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CENTRE OF INTEGRATED LEGAL SERVICES AND PRACTICES



**Save the Children**



# REPORT

## ON MONITORING AND EVALUATION

### OF THE RESTORATIVE JUSTICE PRACTICES AND VICTIM-OFFENDER MEDIATION SERVICE

**Project: Juvenile Victim and Offender Support through Restorative Justice and Mediation  
December 2017 – May 2019**

Implemented by the Albanian Foundation for Conflict Resolution and Reconciliation of Disputes as part of the sub granting scheme of the project “*The civic engagement for a functional judiciary system and access to justice in Albania*”, financed by the European Union and implemented by Save the Children and the Centre of Integrated Legal Services and Practices

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## 1. General description of the monitoring and evaluation component

### 1.1. Framework of the monitoring process of the victim-offender mediation and restorative practices

One of the components of the “Juvenile victim and offender support through restorative justice and mediation” Project, implemented by the Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR) (December 2017- May 2019) **was monitoring and evaluation of the victim-offender mediation service and restorative practices provided under the project.** The programme is part of the sub-granting scheme of the project “*The civic engagement for a functional judiciary system and access to justice in Albania*”, financed by the European Union and implemented by Save the Children and the Centre of Integrated Legal Services and Practices.

The monitoring and evaluation process was undertaken during the period 19 March – 17 May 2019 in the districts of Elbasan, Korça, Shkodra, Vlora, Gjirokastra, Tirana and Durrës. It covers the cases managed from the period of December 2017- March 2019.

The main aim of this process was to evaluate the victim-offender mediation (VOM) service through gathering the perceptions of juvenile victims and offenders, their parents, juvenile justice specialists and mediators and restorative justice (RJ) program providers as well.

The specific objectives of the monitoring and evaluation process include:

- ✓ To explore the case management effectiveness through the perceptions/opinions of the stakeholders on VOM and RJ, particularly on the outcome of this process;
- ✓ To measure the level of implementation of the diversion mechanism to alternative measures (VOM and RJ);
- ✓ To measure the sustainability of the mediation agreements;
- ✓ To analyze the challenges faced in this process.

The monitoring process was organized as following:

No.	Activity	Date
1.	Preparation of the methodological instruments	March 19, 2019
2.	Preparation (contacts gathering, organization of focus groups and interviewing meetings) for monitoring visit in Elbasan	April 03, 2019
3.	Monitoring visit in Elbasan	April 04, 2019
4.	Preparation (contacts gathering, organization of focus groups and interviewing meetings) for monitoring visit in Korça	April 08, 2019
5.	Monitoring visit in Korça	April 09, 2019
6.	Preparation (contacts gathering, organization of focus groups and interviewing meetings) for monitoring visit in Shkodra and Vlora	April 16, 2019
7.	Monitoring visit in Shkodra	April 17, 2019

8.	Monitoring visit in Vlora	April 18, 2019
9.	Preparation (contacts gathering, organization of focus groups and interviewing meetings) for monitoring visit in Gjirokastra, Tirana and Durrës	April 25, 2019
10.	Monitoring visit in Gjirokastra	April 26, 2019
11.	Monitoring visit in Tirana and Durrës	May 02, 2019
12.	Report submission	May 17, 2019

Table no.1. The monitoring and evaluation process

## 1.2. Methodology of monitoring and evaluation

The monitoring and evaluation process was based on a combination of a qualitative methodology with a quantitative one.

*Firstly*, the perceptions of the juvenile victims and offenders and their parents', about the referral, the process, the mediator, etc.) have been monitored and evaluated through interviews with the parties. The selection of the monitored cases was made ensuring balance between the geographical coverage, the referral source and types of cases. Monitoring covered around 20% of the cases. From 113 cases referred to the VOM service and RJ program during the period December 2017- March 2019, 22 cases have been monitored.

Table no. 2 shows the selection process, basing on the AFCR database of the cases management for the period mentioned above.

Nr.	District	Nr. of managed cases	Nr. of monitored cases	Source of referral
1	Elbasan	12	3	Prosecution
2	Korça	23	4	Police Commissariat
3	Shkodra	22	5	Police Commissariat/Probation Service
4	Vlora	22	3	Probation Service
5	Gjirokastra	22	4	Police Commissariat
6	Tirana	4	-	Police Commissariat
7	Durrës	8	3	Kavaja Institute of minors/Probation service
<b>Total</b>		<b>113</b>	<b>22</b>	

Table no. 2: The sample selection of monitored cases

*Secondly*, focus groups with juvenile justice specialists have been conducted in the 6 districts. The monitoring and evaluation process aimed to gather perceptions and opinions of juvenile justice specialists from different institutions such as: police commissariats, prosecutors, probation service, as well as institute of minors and schools. It has been identified that generally each district has a stronger collaboration with one main institution, comparing to the others, that served as the main source of cases referral, so the focus groups have been conducted with specialists from that institution.

