UNICEF, they are carried out in improved facilities (metal, wood workshops and greenhouses). Through their commitment children and juveniles in conflict with the law become part of their preparatory reintegration process.

Scheme of the process of preparatory reintegration and the reintegration of children and juveniles in conflict with the law.



4.2 Referral System for children and juveniles in conflict with the law in Albania

Children and juveniles in conflict with the law face a hostile and unwelcoming environment preventing their reintegration back into society, due to the lack of preparation of local institutions, social discrimination, and the lack of opportunities for education and employment,.

The referral system is an essential structure in the reintegration process of children and juveniles in conflict with the law. Work is in progress to establish institutional mechanisms for the protection of children and of their rights, at central and local levels¹⁶. The Law for the Protection of Children's Rights establishes the institutional mechanisms for the protection of children's rights, at central and local levels.

Mechanisms at central levels:

- a) National Council for the Protection of Children's Rights;
- b) The Ministry which coordinates issues regarding child's rights protection;
- c) The State Agency for the Protection of Children's Rights (State Agency);

¹⁶Article 32, Law for the Protection of Children's Rights, Republic of Albania

Mechanisms at local levels:

- a) The unit for child's rights protection of the regional council;
- b) The unit for child's rights protection in municipalities and communes (Child Protection Units);

The institutional mechanisms at central and local levels interact for the enforcement of the legislation and of the state policies for the protection of children's rights. This interaction on matters regarding the child's rights protection, foreseen by the same law, is regulated by a Decision of the Council of Ministers, the elements of which were mentioned above¹⁷.

The role of the State Agency is not consolidated yet (as this is a newly established Agency), and as such, the roles and the responsibilities of the Agency are still being defined and to some extent they are being operationally finalized. The State Agency has a number of issues to address, and this means it still needs to identify the priorities of its actions¹⁸.

State Social Services are also going through a period of reform. Without any doubt, the results from this reform will affect the operation of the child protection units, although it is not yet known the extent of these changes¹⁹.

So far, a number of strategies have been drafted, approved and implemented by ministries, which are either fully focused on children's issues or they have treated them as one of their target groups. Analyses of strategies, which have now ended, has shown, in the best case scenario, that they are only partially implemented and that there is plenty of space for the improvement of the services and for the implementation of the measures undertaken by them²⁰. All these mechanisms are recently established, except some child protection units in municipalities and communes. However, these Units are still in the pilot phase and they are not yet established in all municipalities and communes²¹.

It is worthwhile mentioning the fact that based on the experience from the implementation of the reintegration component within the framework of the programme "Strengthening the Juvenile Justice System in Albania", the category of children and juveniles in conflict with the law is not included within these mechanisms. This category has not been part of the management or the follow-up procedures by the Child Protection Units. Specialists even lack knowledge and information about this target group. One of the reasons is that it has been so far considered as a target under the responsibility of the institutions under the Ministry of Justice and not by central and local social services.

For the implementation of these tasks, the Ministry of Labour, Social Affairs and Equal Opportunities, with the support of UNICEF and Terre des Hommes²² has prepared the Working Protocol for Child Protection Workers and a Guide about protection interventions for children and juveniles. Even this document does not specifically include the target group of children and juveniles in conflict

17 Analysis of the Situation of Juvenile Protection in Albania, 2011, BKTF

18 Assessment of Juvenile Protection Unit, World Vision, 2013

19 Assessment of Juvenile Protection Unit, World Vision, 2013

20 Assessment of Juvenile Protection Unit, World Vision, 2013

21 Assessment of the Situation of Juvenile Protection in Albania, 2011, BKTF

22 Assessment of the Situation of Juvenile Protection in Albania, 2011, BKTF

with the law. These are indicators of the general situation of the reintegration of children and juveniles in conflict with law. The fact that this target group is not included further hampers the process of their reintegration. Based on several years' experience in implementing the reintegration component for children and juveniles in conflict with the law, it has been observed that the lack of knowledge about this target group has caused serious difficulties in terms of case referral and management by specialists of the Child Protection Units.

The target group of children and juveniles in conflict with the law is not included in the primary target group of their work. Instead, it is embedded only as a target for the monitoring of the National Strategy for Children in Albania. Also, even the services offered by the institutions and NPOs for children and juveniles in conflict with the law are focused on their rehabilitation and the efforts undertaken for their reintegration are inadequate.

5. THE CONTEXT OF NATIONAL AND INTERNATIONAL LEGAL INSTRUMENTS RELATED TO CHILDREN AND JUVENILES IN CONFLICT WITH THE LAW

Within the general framework for the protection of human rights, the protection of the rights of children and juveniles in conflict with the law constitutes a political and social obligation at national and international level and on a local and central scale. Children and juveniles, as one of the most vulnerable social groups, are in a constant need for care and special protection, in order to be developed as appropriate to their age, skills and maturity.

The protection of children and juveniles' rights is mainly perceived as a constitutional, moral and human obligation conceived to support the basic principle of "*the best interest of the child*". This protection however, should continue in other phases of the social and psychological development and growth, in particular during the phase of early adulthood, addressing children and juveniles as a target group within the policies drafted for them. Further promoting awareness of the family, government and civil society, the prevention and elimination of such phenomena that might affect the health and wellbeing of children and juveniles represent a major objective in the respect and protection of children and juveniles' human rights , relating to the protection of fundamental human rights.

The international acts and instruments to which the Republic of Albania is a party, ensure full rights and obligations and constitute the fundamental structure for the improvement of the legal framework for the protection, safeguarding and promotion of children and juveniles' rights. To ensure the best standards in the field, all international acts relating to the protection of children and juveniles' rights, provide for the adoption of legislative and administrative measures to effectively implement these rights and to promote cooperation among the relevant member states.

It is worth emphasizing that the general universal principles which guarantee the rights of children and juveniles are enshrined in several provisions of the current substantive, procedural, criminal and civil Albanian legislation covering specifically *inter alia* the enjoyment of the right to protection against economic exploitation and protection from any work that poses risks or harms the development of children and juveniles.

5.1 National legislation and international instruments relating to children and juveniles in conflict with the law and their access to the right to work

The legal framework that regulates the conditions for the employment of children and juveniles consists of a number of national and international laws and regulations defining the minimum age of employment, conditions, duration and other circumstances which allow them to work and do not hinder their wellbeing, development and learning. The following is an overview of the most important legal standards regulating the right of access to work for children and juveniles

in conflict with the law listed under the legal constitutional hierarchy and chronological order of their approval:

The Constitution of the Republic of Albania adopted by Law no. 8417, dated 21.10.1998, as amended, provides for special provisions on the protection of children and juveniles' rights. General constitutional principles underline that the fundamental rights and freedoms are indivisible, inalienable and inviolable and stand on the foundation of legal order. In fulfillment of their duties, public bodies must respect human rights and fundamental freedoms, and contribute to their implementation. Article 54 of the Constitution stipulates that every child is entitled to protection, especially by the government, against any violence, abuse, exploitation and use for work, in particular those under the minimum age, which can damage the health, morals or threaten the life or normal development of the child. Article 59 foresees Governmental goals in respect to employment, education and training of children and juveniles, care for children and juveniles and disabled people, within the state constitutional powers and the means at its disposal, and in fulfillment of private initiative and responsibility.

In the context of the completion of the legal framework on child and juvenile employment, the Republic of Albania has ratified and acceded to a number of relevant international laws and instruments. Specifically, Article 32 of the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989 and ratified by Albania on /27 February 1992, provides that States Parties recognize the right of the child to be protected from economic exploitation and from any work that is hazardous or harms their education or physical, mental, spiritual, moral and social development. The States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of this article. For this purpose and given the relevant provisions of other international instruments, the States Parties particularly provide as follows:

- a) minimum age/s for admission to work;
- b) adjustment of working hours and appropriate employment conditions;
- c) punishments or other sanctions suitable for the effective implementation of this article

Regarding the fulfillment of the obligations provided for in this Article, the Steering Committee for monitoring the implementation of the Convention has given the recommendations (Rec. 69): a) to take steps to implement article 32 of the Convention and ILO Conventions no. 138 and 182, taking into account the ILO Recommendation of 1973 (No. 146) on the Minimum Age, and Recommendation of 1999 on the Worst Forms of Child Labour (No. 190); b) to take national and international stringent measures in order to combat trafficking and exploitation networks; c) to intensify efforts to establish controlling mechanisms for monitoring the extent of the phenomenon of child labour, including undeclared work, in order to respond to their causes aiming prevention and when children work legally, to ensure that child labour is not exploited and complies with international standards; d) to continue in this respect the existing cooperation with ILO - IPEC.

Economic exploitation, including child labour

The Committee is deeply concerned about the large number of children subjected to economic exploitation in the State party and, in particular, those involved in hazardous occupations, such as agriculture, domestic work and illegal activities.

The Committee also notes with concern:

- (a) The weak capacity of the labour inspectorate to detect the worst forms of child labour and
- (b) The grave incident affecting a large number of children between 12 and 17 years of the explosion of a factory in the village of Gërdec on 15 March 2008, where they were illegally working to dismantle ammunition. The Committee urges the State party to strengthen its efforts to eradicate child labour, particularly in its worst forms, by addressing the root causes of economic exploitation through poverty eradication and education. In particular, the Committee urges the State party to:
 - (a) Strengthen the labour inspectorate and provide labour inspectors with all the necessary support, including child labour expertise, with a view to enabling them to monitor effectively, at the State and local levels, the implementation of labour law standards;
 - (b) Ensure that the Gërdec incident is thoroughly investigated and those responsible effectively prosecuted;
 - (c) Continue to seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office (ILO) in this regard; and
 - (d) Consider ratifying the ILO Convention No. 189 (2011) concerning decent work for domestic workers.

The standards of this Convention for child labour are further complemented with rules laid down in the ILO Convention no. 138 "On the Minimum Age for Admission to Employment", and Recommendation no. 146, ratified by Albania by the Law no. 8086, dated 13.03.1996. The said Convention provides that the minimum age for admission to any type of employment or work shall not be lower than the age of completion of compulsory education and, in any case, shall not be less than 15 years. Regarding this stipulation, the member state whose economy is poorly developed may, after consultation with employers' and workers' organizations, where such exist, establish a minimum age of 14 years old. The minimum age for admission to any employment, which due to its nature or conditions where tasks are accomplished, damages the health or the morals of children and juveniles, shall not be less than 18 years of age. In relation to this provision, the legislation or competent authorities may, after consultation, authorize the employment from the age of 16, provided that the welfare of children and juveniles shall be protected even if children and juveniles have the relevant information and the professional qualification in the relevant fields.

The Convention also provides that national laws or regulations may permit the employment of 13 to 15 year old persons to do light works: a) not likely to be harmful to their health or development; b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received. Further, national laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory education. The competent authorities shall determine the activities in which employment or work may be permitted and prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

Basically, this international act obliges the member states to engage through national programmes in two directions: 1) to ensure the effective abolition of child labour and 2) to progressively raise the minimum age for admission to employment or work.

Another important act in this regard is the ILO Convention no. 182 on the "Worst forms of child labour" and Recommendation no. 190 "The worst forms of child labour", which Albania ratified by the Law no. 8774 dated 04.23.2001.

In terms of this Convention, “worst forms of child labour” means: a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; ii) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; iii) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; iv) the work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The Convention provides that each member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to : i) prevent the engagement of children in the worst forms of child labour; ii) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour, and for their rehabilitation and social integration; iii) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour; iv) identify and reach out to children at special risk, and; v) take account of the special situation of girls.

ILO Convention “On employment services, C 88, 1948”, which Albania ratified by the Law no. 9991, dated 18.09.2008, in Article 8, provides that within the framework of the employment and vocational guidance services, States Parties shall undertake and develop special arrangements for minors.