In some districts, because of the impossibility to gather a big number of specialists in a focus group, because of their working obligations, some individual interviews have been conducted as well.

Table no. 3 shows the characteristics of the focus-groups with juvenile justice specialists.

<b>Nr.</b>	<b>District</b>	<b>Nr. of participants in focus group</b>	<b>Nr. of individual interviews</b>	<b>Institutions</b>
1	Elbasan	5	1	Prosecution and probation service
2	Korça	3	1	Police commissariat
3	Shkodra	7	-	Prosecution/ probation service/ police commissariat/school
4	Vlora	5	-	Probation service
5	Gjirokastra	5	-	Police commissariat
6	Durrës	3	1	Probation service/Kavaja Institute for minors
<b>Total</b>		<b>29</b>	<b>3</b>	

Table no. 3: The characterises of focus-groups with juvenile justice specialists

*Thirdly*, the monitoring and evaluation process included the processing of evaluation forms completed by the parties at the end of the mediation process, which are filed with the documentation for each case. They were also used as a source to measure the perceptions of the parties.. It is a process that AFCR mediators use themselves as a way to measure the level of effectiveness of the mediation service according to the parties perceptions.

Table no. 4 shows the distribution of the questionnaires according to the districts.

<b>Nr.</b>	<b>District</b>	<b>Nr. of questionnaires</b>	<b>Percent</b>
1	Elbasan	4	2.31%
2	Korça	42	24.28%
3	Shkodra	40	23.12%
4	Vlora	27	15.61%
5	Gjirokastra	45	26.01%
6	Tirana	7	4.05%
7	Durrës	8	4.62%
<b>Total</b>		<b>173</b>	<b>100%</b>

Table no. 4: The distribution of the questionnaires according to the districts

*Fourthly*, in order to have a more complete panorama about the VOM and RJ programs implementation, free discussions with mediators have been also conducted. 7 mediators from all districts have participated in this process.

## 2. Limitations of the monitoring and evaluation process

Some of the limitations of the monitoring and evaluation process are as following:

*Firstly*, as mentioned above, because of their working obligations of the juvenile justice, the impossibility to gather a big number of the specialist in a focus group have been faced. In order to face this limitation in some districts, some individual interviews with other specialists, have been conducted as well.

*Secondly*, in some cases it was difficult to recontact and meet parties again, especially them who have finished their obligation at probation service or other institutions. In order to overcome this difficulty, the collaboration of specialists who have worked with them was demanded.

## 3. Parties' perceptions of the whole mediation process

### 3.1. Case management effectiveness

Basing on the data taken from the questionnaires, 98.9% of respondents affirmed that the process of mediation, where they participated, was successfully concluded with the assignment of the agreement.

Answer	Frequency	Percent
Yes	171	98.8
No	2	1.2
<b>Total</b>	<b>173</b>	<b>100.0</b>

Table no. 5: The assignment of the mediation agreement

Some of the strongest points of the mediation process that were mentioned during the parties' interviews were:

#### a. *The length of the mediation process*

Parties consider mediation a fast process. The data generated from the survey showed that the largest part of the respondents affirmed that the whole process lasted less than one week (46.8%).

Answer	Frequency	Percent
Less than one week	81	46.8
Less than two weeks	66	38.2
Less than one month	18	10.4

More than one month	7	4.0
Without answer	1	0.6
<b>Total</b>	<b>173</b>	<b>100.0</b>

Table no. 6: The duration of VOM process

*b. The friendly climate and the speedy process*

The data gathered from the interviewing process showed that parties are satisfied from the friendly climate of mediation process and the speedy process, thus avoiding the bureaucracy procedures. They usually compare their experience on mediation and RJ programs with that in penal justice institutions, mentioning the strict procedures and the formal climate in the last ones.

*c. The professionalism and good reputation of mediators*

During their interviews, many parties stressed that they have constructed a trustable relation with mediator. They also mentioned that, in their localities, mediators were people with a very good reputation such as teachers, university lecturers, school directors etc. This professional profile of mediators helped a lot to build a trustable relation with parties.

*‘I hadn’t heard about mediation, and I didn’t know any mediator in my locality. When the police officer told that K.Q., could be the mediator of my case, I accepted with pleasure. I was convinced that, regardless of whether the agreement would be reached or not, the process would be professional and would help a lot’ (party from Korça district).*

*d. The importance of confidentiality of the process*

In some cases, especially the ones when the process of mediation and the RJ program preceded the criminal justice process, parties feel happy that the case was treated with confidentiality, reducing the stigma and prejudices generated by the process of prosecution and the court management of the case.

*e. The improvement of the relationship between parties*

During their interviews, parties mentioned the importance of the relation improvement between them and the other party. According to them, rebuilding a good relation with the other party, reduces the risk of revenge and escalation of the conflict and positively affects the party's mental state and also the victims can be relieved.

Basing on the data taken from the survey, it came out that 89.6 % of the respondents claimed that the mediation process helped to fully harmonized the relationship with the other party and brought to the end of the conflict.

Answer	Frequency	Percent
Yes	155	89.6
No	2	1.2
Partially	15	8.7

Without answer	1	.6
<b>Total</b>	<b>173</b>	<b>100.0</b>

Table no. 7: The perception about harmonization of parties' relationships and the end of the conflict

Another question of the survey has to do with the level of this harmonization of the relationship between parties. Parties were asked to evaluate (basing on a 5 Likert scale) the relationship with the other party, after the VOM service and RJ program. According to the data, 82.7% of the respondents affirmed that have a "very good" (37.6%) and a "good" (45.1%) communication with the other party, after the VOM service.

Answer	Frequency	Percent
Very good	65	37.6
Good	78	45.1
Not so good	21	12.1
Bad	1	0.6
There is no communication	7	4.0
Without answer	1	0.6
<b>Total</b>	<b>173</b>	<b>100.0</b>

Table no. 8: The level of communication with the other party after the VOM service and RJ program

*f. The educational value*

The parties that participated at VOM service and RJ programs mentioned the big educational value of this process. Many of them learned about the importance of apology/forgiveness. Many others understood the importance of empathy toward the other and the importance of taking responsibility for their own actions as well.

*"I learned a lot from the mediation. I learned that communication is the most powerful way to create a good relation between people, especially between me and my son. Through the mediation, I learned that a parent must stay close to his child. Actually, child mistakes are parenting mistakes" (parent from Durrës district).*

*g. Free of charge service provided to parties involved*

The interviewed parties express the importance of VOM service and RJ programs offered free of charge. According to them, when this service is offered free of charge, parties can participate easily and the social mission of mediation service can be fully completed.



### 3.2. Implementation and sustainability of the mediation agreements

During their interviews parties were asked to describe the implementation and the sustainability of the mediation agreements. None of them complained about the failure of implementation of the agreement.

*“I’m pretty happy for what we decided on the mediation agreement. Signing an agreement is a serious act and we all took it seriously. Four or five months have passed since the end of the mediation process and everything is going well. I feel calm and confident in the relationship with the other party (Minor from Elbasan District).*

The data generated from the survey showed that 96.5% of the respondents believe that the conditions and obligations included the mediation agreement will be respected.

Answer	Frequency	Percent
Yes	167	96.5
Without answer	6	3.5
<b>Total</b>	<b>173</b>	<b>100.0</b>

Table no. 9: The perception about the respect of the agreement conditions

When parties were asked if they would recommend the VOM service and the RJ program to their friends and relatives, 99.4% of them responded “yes”.

Answer	Frequency	Percent
Yes	172	99.4
Without answer	1	0.6
<b>Total</b>	<b>173</b>	<b>100.0</b>

Table no. 10: The recommendation of VOM service and RJ program to friends and relatives

## 4. Findings from focus-groups with juvenile justice specialists

### 4.1. The level of implementation of the diversion mechanism to alternative measures (VOM and RJ)

According to juvenile justice specialists the Code of Criminal Justice for Children (CCJC) entered into force on January 1<sup>st</sup>, 2018, but it has not yet been implemented. They mentioned that they know that some articles of CCJC enable the referring of the cases to Restorative Justice programs, but especially for the prosecutors, there is a confusion between the CCJC and the Criminal Procedural Code (CPC). According to them, some amendments

must be reflected on the PPC and specific manuals must be prepared in order to clarify the referring mechanism.