The list of international acts that define the conditions under which children are permitted to work, includes the European Social Charter, as amended, which was ratified by Albania with the Law no. 8960, dated 24.10.2002. Article 7 of this law provides the engagement of States Parties to ensure the right of children for protection, by taking measures to provide that: a) minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education; b) the minimum age for admission to employment shall be 18 years old with respect to prescribed occupations regarded as dangerous or unhealthy; c) persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education; d) working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training; e) to recognize the right of young workers and apprentices to a fair wage or other appropriate allowances; f) the time spent by children and juveniles in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day; g) employed persons of under 18 years of age shall be entitled to not less than four weeks’ annual holiday with pay; h) persons under 18 years of age shall not be employed during night working hours with the exception of certain jobs provided for by national laws or regulations; i) persons under 18 years of age employed in jobs prescribed by national laws or regulations shall be subject to regular medical checks; j) to ensure special protection against physical and moral dangers to which children are exposed, and particularly against those resulting directly or indirectly from their work.

Regarding the relationship between the domestic and international law, Article 122 of the Constitution provides that any international agreement ratified becomes part of the domestic legal system after its publication in the Official Journal. It is applied directly, unless it is not self-executing

and its application requires the promulgation of a law. An international agreement ratified by law prevails over national laws that do not comply with it. Thus to meet the commitments toward the obligations arising from international law in compliance with the standards, the Albanian lawmaker has done changes within the legal framework for the purpose of its full approximation.

The domestic criminal legislation specifically, has been subject to addenda and amendments. By virtue of the Law no. 9859, dated 21.01.2008, Section 124/b "Maltreatment of Children" was added into the Criminal Code. This section expressly provided that: 1) forcing children to work, to earn income, to beg or perform actions harming his/her development shall be punishable by a term of up to 4 years of imprisonment and a fine of 50 thousand to one million Albanian Lek; 2) when the act has caused serious harm to the health or has caused the death of the children, it shall be punishable by a term of 10 to 20 years of imprisonment. A paragraph was also added in Section 117 "Pornography" of the Criminal Code, providing for punishment for the use of children for the production of pornography and for their dissemination or publication. Pursuant to Article 128/b "Trafficking of children" the legislator imposes severe punishments not only for the recruitment, hiding and reception but also for the sale or trafficking of children. Further, the Criminal Code prescribes the violation of work safety regulations as an offence. According to Article 289, it is a criminal offence and is punishable by law for an individual to cause death or serious harm to the health of an individual by intentionally disregarding the rules related to work, production, service, provided for by laws, acts of the Council of the Ministers or the pertinent regulations of technical safety, technical discipline, work-related protection, hygiene and fire safety, when that individual is designated to respect those rules and to implement them.

The Code of Labour, adopted by the Law no. 7961, dated 12.07.1995, defines measures and obligations for employers to protect of children at work. Chapter X of the Code of Labour on child labour provides special protection covering the minimum age, easy work, difficult jobs, jobs performed during night hours and medical control clauses. Article 98 defines the special protection afforded to children.

Specifically, this article provides: "The employment of juveniles under 16 years old is prohibited. Exception is made when during school holidays children of 14-16 years of age perform easy work that does not harm their health and development". According to the Article 99 of the Code of Labour, children from 16 to 18 years old may be given easy works that do not harm their health and development.

Categories of easy work, the maximum working hours and working conditions for children from 16 to 18 years old are determined by the Council of Ministers (Article 99/2). Children aged 14 to 16 years old may be subject to vocational training and guidance, according to the rules defined by decision of the Council of Ministers. Article 101 of the Labour Code provides that employees under 18 are prohibited to work at night and do hazardous jobs or jobs that pose a risk to their health or personality. Also, Article 21/2 of the Code of Labour provides that all persons who provide a service (work) during a fixed period of time or for an indefinite period of time, subject to the persons who receive the service and who are paid for their work, based on the relevant circumstances, shall be considered as bound to an employment contract. Thus, any child who performs work should be considered as an employee and enjoys the protection provided by the Code of Labour and by any other applicable legal provisions in his/her favor.

The Family Code, adopted by the Law no. 9062, dated 8.05.2003, includes general principles of international conventions, laws and instruments in the field of protection of children's rights and in particular the provisions of the UN Convention on the Rights of child. The general provisions of the Family Code gives a high priority to the principle of the best interests of the child, especially from parents, authorities and courts, mainly regarding their decisions and activities. Also, the Code has been particularly focused on the principles associated with parental responsibilities for the administration of assets deriving from the work of children, allowing juvenile labour and the care for them during working hours. Specifically, according to Article 197 of the Family Code, a child may require support from his/her parents when incomes from the assets and his/her employment do not meet his/her needs. Also, under section 239 the right to use the property of the child is not applied to the property he/she earns from his/her employment.

The Albanian legislation provides for special provisions in specific laws, regarding the access of minors and juveniles to the right to work, without distinction whether they are deprived of liberty or not. Further, written regulations foresee their full protection from any form of abuse or exploitation, or prohibition to exercise this right according to the standards established by the legislation.

Law no. 7995, dated 29.09.1995 "On employment promotion", as amended, aims to pursue the general policies in supporting and providing a full, productive and freely chosen employment by each individual. It provides that special focus should be placed on the mediation for employment of vulnerable groups, including children completing compulsory education. Additionally, the Law no. 8872, dated 29.03.2002 "On education and training in the Republic of Albania", as amended, prescribes and enshrines the right of citizens to education and vocational training, regardless of their social or health status. Article 5/c of this law stipulates that beneficiaries of education and vocational training are also special groups who seek vocational rehabilitation such as disabled individuals, mothers with many children, persons under 18 years old, the long-term unemployed etc.

Law no. 9355/2005 "On social assistance and social services" defines the measures for delivery of social assistance and social services to individuals and groups in need, due to their limited financial, physical, psychological and social capabilities and possibilities, including children. This law provides that beneficiaries of social assistance and social services are children, young people up to 25 years old and orphans over 25 as well as the unemployed, who are not placed in institutions or foster care. Also, the law defines the criteria for the functioning and organization of residential institutions for children and juveniles. Article 13 of this law stipulates that social services and medical care are provided by the specialized personnel in residential rehabilitation and reintegration centers, day centers or at homes, for individuals who are unable to live a normal life due to temporary or permanent physical, psychological, mental and sensory deterioration.

Another important act related to the issue in question is the Law no. 9634 dated 30.10.2006, "On labour inspection and State Labour Inspectorate", as amended, whose scope defines the inspection of work situation of the child. This law, inter alia, authorizes the Labour Inspectorate to take appropriate measures for the implementation of the legal provisions on the working conditions, employment and protection of children in various state and private entities. The Law no. 10347, dated 04.11.2010 "On the protection of the rights of the child" provides that the child is protected from economic exploitation and from any work that: a) is hazardous; b) prejudices education; c) damages health; d) harms the his/her physical, mental, spiritual, moral or social development; or d) is obligatory. Also, this law prohibits the recruitment of children under 16

years old. Children from 14 to 18 years old may be employed to perform easy work that does not harm their health and development, under the conditions specified in the legislation in force (Article 22).

The above cited legal acts are supplemented with relevant bylaws. In this framework the Decision of the Council of Ministers no. 384, dated 05.20.1996, "On protection of minors at work", is adopted, as amended, to fully guarantee their rights. This legal act provides for the medical check of employees under 18 years old before they enter into labour relations, as well as the compulsory regular medical checkup by their employers. Also, the decision envisages that the working conditions of the employees under 18 shall be commensurate to their age.

The employer must not propose to them any work of a nature that is likely to harm their health, physical, psychological, social or moral development or which may prejudice their education. Juveniles from 13 years of age and older may be employed by a company only in the context of an alternate training system or apprenticeship. There is a condition to this right, according to which employment should be provided in accordance to the conditions approved before or during school holidays. Also this employment is valid for easy work, after the Labour Inspectorate has issued an authorization for the employer, following a proper assessment. The duration of work shall not exceed 6 hours per day or 30 hours in a week. At least once per year children from 14 to 16 years old should have a vacation period of 4 weeks, free from any school activities and any kind of work. The employer must inform the labour inspectorate about the employment of any person aged 16 to 18 years old. The decision of the Council of Ministers no. 207, dated 09.05.2002 "On determination of difficult and hazardous works" defines the difficult and hazardous works, dangerous to human life and health in general.

Decision of the Council of Ministers no. 199, dated 11.01.2012 "On the amount of remuneration, criteria and procedures for implementation of the employment promotion programme for unemployed workers who work for the first time" provides that the employers who hire juveniles aged 16-25 years old for the first time, without previous working experience, may receive certain benefits. These include: a) a monthly payment up to one year, at the level of 100 percent of the mandatory social and health insurance, the employer's share of contribution, provided that the duration of employment contract is not less than 6 (six) months; b) employment up to 100 percent of the current average number of the insured up to 3 (three) months prior to application, for micro enterprises, and up to 50 percent for other enterprises.

The Decision of the Council of Ministers no. 353, dated 24.04.2013 "On employment promotion programme of unemployed juveniles" provides that private sector employers hiring juveniles aged 16-30 years old, who have completed higher education, general and professional secondary education and vocational courses, may receive a monthly payment for three years, at the level of 100 percent of the mandatory social and health insurance of the share of the employer's contribution. This payment is made, provided that the employment contract shall specify the three-year duration of the programme and three further full time years after the programme completion. Through this programme the employers may hire up to 50% of the average number of the insured declared in the last 3 (three) months.

In 2011, with an initiative of the Council of Ministers, the Albanian Parliament ratified the Law nr. 10376, dated on 10.02.2011. The main objective of the activities of such Associations is a stable economic and social development, through the development of a stable, balanced and cohesive

social business on a national level. The Law provides for that the “Social Business” is a business which addresses a social and environmental problem, with no distribution of the profit but with a reinvestment process, aiming the improvement of the activities within this social business or other such businesses. The Social Business is a joint stock company with a governmental capital and with the Ministry of Finances as a state shareholder representative.

Such Associations accomplish their social and environmental objectives through the support and the promotion of the social business, and microfinance. It particularly creates opportunities for stable incomes for the poor members of society in the Republic of Albania.

It is also open the analysis and the evaluation of the legal initiative undertaken in 2011 for social enterprises. This initiative, drafted as a legal act, is still incomplete and not ratified. It establishes the rules for the foundation, registration, field of activity, organization and functioning of social enterprises. According to this initiative, a social enterprise is that legal person, which consistently fulfills and has within its focus mainly an economic activity, with the objective of the production or the exchange of material goods, and/or services for the collective general interest. This initiative does not apply to public legal persons and trade associations. It does not apply to non-profit organizations either, considering that, based on their act of establishment; it is forbidden or limited for these organizations, directly or indirectly, to produce goods and services in favour of those who are not members. For the moment, all that can be done is to monitor the progress of the ratification of this act.

5.2 Policies regarding children and juveniles in conflict with the law

Currently, Albanian legislation does not provide for specific and explicit provisions on the exercise of the right to work for children and juveniles in conflict with the law. The legislation sets out rules for the employment of children and juveniles, without distinction whether they are deprived of their liberty or not. There is no policy document or strategy on how to realize all the rights of children and juveniles in conflict with the law with incentives and mechanisms for monitoring their compliance, in accordance with the situation of this target group.

However, a memorandum of cooperation has been signed between the Ministry of Justice and the Ministry of Labour, Social Affairs and Equal Opportunities²³ in terms of providing opportunities for vocational education for children and juveniles in conflict with the law. This Memorandum provides detailed rules and procedures regarding the professional training and learning for this target group.

Within the general framework of policies designed to date for the employment of children and juveniles, we may mention two key documents: (1) the National Strategy for Children and its Action Plan reporting the current situation of street children, children and juveniles involved in working and other profit making activities. One of the main objectives of this Strategy is the progressive elimination of the number of working children and juveniles; and (2) the National Strategy for Employment and Vocational Training, approved by the Decision of the Council of Ministers no. 751, dated 07.11.2007, as amended (from 2009 to 2013), which foresees the application of vocational programmes at reduced fees or free services in vocational training centers for children and juveniles who work and have reached the legal age.

²³ Since September 2013 renamed the Ministry of Social Welfare and Youth

Further, the National Steering Committee for the “Elimination of Child Labour” has been established, within the framework of the Memorandum of Understanding with ILO/IPEC and in cooperation with IPEC (International Programme on the Elimination of Child Labour) chaired by the Minister of Labour, as well as the Unit for Elimination of Child Labour set up at the Ministry of Labour, Social Affairs and Equal Opportunities²⁴.

In order to monitor the prevalence of child labour, the Unit for the Elimination of Child Labour (February 2002) was established by the Ministry of Labour, Social Affairs and Equal Opportunities²⁵. This Unit implements a national programme for the elimination of child labour, aiming to achieve the following objectives: a) strengthening of institutional capacities to properly address issues such as child labour and trafficking; b) concomitance between the national legislation and the international standards regarding this issue; c) further development of capacities of labour inspectors and other partners to respond systematically and comprehensively to the worst forms of child labour within the formal sector and especially within the informal sector; d) raising social awareness on the issue of child labour and trafficking, as one of the worst forms of child labour.

5.3 Analysis of the legislation enforcement and problems encountered

As stressed above, the Albanian legislation currently lacks clear legal rules regarding the employment of children and juveniles in conflict with the law. This issue is deemed as highly important and critical for the reintegration process in terms of income and of a decent life, thus preventing any potential grounds for recidivism.

Notwithstanding a set of strategies for children and juveniles in conflict with the law, there is still no strategy in place specifically regarding this target group to potentially include the component of their reintegration. Upon the latest initiatives of the Ministry of Justice, a working group is set up which has formulated a draft strategy which is still pending.

24 Since September 2013 renamed the Ministry of Social Welfare and Youth

25 Since September 2013 renamed the Ministry of Social Welfare and Youth

6. POLICIES ON VOCATIONAL TRAINING AND CAREER ORIENTATION

Albania continues to be ranked among the countries with the youngest population in Europe but regardless of the high economic growth in the past decade, Albania has had a high level of youth unemployment. The low rate of youth employment and the high level of their discouragement, suggest that juveniles in Albania face numerous obstacles and limitations to access the labour market. Long-term unemployment or long-term employment in the informal economy affects the perspective of young people to find a job or to pursue a high salaried career. This situation further hinders the social integration or reintegration of children and juveniles in conflict with the law, through career orientation and employment, as an important part of their rehabilitation process.

What are some macro-economic factors that have contributed to this unfavorable situation for the juvenile labour market?

Notwithstanding the economic developments of recent years, domestic investments are still insufficient to promote employment especially for juveniles. On the other hand, employment is not an objective *per se* but a derivative of macro-economic national policies. There is a lack of coordination among the policies developed to address the challenge of youth unemployment. There are 33 strategies in Albania targeting employment as a separate objective but there is a low interaction among them, thus rendering these policies quite ineffective. A national action plan was drafted in 2011 for youth employment. That plan was not really implemented precisely due to the lack of coordination of activities carried out by the institutions involved for the increase of youth employment.

This year for the first time, efforts are being made to design a national strategy of employment, education and vocational training (2013-2020), in order to ensure the harmonization of all state policies with a focus on employment.

Furthermore, little attention is paid to the increase of individual opportunities to self-employment or to generate employment opportunities, (development of SMEs, agricultural policies, rural development and infrastructure). This has brought insufficient young entrepreneurship initiatives, limited access to credit facilities, guidance services and networks. On the other hand, school curricula have no entrepreneurship education programmes and there are limited training courses on how to start a business. Self-employment opportunities would be one of the most effective options for youth employment.

The labour market: There is a low flexibility of the labour market toward this age group. **Participation in the labour market** comprises 41.4 per cent of the population aged 15 to 24 years old (50.6% M, 32.4% F), compared to the national average of 63.2 per cent.

Youth employment level is 31.6%, compared to the national level of 53.8%. The employment level increases in proportion to educational level, varying from 40% for the juveniles with up to 9-year education to 45% for those who have completed Bachelor studies.

51.1% of the employed juveniles belong to the agricultural private sector.

According to the employment status of juveniles, about 47.9% are employed without salary as family contributors.

Unemployment levels: Youth unemployment rate is 23.6 %, suggesting that they are almost twice as likely to be unemployed as adults. Looking at gender disaggregated data, unemployed youth have a respective unemployment rate of 27.5 % for males and 17.7 % for females. The level of long-term youth unemployment is 16.3 %, 18.7 % for males and 12.7 % for females.

The high rate of unprotected employment and employment in the informal economy affects the prospects of juveniles to pursue a career and have a decent job. A large number of juveniles contribute to their families through agricultural work, with low employment opportunities outside the farm. The vast majority of young workers are employed without social protection, despite the lowering of social security contribution costs. There is insufficient coverage of employment services and programmes, particularly for juveniles (insufficient funds); little attention is paid to the unemployed juveniles with low educational level (there is only one on-the-job training programme covering less than 2 % of the needs). There are limited and ineffective instruments to address the lack of working experience of juveniles (there is only one apprenticeship programme for fresh graduates).

These difficulties increase when it comes to our target group of children and juveniles in conflict with the law. They encounter a hostile environment after their release. Also, such an environment does not offer them possibilities to improve their life or begin a new life. This may be caused by a number of factors such as:

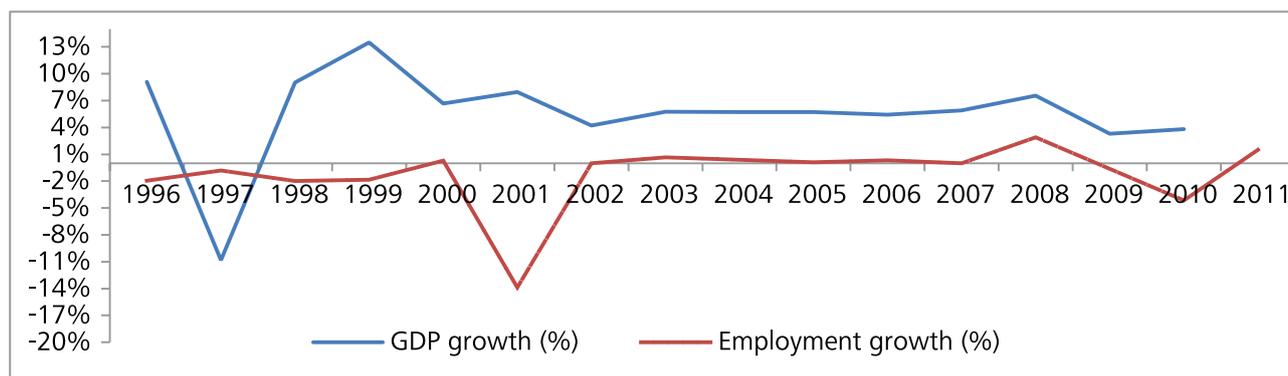
On one hand, the individual characteristics of this target group. Most of them have no education or professional abilities, as a result of not only their young age but also of their social background, low economic status of their families or an unfriendly educational environment. This becomes a serious obstacle for their employment after release.

Therefore, new opportunities for these individuals to build an educational, professional or job experience plays a key role for their personal development, significantly contributing to build their identity through social roles and recognition and developing a sense of active citizenship.

On the other hand, considering the history of this target group, the narrow-minded approach of society in general and of the business in particular prevents their integration or reintegration. Those children and juveniles are more threatened by social exclusion. To promote and facilitate social and professional integration, increasing the awareness of central and local stakeholders would be crucial as part of the referral system and in particular the social responsibility of the business community.

6.1 Labour market active policies

In the recent years the Albanian economy being developed but the employment is not associated with the same levels of increase. In this context, the main reason is the incompatibility of new requirements for occupations and skills with the existing skills of the labour force, due to the introduction of new technologies and working methods in the Albanian economy.



As in most European countries, Albania has been implementing a series of active and passive policies to “correct” labour market shortfalls causing unemployment since 1999. While passive policies are commonly related to unemployment benefits or financial aid, the labour market active policies (LMAP) are of different types. The Ministry of Labour, Social Affairs and Equal Opportunities²⁶ has drafted these policies and through the National Employment Service, a public independent service with the status of a central state administration, implements them for all unemployed jobseekers filling their applications to the employment offices.

6.2 Employment mediation services:

This service enables jobseekers to find the best job possible and also helps the employers to find the most appropriate candidates, offering

- Information about the labour market
- Information about vacancies
- Job-seeking assistance
- Self-service opportunities

Data on unemployed jobseekers mediated over the years

Years	Total employments	16- 19 years old	20-24 years old	% of age group from 16 to 24 years old in % to the total
2008	12611	1024	2436	28%
2009	11907	953	2567	30%
2010	12317	812	2642	28%
2011	12749	966	2963	31%
2012	12965	855	2666	28%

As indicated from the data above, there is a percentage of about 28%-30% of employments by the mediation of employment offices for juveniles up to 24 years old, in relation to the total. However, it is still hard to identify the employments for the target group in question, although it is considered as a special category. The jobseekers registered on the employment offices are self-declared as unemployed.

Therefore, they may declare or not their status as “ex-convicts”. In this context, stigma and prejudice against this target group have a strong impact. A proper way for their identification is the exchange of information with PIs and the facilitation of the process by local institutions for

²⁶ Since September 2013 renamed the Ministry of Social Welfare and Youth

or with children and juveniles (the local Child Protection Units) for an easier delivery of services to them immediately after their release, as an integral part of the referral system.

6.3 Career orientation and employment guidance

In a society where competences and knowledge become increasingly important, career orientation and employment guidance become of special importance. The employment offices in all the Albanian districts, through specialists of the respective services, to the unemployed jobseekers:

- Individual employment plans;
- Working clubs;
- Action plans;
- Professional guidance;
- Self-employment guidance;

In 2010, in cooperation with CARDS project *“Empowerment of the Labour Market and Support of the Labour Inspectorate and Regional Employment Offices in Albania”* started to implement a Working Clubs methodology in the Regional Directorate of Fier, as a pilot project. For this purpose, the premises were supplied with the necessary logistic resources and the management staff was properly trained. This experience was extended in the Regional Directorates of Durrës and Korça during 2011-12. These clubs welcomed about 400 unemployed jobseekers, 15% being children and juveniles from 16 to 24 years of age.

Special Youth Centers were set up at some Employment Offices in Shkodra, Gjirokastra and Kukës over the period of 2010-2012, where these services are specially provided only for youth groups. This pilot support in these offices is realized on the framework of joint program of the UN for Employment and Migration of Juveniles and strengthens the capacities of those Regional Directorates of the National Employment Service to provide services for juveniles of that age group, especially for those who are more disadvantaged in the labour market. During the period of the ongoing project about 700 juveniles were within the remit of the Shkodra Office. These offices continue the cooperation even after the project, thus becoming important centers for the promotion of juvenile employment.

6.4 Vocational training programmes

10 public vocational training centers are operational in the biggest cities of the country including Vlora, Shkodra, Tirana, Durrës, Elbasan, Korça, Gjirokastra, Fier and a mobile center is in place in the northeastern area. 120 licensed private entities (of which 24 being non-profit centers) are established throughout the Albanian territory. The target group in question benefits free courses at 10 Public Vocational Training Centers according to the Statute of Vocational Training Centers.

Data on training sessions conducted at Public Vocational Training Centers.

Years	Total number of trainees	16- 19 years old	20-24 years old	Prisoners	Ex-convicts
2008	7577	2659	2581	0	0
2009	6611	2152	2347	62	0
2010	8485	2144	2910	543	0
2011	8531	2085	3249	601	4
2012	8357	1839	2910	632	6

Training components of these centers:

- Courses last for a period of 2-6 months.
- An average number of 7000-8500 participants are trained per year and about 4000-5000 of them are unemployed.
- The main vocational courses are oriented to the following occupations:
 - Auto repair and maintenance technicians (auto electrician, mechanic, sheet-iron worker etc)
 - Household appliance repair technicians
 - Plumbers
 - Electric network repair and installation technicians
 - Installation and repair technicians of heating and cooling systems
 - Solar panel installation technicians
 - Seamstresses or needlewomen
 - Professions oriented to hotel-keeping and tourism such as cooks, confectioners, waiters, bar tenders
 - Construction-related professions such as bricklayers, welders, tile-laying workers, carpenters, plasterers, iron-benders.
- All the unemployed registered at the employment offices pay 50% of the training fee while special groups such as Roma, victims of trafficking, disabled persons, returned immigrants, ex-convicts or orphans benefit from free services.
- During these last three years training sessions have been conducted at the Penitentiary Institutions. The diversity of courses, especially the vocational ones, has grown in the recent years (there is a lesser number of foreign language and computer courses and the number of vocational courses has increased). The existing curricula are improved and new curricula are drafted in accordance with the regional requirements. However, actual employment after the completion of these courses still remains a challenge.

Data on training sessions over the years conducted at PIs according to age-groups and regions where they serve the sentence.

Years/Age	Total	Tirana	Durrës	Fier	Korça	Vlora	Elbasan	Gjirokastra
2009	62					62		
16-19 years old	42					42		
20-24 years old	20					20		
2010	543	71	275	80		45	63	7
16-19 years old	263	46	132	23		21	41	0
20-24 years old	280	25	143	57		24	22	7
2011	601	122	226	63		190		
16-19 years old	301	28	126	22		125		
20-24 years old	300	94	100	41		65		
2012	632	112	190	86	24	162	41	17
16-19 years old	241	15	68	29	9	99	19	2
20-24 years old	391	97	122	57	15	63	22	15

In 2008 there were no training sessions for these target groups. According to the Agreement no. 1366 of July 2009 between the Ministry of Labour and Social Affairs and the Ministry of Justice, in 2009 the vocational training centers offered free courses within the premises of PIs for the pre-trial detainees or inmates. According to the said agreement, during that year basic courses were carried out in the prison of Vlora for English language, computer skills, cooking and plumbing. 62 out of 82 trained prisoners were 16-24 years old and all of them were males.

In 2010 the Vlora experience was extended to other regions. Courses in foreign languages, computer skills, cooking and gardening were conducted in Tirana, where all trainees were males. Courses in foreign languages, computer skills and carpentry were carried out in Durres, Kavaja prison and courses in foreign languages, computer skills and plumbing were conducted in the prison of Fushe-Kruja. Only foreign language and computer courses took place in Fier. Computer, plumbing, welding, cooking and hairdressing courses were conducted in Vlora attended only by male trainees. Computer and Italian language courses were conducted in Gjirokastër. It is worth stressing that in all cases, foreign language and computer courses prevailed. It is worth mentioning that although in all the other cities the predominant courses were on foreign languages and computer skills, in Elbasan there was a variety of vocational training courses in the prison, such as electric repair, plumbing, TV repair and tile paving. Only two juveniles from this age group in Shkodra prison participated in the household appliance repair course.

In 2011 the courses were further diversified, especially for professions or crafts and female inmates also participated in those courses. Gardening and childcare courses were added in Tirana and 18 out of 122 trainees from this age group, were females and in Vlora, 8 out of 45 trainees, were females (hairdressing course).

In 2012 courses on embroidery, sewing and childcare were added in the women's prison in Tirana. 40% of a total of 112 trainees from the Vocational Training Center of Tirana, were women. Welding, electric installation, plumbing and TV repair courses were added in Elbasan while English and computer courses were carried out in Korça.

6.5 Employment promotion programmes

The employment promotion programmes have been implemented since 1999 with the purpose to promote employment or re-employment of the unemployed jobseekers through on-the-job trainings, subsidy for employment, and to promote self-employment, new vacancies or apprenticeships. Currently, five LMAPs are in place, drafted within the framework of the implementation of the Sectorial Employment Strategy 2007–2013 and regulated by the Decision of the Council of Ministers. These programmes are applied by the National Employment Service through regional offices, in cooperation with the vocational training centers. The employment promotion programmes are mainly focused on the disadvantaged unemployed jobseekers, women from special groups, jobseekers who have completed higher education within the country or abroad for not more than 24 months, and those persons employed for the first time in the labour market.

- **Apprenticeship programme for unemployed jobseekers who have completed higher education within the country or abroad**

The programme foresees the apprenticeship involvement of the unemployed jobseekers that have completed higher education in the country or abroad for not less than 24 months. The employment offices should prepare the list of unemployed jobseekers on the basis of the lists of graduates sent from the Rector's Offices and the list of degrees recognized by the Ministry of Education and Science²⁷. The private employers admitting these jobseekers receive monthly funding at the level of 100% of the unemployment benefit/payment for each month of apprenticeship of the jobseeker, if they assign them a tutor. The jobseekers under this programme benefit 100% financial subsidy of the basic level of unemployment benefit.

Data on this programme since its early implementation

Years	Total number of participants	16- 19 years old	20-24 years old	% of persons from 16 to 24 years old in relation to the total
2008	302	0	250	83%
2009	353	0	230	66%
2010	515	0	362	71%
2011	132	0	118	90%
2012	94	0	68	73%

- **Employment promotion programme for disadvantaged unemployed jobseekers**

According to this five-year programme, the employers who hire disadvantaged unemployed jobseekers under a one-year contract, may receive funding for one year to the extent of 100% of the compulsory social and health insurance belonging to the employer as well as funding for four months to 100% of the minimum salary at national level. The disadvantaged unemployed jobseekers are considered the long-term unemployed, beneficiaries of social assistance, beneficiaries of unemployment benefit, persons who are employed for the first time, people from

²⁷ Since September 2013 renamed the Ministry of Education and Sport

18 to 25 years of age; people over 45 years old with secondary education as their highest level of education or its equivalent, disabled persons, Roma community members, immigrant returnees with financial problems.

Data on this programme since its early implementation

Years	Total number of participants	16- 19 years old	20-24 years old	% of persons from 16 to 24 years old in relation to the total
2008	250	5	55	24%
2009	105	2	25	26%
2010	473	11	92	22%
2011	485	13	95	23%
2012	292	16	39	19%

- Employment promotion programme through on-the-job training

Within the framework of this programme, the employer who organizes general on-the-job training of the unemployed jobseekers may benefit 70% of the training costs for the small and medium enterprises; 50% of the training costs for the large companies with a training duration of up to 6 months. In turn, it should hire for at least six months at least 50% of the trained unemployed jobseekers. Further, he/she should not make unjustified dismissals of the previously employed. Additionally, the National Employment Service organizes training sessions for the people in need at district level. These training sessions with a common duration of 3 months include courses of foreign languages, computer or professional training in the "Fason"²⁸ occupations/crafts, seamstresses, technicians of different profiles etc. The courses cost 3.000 and 1.500 ALL.

Data on this programme since its early implementation

Years	Total number of participants	16- 19 years old	20-24 years old	% of persons from 16 to 24 years old in relation to the total
2008	1180	105	250	30%
2009	1076	90	239	31%
2010	769	55	200	34%
2011	553	24	171	36%
2012	497	39	122	33%

- Employment promotion programmes of women from special groups

According to this five-year programme, the employers who hire female jobseekers from special groups under a one-year contract, may benefit funding for one year to the extent of 100% of the compulsory social and health insurance belonging to the employer as well as funding for four

²⁸ The term "Fason industry" is used in Albania to refer to the inward processing industries of textile, garments and footwear manufacturing. The partial, or fully finished products are almost always exported to other countries and not sold in the country and represent a major portion of the country's exports.

months to the extent of 100% of the minimum salary at national level. Women from special groups are considered to include: long-term unemployed females (unemployed jobseekers for more than one year), females who benefit from low income supporting programmes, trafficked women, women over 50 years old, Roma women, disabled women, single mothers, divorced women with social problems and immigrant female returnees with financial problems.

- **Employment promotion programme of unemployed jobseekers hired for the first time**

The employers who hire for the first time 16-25 year old young people without previous job experience may benefit from a monthly funding up to one year, to the extent of 100 per cent of the compulsory social and health insurance of the share of employer's contribution, provided that the duration of employment contract is not shorter than 6 (six) months. This is a new programme that has started to be implemented in 2013.

Although the target group in our focus is given priority for inclusion in employment promotion programmes, no specific cases of actual inclusion have been identified. This is attributed to the aforementioned reason that there is no mechanism to identify this target group within the employment offices.

6.6 Active policies pursued by foreign projects

Within the framework of YEM²⁹ programme, the National Employment Units are piloting some active measures combining on-the-job training and subsidy of salaries for disadvantaged children and juveniles, with a view to increase their employment rate. Around 330 young people are involved in this programme.

The cooperation with ILO has been established since 2010 within the framework of the project "Assistance for strengthening of the employment system and vocational training of the National Employment Service" with active pilot programmes on the labour market with the Regional Directorates of Kukës, Shkodra, Gjirokastra and Lezha. On-the-job training programmes, subsidy and self-employment programmes oriented to female jobseekers are being implemented.

I. Assessment of the impact of the active labour market programmes

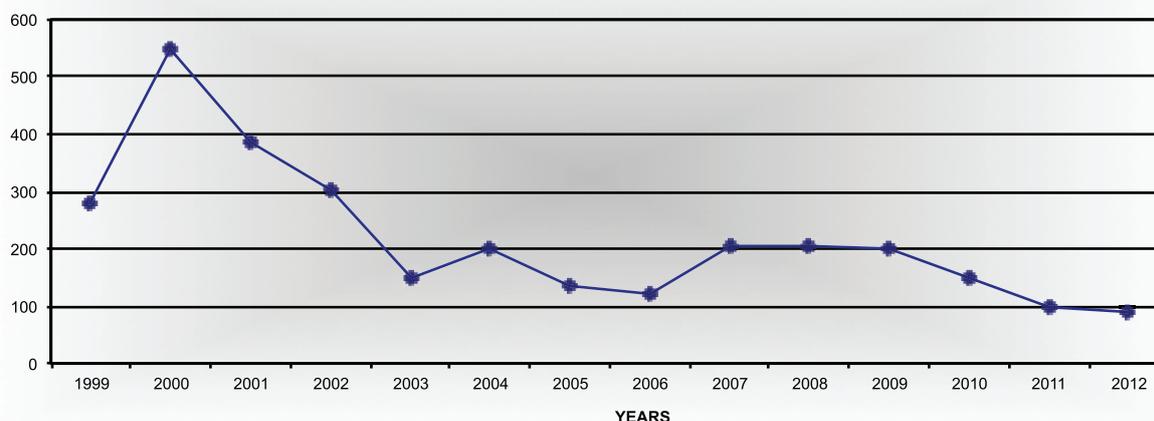
Under the conditions of a pan-European economic crisis and beyond, Albania is facing a fairly high unemployment level. Implementation of employment promotion programmes is a positive achievement for Albania and an experience broadly applied by the former-communist countries, which are now EU members. Both Albanian and the international experience have demonstrated that properly formulated employment promotion programmes oriented to disadvantaged groups, attract the attention of enterprises even when job demands are low.

Budget programme funds: In relation to the Albanian experience, it is worth mentioning that the investment of the Albanian government in employment promotion programmes remains modest. Specifically, the budget allocated for employment promotion programmes in Albania for the year 2008 was 0.46% of the Gross Domestic Product (GDP), thus being about 28 times lower

²⁹ YEM " Joint UN Programme on Youth Employment and Migration

than the EU average. In 2009 it was 0.016%. This budget was highly decreased over the years and specifically for the year 2012, it proved to be 40% lower than in 2010, further limiting the number of beneficiaries and the impact of those programmes

Employment Promotion Fund over years



This graphic show the measure of the fund (in Lekë) of Emprolment Promotion during the period of time lekë) 1999-2012³⁰.

Sometimes programmes are drafted and approved by the Council of Ministers after budget approval and so no funds are allocated for them, which hampers their implementation. Most of the state funds are allocated for passive measures due to the lack of links between passive and active measures. There is also an inadequate coverage of these programmes, especially for juveniles (insufficient funds); little attention is paid to the unemployed juveniles with low educational level (there is only one on-the-job training programme covering less than 2% of the needs).

On the other hand, the lack of funds prevents the employment offices from better promotion of those programmes (media releases, consultancy meetings, information leaflets etc).

Formulation and administration of programmes: Regardless of the limited funds, efficiency of the implemented programmes is also an issue which must be considered. From 2008 to date the Ministry of Labour, Social Affairs and Equal Opportunities³¹ has conducted yearly assessments of the effectiveness of employment promotion programmes.

By analyzing the labour market needs on one hand and the characteristics of the 16-24 year old unemployed jobseekers and specifically children and juveniles in conflict with the law, it is clear that specific training programmes should be developed. These would include training oriented to businesses offering new technologies and working methods, on-the-job training programmes for the unemployed jobseekers without any occupation, subsidy employment programmes for the long-term unemployed without education, specific programmes for women to reduce employability differences with men and self-employment programmes to promote starting new businesses. Therefore, there is a need for a broader diversity of programmes. There are restricted and ineffective instruments to meet the needs for new programmes.

³⁰ The vertical (y) axis it is in Lekë

³¹ Since September 2013 renamed the Ministry of Social Welfare and Youth

The implemented programmes have foreseen the inclusion of disadvantaged target groups but not all target groups are covered by the programmes.

The limited involvement of social partners in drafting, implementing, monitoring and assessing local national policies, is another barrier for the efficiency of these programmes.

A concern for the private sector remains their participation in the employment promotion programmes. According to business representatives, there are problems of transparency and excessive bureaucratic procedures while the incentives for employers are limited. This is particularly relevant especially if we consider the context in which the employers operate in Albania, informality and a large number of the unemployed in the market.

Assessment of the programme effectiveness: In accordance with the purpose of the programme assessment, which is to measure their immediate effect relating to employment and revenues of beneficiaries, and to identify which programmes are the most suitable for whom, the following conclusions will be listed according to the programme results, in particular for the employability, revenues and cost-benefit ratio. We note here that the analysis is conducted for only 3 programmes, since the employment programmes for women in need and juveniles were implemented for the first time during 2012-2013 and their assessment will be conducted in 2014.

Total employability: The participants on-the job training programme 2010-2011, have probability (66.4%) to find a job compared to the non-participants on this program. This marked an increase compared to the implementation of this programme during the years 2008-2009 (where the probability to find a job was 57%). It is worth emphasizing that such a probability was not the same for the participants covered by the social assistance their employment opportunities continued to be lower. In relation to the subsidy programme, the participants have a 57.7% higher probability to find a job compared to the non-participants. We see again an increase compared to the implementation of this programme in 2008-2009. In total, this result continues to be lower compared to the state programme 2012 approved by the Prime ministry (Decision Paper No 47) and almost the same for the participants covered by social assistance for both programmes. This shows that state programme participants' employment opportunities continue to be lower. Participants in the apprenticeship programme have a 41.9% higher probability to find a job compared to the non-participants. Regarding those who continued to be employed after the completion of the programme, we note that 67.8% of them are employed in the same enterprise for the on-the-job training programme and 47% for the employment subsidy programme. This result shows that enterprises are more interested in professional skills than education and to achieve that, they prefer on-the-job training methods.

Employability by gender: One year after the implementation of the on-the-job training and work subsidy programmes it was observed that women had a higher employment rate than men, this depending on the enterprise profile activity. Women are mostly employed in the processing industry and men in the construction sector. In relation to the internship and apprenticeship programme for fresh graduates, in terms of the employability results by gender, gender is not reported to influence the outcomes of this programme to any major extent. Considering that all the participants share the same educational level, we may come to the conclusion that gender preferences for employment are mostly related to the educational level the participants have than to their gender per se.

Employability by educational level and age group: The educational level had no visible impact on the employability after implementation of the on-the-job training programme. Relating to the job retention in the same enterprise, the participants with primary education are more likely to continue to work in the same enterprise where they have conducted the training. Within the same programme during 2008-2009, the participants with primary education were proven to be more successful to maintain a job within the programme. Considering age, persons up to 35 years old have higher employment opportunities compared to those of over 35 years of age. As regards the work subsidy programme, the low educational level of participants and older age of participants influenced job retention after the programme. Most of the participants could not maintain their job after the programme completion because of two factors. Firstly, almost all the participants up to 25 years old haven't a profession while those over 45 lack education or have positions which need re-training. Secondly, the programme does not include a training module.

Employability by profession acquired under the programme: Within the frame work of on-the-job training programme, 67.9% of the employed were hired within the same profession. The highest level is reported in the seamstress profession where all trainees are subsequently employed as seamstresses. This result was also seen in the processing industry, which had the strongest preference for the on-the-job training programme. For the work subsidy programme, the profession of "Shoe making sector" was seen to be the most employable after completion of the programme (about 39% of the participants were employed). This result was also influenced by the fact that the processing industry had the strongest preference for this programme. The apprenticeship practices reported that the economics and finance graduates reported the highest level of employment after completing the programme.

Post-programme employment incomes: As for the cost-benefit ratio of the three programmes, we may conclude that the benefit derived partly justifies the incurred cost. The balance of incomes derived after the programme compared to those received during the implementation of the programme course, is positive. On-the-job training programmes had the highest cost considering that it was about training and training costs are generally higher than the employment costs. However, this programme had the highest impact on employability. As are as the subsidy programmes are concerned, incomes from the participants' employment have not significantly changed because in the course of programme implementation they have received higher incomes during the whole programme period compared to the other two programmes.

Future provision:

EU financial support through the Pre-Accession Instrument (IPA)

Candidate status for Albania, will not only be a green light towards accession to the European family; it will also provide the country with opportunities to benefit from other EU funding instruments. Currently, the EU supports Albania through the first two components of the Pre-Accession Instrument (IPA), respectively:

- 1) Assistance for Transition and Institutional Strengthening
- 2) Regional and Trans-boundary Cooperation

Since 2007 Albania has benefited from the first two components of IPA funds allocated for countries with the potential candidate EU membership status. If we refer to the Multiannual Indicative Financial Framework (MIFF) 5, the benefit of Albania has been increased from year to

year. Meanwhile, with the status of the candidate country, Albania will have the right to benefit from the other three components:

- 1) Regional Development,
- 2) Human Resources Development
- 3) Rural Development.

The fourth IPA component, Human Resources Development, serves as a transitional stage to prepare the country in terms of administrative and institutional capacities for the management of structural funds, respectively the European Social Fund. The establishment and consolidation of an appropriate legal and institutional framework to benefit from the component of human resource development, will serve as a practical exercise to help the country face the global challenges of employment and social cohesion in the future.

Instrument for Pre-accession IPA II is designed to create a framework and unite under the same instrument as candidate and potential candidate countries, thereby facilitating the transfer from one status to another. Allocation of pre-accession funds of the EU helps transformation of political priorities expansion strategy into concrete actions.

Structure of the Component IPA fourth and the opportunities it provides

Based on the European Employment Strategy and the Strategy Europe 2020, priority pillars of the development of human resources are the following:

- Attraction and maintenance in the labour market of as many people as possible
- Improvement of adaptability and flexibility of workforce and enterprises through education
- Strengthening of social inclusion through the integration of disadvantaged groups in the labour market.

The list of the main beneficiaries shows the wide range of involved stakeholders:

- 1 National Employment Service & Regional Employment Offices
- 2 Local Authorities (mainly municipalities and towns),
- 3 Agency of Education and Vocational Training; vocational training centers
- 4 Chambers of Commerce and Industry (US Chamber of Commerce, British Chamber, Biznes Albania, Konfindustria, etj.)
- 5 Handicraft Associations, Crafts, Handicraft Unions
- 6 Associations of Roma Community Education
- 7 Small and Medium Businesses
- 8 Trade Unions (Independent Trade Unions, Independent Trade Union of Education, Health, Associations of Miners etc)
- 9 Economic Technical School, Hotel Keeping and Tourism,
- 10 Civil Society Organizations
- 11 Educational Institutions, Training Institute of Public Administration

7. CORPORATE SOCIAL RESPONSIBILITY AS AN IMPORTANT AND FACILITATIVE INSTRUMENT FOR THE REINTEGRATION N AND JUVENILES IN CONFLICT WITH THE LAW

7.1 Overview of Corporate Social Responsibility

The European Commission has defined Corporate Social Responsibility as “a concept through which the companies integrate environmental and social issues in their business actions and the inter-action with their stakeholders on a voluntary basis”³² (European Commission, 2002)

In October 2011 the European Commission published a new policy on corporate social responsibility. The Commission defines the corporate social responsibility as **“the responsibility of enterprises for their impact on society”**. In order to fully accomplish their social responsibility, the enterprises **“shall have established a process for the integration of social and environmental issues, ethical human rights and consumers’ concerns in their business actions and main strategies, in full cooperation with their stakeholders”**³³ (European Commission, 2011).

Purpose of the Corporate Social Responsibility:

Corporate Social Responsibility is not a new concept for the SMEs. A number of SMEs have already taken steps that are currently called Corporate Social Responsibility, even though they have not applied the same term in the past.

7.2 Advantages of Corporate Social Responsibility:

- Corporate Social Responsibility (CSR) may bring advantages in terms of staff recruitment and retention, staff development and motivation, loyalty of customers, and reduced energy expenses. In economic sciences, CSR may be a source of innovation and may facilitate access to information.
- Further, CSR fosters personal and ethical values. Personal and ethical values of businessmen, managers, and employees constitute a strong motivation for an enterprise to pay higher attention to social and environmental issues.
- CSR is an opportunity to solve real problems. CSR should be result-oriented, providing solutions to real problems such as efforts to reduce social exclusion, promotion of entrepreneurial thinking or reduction of CO2 emissions.
- CSR works at local and regional level. The SMEs identify themselves with the district or the city where they exercise their activity. Social and environmental issues may be on a local or regional level; therefore, the positive effect of growing CSR may have a local and regional impact in economic, social or environmental terms.

³² European Commission, 2002

³³ European Commission, 2011

- CSR helps the industrial sector. SMEs from the same sector often face common social and environmental issues. By jointly addressing these issues, they may reduce costs of actions and bring about improvements that a single SME could not achieve, so the partnership among actors is very important. Also, organizations working with SMEs could play a central role.
- Language and terminology should be appropriate. In some cases, instead of **Corporate Social Responsibility**, the term of **Responsible Enterprise** can be used as a better alternative.
- CSR can be better incorporated into the education system. To convince future employees, entrepreneurs, and managers that CSR is an investment in society with long-term results, the role of the social environment and the responsibility of enterprises have to be better integrated across the education system.
- Not all SMEs are similar. Given that SMEs are of an extremely diverse group (size, background, sectors, ownership), there is a need for a wide range of various efforts and strategies to encourage support for CSR.
- CSR appears different in different EU countries. CSR is culture-specific: it varies in accordance with political traditions, the nature of social dialogue, and the level to which specific social and environmental issues are legally regulated.
- The governments should act in a responsible way. No stakeholder requires a greater support for CSR among the SMEs without focussing on the governmental responsibility relating to the establishment of appropriate conditions and framework, in order to allow the enterprises to grow, create a large number of jobs and better jobs. More academic research work is required for CSR among SMEs. This issue brings both greater challenges and higher benefits.

7.3 Corporate Social Responsibility in Albania

Each corporation, business and institution has the responsibility to be concerned not only in the wellbeing and comfort of its own personnel but also of the community where it operates. In Albania, a fairly small number of businesses (at best, they are seen in the foreign companies operating in Albania) have a budget dedicated to Social Responsibility.

Among them, we may mention the mobile phone companies, second level banks operating in Albania (some of them are affiliated branches of well-known European companies or corporate banks), foreign companies which have opened affiliates in Albania linked to the food industry, consulting etc.

Background of the “Fason” Industry in Albania

The Albanian “Fason” Chamber was established in June 2008. It is a non-governmental, non political association, representing the interests of the “Fason” businesses in Albania. It has been and continues to be very active at national, regional and international level, through partnerships and cooperation activities with similar associations in the region, Europe and beyond. The “Fason” Chamber is certified to the standards of Certificate ISO 9001:2008.

Through its activities, the aim of the Albanian “Fason” Chamber is to represent and protect the interests of producers who are members of the “Fason” association, within and outside the country, to promote the products of its members and find new modalities and methods for their business development.

The “Fason” Industry in Albania Fason industry has involved in his company groups in need, especially women and girls. Thus, on this industry with participated by women and girls it is reorganized in the early 90s or which was reorganized on the massive national demographic movement of the population.

Albania has a comparatively new tradition of the “Fason” work dating back to the end of the 1980s, when they started to order supplies from the western countries, (especially from Germany and Italy). This was to smooth the crisis which the state owned Enterprises for Clothing Production were going through, at a time when they were experiencing an irreversible financial collapse. This was also the time for initial investments in modern technology, although these investments were quite modest. The few items of modern technology introduced in Albania (some industrial sewing machines of PFAFF brand were bought from Western Germany) were probably investments made for propaganda and psychological influence to show the foreign employers the “seriousness” of the socialist government.

The “Fason” industry actually dates back to the early 1990s, when the democratic system also introduced the first “Fason” companies in Albania. These “Fason” companies operated mainly in two main sectors: ***in the clothing industry and the footwear industry.***

The way they entered into the Albanian market was more or less the same, regardless of the type of “Fason” work they exercised or the country of origin where these businesses were seated. These companies came to Albania, opened their business activities with their own technology, machineries and materials, using the cheap labour force and the legislation which facilitated this (especially for this type of activity and particularly in the period 1992-96).

Over time the Albanian “Fason” companies started to strengthen their businesses and upgrade their production standards, and this was reflected in the relative improvement of working conditions and the workers’ payments.

Their weakness remained the slow improvement of production technology due to two main reasons:

- Lack of appropriate liquidity for technological investment (this is linked to the nature of work performed) because of technology costs.
- Their high-level dependence on the foreign employers (for procurement of machineries and equipment), which in most cases dictated what was to be purchased for the purposes of technological investments.

As a result, on one hand the foreign employers managed to free their warehouses from outdated technology, but on the other hand, although the Albanian companies were expanding, this production technology was neither contemporary nor modern. Such a phenomenon, known as the transfer of technology, happened in other in transition countries as well, such as Bulgaria and Romania. However, they managed to overcome this phase more quickly and currently use modern technology. This was not seen in the Albanian companies.

Foreign investors opted for the Albanian market because the clothing and footwear industry favored women who were unemployed and without any type of occupation, who could them be paid the lowest salary possible. There were two key elements: low requirements for professional expertise and the low level of salaries.

The Clothing and Footwear Industry today

Taking into consideration the progress which this industry has gone through, from the very beginning to date, we might better understand the problems of this industry with its ups and downs during the 23 years of its development. The clothing industry in Albania, which mainly consists of importing raw materials, plays an important role in the Albanian economy and especially in relation to exports. During 2005-2008, it comprised 34.5% of the total exports (over 280 million Euros) and together with the footwear industry ("Fason") represents about 65% of the total exports. Italy is the main clothing and footwear export market with over 75% of the total, followed by Germany, Greece and other countries. There are 70 thousand people officially employed in the "Fason" sector. This figure is also confirmed by INSTAT statistics and the district tax data. Tax experts believe that the number of employees in this sector may reach up to 100 thousand persons.

Presently, there are some 450-500 "Fason" companies in the clothing and footwear industry in Albania, with numbers of employees varying from 10 to 800. As mentioned above, experts in the field consider that the total number of employees of this sector is about 100,000. This industry is mainly concentrated in districts with large populations, such as Tirana, Durrës, Shkodra, Berat, Vlora, Korca etc. The current revenues from this industry are about 480-500 million Euro annually. The job experience of the employees has to be considered, because many of them have previously worked for well-known Italian or German companies.

Another vital factor for the national economy is that this sector has employed a fairly large number of people, which as mentioned above are around 100,000. This is a very important social factor.

Within the context of continuous competition, some measures have to be adopted in the sector of the clothing production, in order to solve several existing shortfalls of this industry. It should improve its infrastructure by modernizing and upgrading the existing old and outdated technology. A great number of the Albanian clothing companies operate with old machineries and equipment's and consequently they have low quality production.

Currently, most of these enterprises are in fact *capable* of providing high quality products to the Albanian and foreign markets but as mentioned above, "the Achilles' heel" for the "Fason" enterprises in Albania which impacts on the realisation of this quality production are: modern technology, vocational training, closed production cycle, and aggressive marketing in the international market

For the purpose of this study, corporate social responsibility in terms of the engagement of enterprises to employ children and juveniles in conflict with the law, it is seen as **a key facilitating instrument for their social reintegration.**

More specifically, this industry is predominantly supported by the work of girls and women coming from the remote areas of the country to the main cities of Albania such as Shkodra, Kruja, Tirana, Elbasan, Durres, Fier and Korca. Because of their social and economic circumstances, these girls and women have a low level of education and knowledge about the labour market. This process has been challenging for the clothing and the footwear industries, because all achievements came through their own financial and technological contribution, with the final aim of providing their workers the opportunity to learn and become part of the industry.

The problem is how the members of our target group will be integrated to the whole chain of production of the company. Typically, companies have a certain number of employees and every person in this environment will need to be integrated both socially and professionally. This entire system has also been a more natural way of reintegration for these groups into the values of the society where they work and live. The clothing and footwear industry is very close to this social group of girls and women and is more inclined to fully understand and help this community.

Based on concrete cases, this industry has incorporated members from other vulnerable social groups, such as orphans, children and juveniles with hearing problems and young people 25 year-olds. If the member of a group in conflict with law has a profession as tailor or something related to the industry, such as mechanic or cutter, the reintegration would be indisputably easier and quicker. There are concrete examples of the integration of children from the children's home (orphanages) into the footwear manufacturing enterprises. This process of integration and employment has produced a positive effect on the entire company.

Generally, these are family businesses, which mean that the husband, wife and the elder child are running the company, so such a leadership style is closely linked to the social effects.

From the beginnings of the clothing and footwear industry in Albania to date, working conditions and workers' management have significantly changed in terms of quantity and quality. Presently, most factories have improved the physical conditions of their buildings with new electrical, plumbing and fire protection systems. On the other hand, the Albanian legislation in force (the 'Labour Code' approved by Law no. 7961, dated 12.07.1995) provides measures and obligations for the employers related to the protection of the employed child or juvenile. The clothing and footwear industry has not employed people under the age of 16 years and the working hours are appropriate, which signifies compliance with the Albanian Labour Code, the UN Convention on the Rights of the Child and the OLO Convention "On the Minimum Age of employment".

Also, the level of salaries over the years has shown a constant increase of the employed personnel of this industry.

The social responsibility of the corporations and companies is an active and voluntary contribution focused on the improvement of social, economic and environmental conditions, and of their competitive position as well.

Within this social responsibility the company builds its reliability, enhances the image of the company, strengthens its brand and contributes to significant long term benefits, providing also:

- Improved financial performance;
- Encouragement, commitment and performance of the company personnel;
- Development of personnel working skills;
- Improvement of the company image or reputation;
- Attraction of new investors;
- Building reliability and preference of the customer;

Principles of the initiatives of Corporate Social Responsibility are based on two pillars:

1. Respect of ethical values, people, community and environment;
2. Business is not separated from the other parts of the society; it is interdependent from the society

Therefore, the main principle of the role of companies through CSR activities is the development of a better society.

Corporate Social Responsibility is a continuous commitment of businesses for ethical behaviours contributing to comprehensive economic progress through better living standards of the employees and the communities they belong to and where they work.

The concept of social responsibility is relatively new in the world of the business community. The awareness about corporate social responsibility is arising quickly and the companies are accepting this concept. The clothing and shoes industry are no exception to this rule. Clothing and trade companies are accepting their responsibility toward the society.

Similarly to other industries, the clothing and footwear companies are also recognizing their responsibilities towards other parties related to their business and the environment.

The ways textile and clothing companies use to meet their responsibilities towards other parties are similar to those of the companies of other industries, with focus on the following issues:

- employees;
- shareholders;
- government;
- consumers;
- investors;
- suppliers;
- competitors;
- society;
- environment;

The companies have become more accountable in relation to their responsibilities towards other stakeholders. They are attempting to perform well by protecting the interests of employees, customers, suppliers and other parties, and the entire society. The concept of business companies working only for their personal profit has gradually become outdated.³⁴

7.4 Positive practices of the reintegration of children and juveniles in conflict with the law in the clothing and footwear industry

Within the framework of social responsibilities of the clothing and footwear industry in Albania, the Albanian “Fason” Chamber has introduced the modalities of social responsibility of this industry, in order to concretely approach social groups and people, helping them reintegrate in the society and lead a better life.

More specifically, since this document is focused on the reintegration of children and juveniles in conflict with the law, those serving their sentence at the Albanian Penitentiary Institutions and the ones who have completed their sentence and are now seeking social reintegration. We have to make clear that we are referring to children and juveniles with a disturbing past in relation to their social and economic problems for to a number of reasons.

Coordination between the persons in conflict with law and the business community can be provided through concrete incentives by the government which are convenient for the business community. This can be achieved in three ways:

Firstly: The establishment of centers of vocational training within the penitentiary system as a way to anticipate the rehabilitation of offenders after the completion of their sentence, in order to provide prior knowledge of the industry and sector where they can be engaged and the basic mechanisms of such an industry.

Secondly: It is of great importance to consider the assessment of potential damage these persons might cause again to society and what might be offered for their reintegration. A middle way can be found in favour of those businesses, which will provide long-term employment for children and juveniles leaving the penitentiary system. Generally Albanians belong to a conservative culture, which makes it difficult to accept and trust individuals who in the past, might have been in the wrong place and at the wrong time.

Thirdly: Prevention through the employment of children and juveniles in a specific area. The daily maintenance for a child or juvenile in conflict with the law is costing to the state and to the taxpayers around **47.37 Euro**. Calculated per month, this amount of money is around **1421.1 Euro** and for one year it is **17053.2 Euro**. To cut these high costs, the government could find other methods for children and juvenile employment in the clothing and footwear industry. This means the state investing less in them and also eliminating a serious problem for the society as well, by encouraging the entrepreneurs to employ juveniles in their businesses, supporting them with financial assistance schemes.

7.5 Positive practices of Social Responsibility in the clothing and the footwear industry in Albania

An example worth mentioning is that of the company Ama Dress in Berat, which has employed 25 young men of 22-34 years old in a production line for manufacturing clothes. The result is satisfactory both in terms of the quality and quantity, considering that more than 90% of the employed in this industry and enterprise are women and girls. According to the official data in 2012 of the city Police, another equally interesting and important fact for society, is that the reoffending level in Berat is decreased by 8-10%. This means we can assume that one of the factors affecting the decrease of delinquency level is the employment of children and juveniles, keeping them away from illicit or dangerous activities and at the same time providing them a budget to help themselves and their families.

Reintegration of Children and Juveniles in Conflict with the Law in Albania

Another interesting example is that of the employment of a disabled person (with hearing problems) who holds a specific job assignment at the shoes processing industry. This person is employed by the company Almoso, Fushë-Kruja.

Another positive example is the employment by Albaco Shoes Company in Tirana of juveniles coming from the ex-orphanage of Tirana. These juveniles, regardless of their life problems, have found a warm family environment there and as such, they work with dedication and utmost commitment to various business processes.

Without doubt, these examples are not the only ones and they are indicators of a process the clothing and footwear industry has started many years ago. A number of enterprises and businesses have carried out Corporate Social Responsibility activities for a while, but they have not referred to it using this specific term.

8. POSITIVE PRACTICES OF CORPORATE SOCIAL RESPONSIBILITY IN ITALY

In recent decades the topic of social inclusion of marginalized people has been widely discussed in Italy, in order to support the development of national policies for social cohesion and appropriate instrumental actions to limit the marginalization of vulnerable target groups.

These objectives are pursued through the approval of a regulatory framework in support of NON-PROFIT private enterprises and through the allocation of public financial resources facilitating these companies in their contribution to social inclusion and employment of marginalized people. In most of the EU member countries, like Italy, support the contributory role, which means sharing of social responsibilities with the business companies that have set social integration as their objective.

The Italian welfare system operates under the “passive social or welfare policies” and “active labour market policies”. The first refers to all those social instrumental actions aiming to support family incomes through the transfer of monetary means, the second type is focused on the promotion of individual’s active participation in the society by means of work. In the current situation of an economic crisis it is impossible to discuss a guarantee of employment for all citizens. However, it is worth mentioning the efforts undertaken by the “policy-makers” to fight unemployment, attempting to use employment as an incentive for the full integration of people in society.

Three levels of actions are further reported, promoting Active Labour Market Policies:

1. Support to social cooperatives,
2. Definition of laws to encourage juvenile recruitment,
3. Management of new projects funded by some local authorities.

8.1 Social cooperatives: A form of enterprise focused on the promotion of the individual

The Italian state recognizes and promotes the activities of social cooperatives as non-profit enterprises but with the goal of promotion of the individual’s activity by means of:

- Social, educational and health oriented cooperatives of type A);
- Production and sales of goods focusing on the engagement of marginalized individuals at work, social cooperatives of type B)

According to the Italian law no. 381/1991, socially disadvantaged people are considered physically and mentally disabled people, persons with visual, hearing or motor disabilities, ex-patients of mental institutions, individuals under psychiatric treatment, drug and alcohol abuse patients, working minors, (minimum employment age in Italy is 16 years old) in a difficult family situation, offenders under alternative punishment.

The Italian state supports the social cooperatives through:

- Tax relief policies for disadvantaged employees;
- Tax reduction and donations in favor of social cooperatives;
- Exemptions from certain services (label etc);
- Special lines of financing;
- More favorable VAT³⁵ system. VAT is applied to the exchange of goods and services. The cost of services provided by the social cooperatives is subject to VAT of 4%, which is considerably different to the VAT applied to services provided by the profit organizations or individuals which pay VAT at 22%.
- Exclusion of IRAP³⁶

Incomes from IRAP are mainly allocated to the districts, in order to cover health care expenses. Districts may determine tax application procedures according to legally established principles. The tax is applied to the net production value deriving from the regional activity.

Summary table of financial taxes at social cooperatives compared to profit making enterprises:

	PROFIT Enterprise	Social Cooperatives
VAT	22%	4%
INPS!	33%	0% For the disadvantaged employees
IRAP Puglia Region	1,90% to 6,82% of the production value	0%
LABELTAX	2 to 16 Euro per action	Total exclusion

Types of contracts for the insurance of juvenile employment

- Apprenticeship Contract: This contract is the main type of contract to facilitate the juvenile's introduction into the labour market. In fact, it is applicable for juveniles from 16 to 29 years old and has training and education purposes. The Employer will offer an apprentice technical and professional skills besides the salary for a particular job. The Act approved in September 2011 (Legislative Decree no. 167/2011) and the labour market reform (Law 92/2012), have considerably improved the previous regulations. The apprenticeship contract is defined in the Act as an ***"employment contract with an open deadline focused on juvenile's employment"***.

Engaging apprentices in this way is supported by significant financial incentives, such as the sponsored contribution equal to 10% of the salary or the decrease of contributions from the tax IRAP. Apprenticeship contracts are further supported by rules such as the opportunity for exclusion of apprentices from the calculation of the total number of employees for specific legal purposes. The last reform of the labour market has afforded a higher level of protection for apprentices, especially regarding their job security. The reform anticipates that the recruitment of new apprentices is possible only if, at the end of the course, it is confirmed that through this course 50% of the professional knowledge in the last three years have been achieved. For the first 36 months after the entrance in force of the law, until 18 July 2015, this percentage is decreased by 30%. Employers that hire less than 10 employees are excluded from the implementation of these rules.

Learning and on-the-job trainings are envisaged by the Law no. 196 dated 24 June 1997, and regulated by the Ministerial Decree of 25 March 1998, no. 142 to ensure easier access to the labour market.

³⁵ Value Added Tax

³⁶ Regional tax for productive activities has been levied since the fiscal year 1998

Learning and on-the-job trainings (which does not mean a working relationship) is a training period in the working environment, which allows learning of important practical skills and professional experience within the working facilities, potentially extending the personal experience. On the other hand, the training period is also useful for the company to assess the potential, skills and professional characteristics of the apprentices.

Institutions that may conduct learning and on-the-job trainings:

- Employment Centers,
- Universities,
- Educational authorities,
- Educational institutions,
- Therapeutic Communities, social cooperatives,
- Learning and On the Job Training Institutions.

The organizations and authorities hosting a learning and on the job training event shall insure the apprentices:

- against work accidents (INAIL),
- for public liabilities towards third parties.

Subjects and organizations hosting a training event:

- A learning and on the job training can be initiated by any public or private employee, for:
- one apprentice, when they have no more than 5 full-time employees;
- two apprentices, when they have an organizational structure between 6 and 19 employees;
- a number to not exceed 10% of the labour force with 20 members of personnel and above;
- learning and 'on the job training' courses can be also organized with the general public.

The training for employment admission is focussed on:

- Students (max. 6 months)
- Unemployed people (up to 12 months according to the agreement of state-regions and 6 months for the Ministerial Decree 142/98)
- Disadvantaged groups according to law 381/91 (max. 12 months)
- Disabled persons (max. 24 months)

8.2 "Meridia" Consortium for the social inclusion and employment of socially disadvantaged individuals

The experience of "Meridia" Consortium, as part of the social inclusion process and of the employment of marginalized groups, is consolidated in an economic environment which has produced a radical re-assessment of the role of the social cooperation with the goal of human development.

Until a decade ago, probably including ³⁷, the largest part of the system of cooperatives defined their working "mission" almost exclusively within the framework of the activities conducted by social cooperation. Now more than twenty years after the above mentioned law, it may be argued that a new period has began due to the level of maturity of the entrepreneurial social cooperatives, in which the role and integration of the experiences of cooperatives have produced a different way of action compared to the purpose of human development and social inclusion.

³⁷ nnovation period produced by the law 381/1991

Social cooperatives have become active subjects of the welfare policies and active policies of the labour markets. Their leadership qualities are recognized by the public and private stakeholders they usually cooperate with, these have generated stronger skills for building networks and partnerships even outside of the Non-Profit networks.

This explains that in order to maintain the trust of their “mission”, the social cooperatives attempt to move in various directions to reach their social inclusion objectives.

Meridia Consortium, facilitated by the fact of providing an environment of exchange of active experiences among its members, which constitute more than 20 social cooperatives, has developed a plan of action in the last five years, which follows a two pronged approach. On one side, it aims to continue the support and innovation of social cooperatives and on the other hand, by assessing the background and the identity of its members, it tries a different scheme for the promotion of inclusive courses for disadvantaged persons.

Regarding the first aspect, cooperatives of type B “in collaboration with Meridia, are engaged in production activities, providing management services, bread products, traditional crafts, and agriculture. These sectorial features define Meridia’s network as a carrier of the “original” entrepreneurship experiences, with interventions on a national level. It is worth mentioning that in Italy 48% of the social cooperatives of type B are responsible for the maintenance of green areas and 38% of them for cleaning up the public and private areas.³⁸

This original approach has ensured a stable position in various segments of the labour market which still, despite the difficulties caused by the economy in recession, provides jobs for dozens of “marginalized” persons in accordance with law 381/91. However, although the quality of the products and services of the social cooperatives of Meridia Consortium has been approved by the market and its public and private costumers, who buy their goods in quantity, it is also important to find and create alternative suitable ways to increase the groups benefitting from integration, beyond the number of persons who are permanently employed by cooperatives. Therefore, in 2007 Meridia Consortium seized the opportunity offered by several pilot projects funded by public bodies to promote the engagement of local businesses in the mission of employing socially disadvantaged persons.

We may briefly mention some the efforts made in this regard. In the last five years the consortium have attempted to find new ways and extend the engagement methods going beyond traditional social responsibilities of type B in accordance with the EC indicators, promoting a broader concept of the term “disadvantaged”.³⁹

38 Source: Third report for social cooperation in Italy

39 Disadvantaged persons, according to article 4 of Law 381/91 : “ are considered the physically, mentally and sensorily disabled persons, former patients of mental institutions, individuals under psychiatric treatment, drug and alcohol addicts, juveniles in difficult family situations, convicts under alternative imprisonment terms provided for in articles 47, 47 bis, 47-ter and 48 of Law dated 26 July 1975, No. 354, as amended by Law of 10 October 1986 n. 663. Further, disadvantaged persons will be considered the individuals referred to by the Chairman of the Council of Ministers, upon the proposal of the Minister of Labor and Social Security, in consultation with the Minister of Health, Minister of Interior and Minister of Social Work, following the consultation with the Central Commission on cooperatives, as stipulated by article 18 stated by the decree of the Interim Head of State, dated 14 December 1947, n. 1577, and subsequent amendments.”

According to EC Regulation 2204/2002, article 2 lett.f, a disadvantaged worker is defined every person belonging to a category with difficulties to enter the labor market, without any assistance, which means every person who meets at least one of the following criteria:

- a person who is under 25 years of age or who has completed training for a period to not exceed 2 years and has still not received his/her first salary;
- a migrant worker moving across the community or becoming a resident to acquire a job;
- a person belonging to an ethnic minority who needs to improve language skills, professional training and job experience, in order to increase the opportunities to have a stable job;
- a person who wishes to undertake a working activity and who has not worked or has not been trained for at least two years, in particular the one who has quit job due to difficulties of job requirements and family life;
- an adult who lives alone or with one or more dependent child/children;

Therefore, this consortium focused on the promotion of projects and labour services in support of the people at risk of marginalization. For these individuals finding a job is one of the most effective ways of integration. "For the socially disadvantaged individuals, employment represents a starting point in the process of achieving autonomy, both economically and personally. Even though there is no full guarantee for the improvement of the personal situation, employment is essential for the generation of social inclusion opportunities."⁴⁰

In line with the above statement, Meridia consortium representatives were interviewed on how the third sector can facilitate job provision for the population, based on the specifics and strengths of the system and overcoming its limitations and weaknesses.

Social cooperatives certainly must have the competence for assessment of the individual needs, which often have a multi-dimensional context; among the challenges is the impossibility to host all job expectations and offers coming from the individuals at risk of marginalization.

Based on the Meridia's practice it has proposed a "social pact", capable to offer multiple responsibilities in a consortium in order to "provide services for the individualized orientation and association in the field of employment, job counseling, public local bodies supporting the strategic planning of active labour market policies and companies assuming social responsibility for their business activities".

This approach complies with the guidelines stipulated by the Social Regional Plan⁴¹, which includes that Puglia's social inclusion policies will be led by the following basic principles:

- The known person is or has been a drug addict according to the national law;
- An individual with no first regular employment after being imprisoned or subjected to other criminal cases;
- Individuals with physical, mental and sensory disabilities, former patients of mental hospitals, including the judicial related sections, individuals under psychiatric treatment, drug or alcohol addicts, children and juveniles in difficult family situations;
- Individuals under arrest or internees/detainees in prisons, sentenced to prison and prisoners under alternative terms of imprisonment or working out of them;
- Women living in geographic areas where the average unemployment rate exceeds 100% of the EU rate for at least 2 years, or areas where female unemployment rate exceeds 150% of the male unemployment rate for at least the last two to three years;
- "Demonetization" within the context of social exclusion and its multi-dimensionality vision, linked with the real need to identify the user's responsibility in order to build personalized courses;
- Promotion of "social capital" for every user, in regard to resources and lifestyles, and the available resources;
- Implementation of the model of the "Lisbon triangle ": interdependence of the economic growth, employment and social cohesion introduced by the European Commission during the Lisbon Summit;
- A methodological, flexible and integral approach, paying more attention to an integral

• a person without secondary level educational qualifications, without a work or about to lose his/her job;
 • a person more than 50 years of age without a work or about to lose his/her job ;
 • the long-term unemployed, namely, the persons who have been unemployed for the previous 12 out of 16 months or 6 out 8 previous months, in case of persons less than 25 years of age;

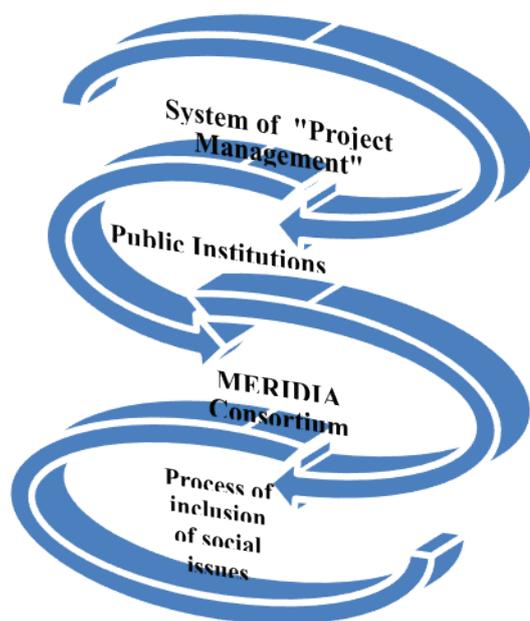
40 Carlo Borzaga: individual benefits of the disadvantaged workers in social enterprises;

41 The Social Regional Plan regarding of the Italian model

dimension such as the social support networks, strong links, cohabitation forms and families, general education and life management within a particular focus, as well as a overall improvement in accordance with the personalized needs and conditions.

Finally, in the recent years the “on the ground” experience developed by Meridia Association of Social Cooperatives has institutionalized a viable model, which responds to needs, starting with the identification of the target group and ending with the efforts to join the labour market.

For this purpose, many of the projects under Meridia’s management have used the so-called learning and ‘on the job training apprenticeship period’⁴², which is an important stage before joining the labour market.



The “governance” system of social inclusion projects has always provided connections of the functions and responsibilities among different shareholders. In relation to the social and educational engagement services offered and the projects managed by Meridia, these have followed a chain of supply of services consisting of:

Selection: This phase involves identifying the recipients, usually in consultation with the representatives of local public services.

Orientation: Orientation is the set of actions which help the individuals to freely identify their life opportunities in accordance with their skills and aspirations, taking into consideration their previous skills and introduction to the labour markets.

Scouting company: This phase is the first step required for the identification of the means leading to a potential job (it precedes tutoring) and consists of a mapping to identify companies which agree to be involved in the personalized employment.

Tutoring: Tutoring is the follow up and support activity for the service and project beneficiaries throughout the period of job identification and assignment.

⁴² Currently, “job placement” internship/apprenticeship is regulated by LG 196/97, DM 142/1998, Ministerial Decree 138/2011 Explanatory Circular No 24 dated 12 September 2011

Job Identification and Assignment: This is normally the last phase of the project corresponding to the primary goal of intervention. In this phase, the service beneficiary gets job experience.

In recent years, based on the logic of integration with local public services, Meridia has promoted more than 300 personalized mechanisms for social inclusion and employment of individuals at risk of social exclusion, ensuring an equal “identification and assignment” to 20% of the cases which have been followed.

If quantified by the type of project beneficiaries, the results are absolutely positive and successful. As described above, without proposing to support a single option model, we believe that the Italian experience might be suitable to be adopted in other appropriate contexts as well.

9. CONCLUSIONS AND RECOMMENDATIONS

9.1 General Conclusions

- There is a growing trend of children and juveniles involvement in conflict with the law in Albania. Additionally an increasing number of recidivist cases⁴³ is seen. The worsening or stagnation of the socio-economic situation of the family or of other causes leading to this conflict relationship with the law and the absence of a comprehensive national referral system have contributed this target group facing the same problems even after being released from the Penitentiary Institutions.
- In recent years Albania has made positive steps toward the improvement of the domestic legislation, based on international instruments for the protection of children and juveniles' rights. However, there is a lack of legal instruments specifically safeguarding and protecting the rights of children and juveniles in conflict with the law, focussing on the reintegration through education, guidance and vocational training and employment. We still lack of a national strategy for children and juveniles in conflict with the law, which must include the reintegration component as well.
- The services provided to children and juveniles in conflict with the law from both the governmental local institutions and NPOs, are focused on their rehabilitation. Meanwhile, there are inadequate services for the preparatory reintegration of children and juveniles in conflict with the law. The institutions involved in referral systems have not identified them as a vulnerable target group.
- There is a lack of an inter-institutional mechanism for the referral of children and juveniles in conflict with the law from the penitentiary institutions to the Child Protection Units. In addition, experts within these Units have a significant lack of information about this particular target group.
- Policies on social support and employment promotion for this target group are missing. The most probable consequence resulting from this is a potential return to the institutions of the penitentiary system. Ensuring education and professional qualifications for the labour market for this group represent a significant approach to reduce possible recidivism and to successfully accomplish the reintegration process of children and juveniles in conflict with the law.
- The current situation shows that there are limited vocational training courses and professional preparation for the labour market due to an absence of knowledge and studies into the labour market, of the demand-supply mechanism and of the governmental policies at both central and local levels, relating to vocational training and employment orientation for this target group.
- The current Albanian Legislation foresees and protects the right to work for children and juveniles over 16 years of age in conflict with the law, within or outside the penitentiary

43 Reoffending cases when juveniles are placed at penitentiary institutions more than once;

premises. However, policies on the remuneration for the work performed by children and juveniles are not implemented, in the form of payment or contributions, recognized by the social and health insurance system within the penitentiary system as an important step in the preparatory process for reintegration.

- Investments from the Albanian government for employment promotion programmes are still modest. The employment provided within the implementation programmes are not only limited in number but in many cases are temporary and unstable. There are not sufficient programmes which offer services and support to juveniles, in particular for juveniles in conflict with the law. Children and juveniles in conflict with the law are not considered, nor are they treated as a vulnerable target group, and included as part of the programmes for the employment promotion.
- There are no governmental policies or any relevant legislation to encourage the business in exercising social responsibility, or other forms of social economy, social enterprise, social business aiming the facilitation of the reintegration process for vulnerable groups, part of which are children and juveniles in conflict with the law.
- Governmental and non-governmental institutions have made continuous efforts over the years in the preparatory phase for the reintegration of children and juveniles in conflict with the law. However, this process still remains a challenge for all the relevant stakeholders and for the wider Albanian society.

9.2 Recommendations

Recommendations on the legal framework

- 6 Drafting and approval of a bylaw of the Council of Ministers for the employment promotion programme of children and juveniles in conflict with the law who serve their sentences in penitentiary institutions, to foresee a detailed plan for their employment and specify the salaries, the criteria and the procedures for the implementation of this programme, as well as the employment of persons from 16 to 18 years of age.
- 7 Drafting and approval of a bylaw of the Council of Ministers, to specify the list of easy and difficult works for children and juveniles within the framework of the penitentiary system, in accordance with the stipulations and definitions provided by international acts.
- 8 Drafting and approval of policy documents and strategies to include strategic and specific objectives, short-term and long-term measures, programmes and indicators, responsible institutions and stakeholders, as well as monitoring mechanisms for the employment of children and juveniles in conflict with the law (this issue may be also addressed in the draft strategy of the justice for minors which is currently being formulated);
- 9 Drafting and signing of a framework agreement between the stakeholders involved in the process, aiming for the application and implementation of legal regulations on the employment of children and juveniles in conflict with the law and the continuity of the process into the community.
- 10 Review of the legislation to create facilities for the stakeholders working with or for socially disadvantaged groups, in particular the business community working or supporting socially disadvantaged groups, based on the international practices or countries within the region;

Recommendations on vocational training and employment policies

- 11 This experience is recommended to be extended to all national penitentiary institutions and courses conducted have to be further diversified. Course curricula should be drafted in cooperation with the business community, to ensure increased efficiency of knowledge acquired during the sentence term, to find a job shortly after their release;
- 12 The focus of these policies should be shifted from the temporary and unstable employment of the disadvantaged jobseekers to the creation of stable vacancies. An employment policy focused on the generation of working places, which is a model adopted by other countries, would be more effective to reduce the unemployment rate in Albania;
- 13 Formulation of active employment policies to bring sustainable support to programmes including the socially disadvantaged groups, with the involvement of the business community;
- 14 Employment promotion policies should be given more attention and larger longer-term funds. In relation to the current trend, the budget should increase and the programmes need to expand the circle of beneficiaries;
- 15 Use of public resources committed to the financing of new projects managed by civil society or social cooperatives, aiming to provide employment for socially disadvantaged persons;

Recommendations on Social Responsibility;

- Preparation of a draft law on business tax relief, to foresee forms of reduced obligations for the business community to the State, including the reduction of the costs of social insurance, taxable profit, and dividend taxes in cases of support and employment opportunities offered for children and juveniles in conflict with the law or other socially disadvantaged categories.
- Involvement of the business community in the decision making processes of the central and local government, regarding developing supportive policies for socially disadvantaged groups.
- Information and media campaigns for the awareness of the business community, of wider public opinion and of other stakeholders on the importance of the implementation of programmes for social responsibility.
- Identification of stimulation methods through “apprenticeship” scheme programmes or other sustainable policies, aiming to apply corporate social responsibly in relation to children and juveniles in conflict with the law or other socially disadvantaged groups.
- Opening of training courses and provision of modern technology within the Penitentiary Institutions in accordance with the supply-demand mechanisms and preparation of children and juveniles related to the requirements of the labour market. This will further develop their learning abilities in using new technology and professionalism in certain industries where after release, their employment opportunities would be increased.
- Establishment of a multifunctional vocational center or a social cooperative for the textile industry, based on the Italian practice, able to develop concrete projects to build professional capacities and the employment of children and juveniles in conflict with the law and other socially disadvantaged groups. Further, this center or social cooperative would be able to adapt the production capacities to the current demands of the national and international market.