Specialists from police commissariats stressed their concern over the cases that may be referred to the mediation service and RJ programs and at the same time the prosecution. During the interviews it was noticed that some of them had no in depth knowledge about the CCJC, but only superficial information about it.

According to a specialist from the Institute of Minors in Kavaja, basing on the CCJC, the institution cannot apply punitive measures to minors who cause harms to others inside the institution, so the implementation of the restorative programs for minors inside the institution is a necessity.

It was also noticed in all institutions that problems of implementation of the diversion mechanism to alternative measures were related to:

- The frequent mobility of staff, mainly in police commissariats and probation service;
- The lack of information by the staff about the diversion mechanism to alternative measures;
- The overload work in these institutions.

Regarding the impact of the case referral mechanism on the work overload, two attitudes have been identified:

- On one hand, specialists who have not referred cases to the alternatives measures tried to justify themselves, using the overload work as an excuse for not referring cases referring to VOM service and RJ programs.
- On the other hand, specialists who have referred cases to VOM service and RJ programs mentioned the importance of this process on reducing the volume of their work.

#### **4.2. The perceptions/opinions of the stakeholders on VOM and RJ, particularly on the outcome of this process**

Specialist who have referred cases to the mediation service and RJ programs mentioned some positive aspects of the outcomes of this process:

*Firstly*, as mentioned above, they think this process influences positively on reducing their work volume;

*Secondly*, especially in cases where minors and juveniles are involved, the RJ programs “emotionally relieve” prosecutors and police officers from entering juveniles in the channels of criminal justice.

*Thirdly*, professionals mentioned the good results on the parties relationship, as an important outcome of the mediation and RJ program implementation.

*“It is excellent to see that parties, who firstly hated each other, during the mediation process meet each other, and at the end shake hands. This transformation has an extraordinary human value” (Police officer from Gjirokastra).*

*Fourthly*, the juvenile justice specialists stressed the importance of strengthened cooperation between mediators and the referral institutions. According to them, mediators and RJ professionals are “very helpful colleagues”. Many of them stressed the good will of mediators to respond to their institutions' demands on managing complex cases, even at exceptional time.

*“ I remember once when we called L.M (the mediator) in the middle of the night. She was in hospital taking a serum, because she had some health problems... However she came in the police commissariat after 25 minutes. Although she’s ‘crazy’ (he smiled), she’s a very good collaborator, very helpful and a devoted mediator” (Police officer from Gjirokastra).*

*“To tell the truth, knowing the professionalism of J.G (the mediator), we are motivated to refer cases to the mediation service. As an institution, our probation office, is doing the maximum to treat people with respect, dignity and correctness and we feel the same is doing the mediation service as well. So, being on the same page, our collaboration with the VOM service is strengthened during the years” (Probation officer from Vlora).*

#### **4.3. The sustainability of the mediation agreements and the ways to monitor their implementation**

As mentioned above, at the end of the mediation process, or after some days of agreement assignment, parties complete a questionnaire in order to evaluate the mediation service. This instrument is considered a way to measure the effectiveness of mediation process, based on the perceptions of the parties and is used by mediators to improve their work in the future.

Another way used by mediators to measure the sustainability of the mediation agreement, is on one hand to stay in contact with parties for a period of at least 6 months, and on the other hand with institutions who have referred the case. According to them, it is a good sign of sustainability if parties have not complained about the mediation agreement implementation.

According to the CCJC , article 70, point 4 “The Fulfilling of the measure of diversion from the penal procedure is proceeded and supervised by Probation Service in collaboration with Mediation Service”.

The juvenile justice specialists mentioned some difficulties on the implementation of the monitoring of the mediation agreements and RJ programs.

*First* of all they lack the contacts of the victim party.

*“I know that mediating a case is very difficult, sometimes because of the lack of the contacts and impossibilities to meet the other party. It will be the same to monitor the agreement for us at the probation office. People are on the move nowadays. Some go abroad for their personal reasons. How can we reach them?” (Specialist from probation service, Durrës).*

*Second*, it is difficult for them to go and meet the parties in their houses, because the lack of transport means (vehicles and fuel).

*“Recently among the duties of the probation service specialists, a new task is added. i.e., the implementation of the mediation agreement monitoring, but how can we? There are no vehicles in our institutions and no budget for fuel and other expenses for the work in the field” (Specialist of probation service in Elbasan).*

*Third*, specialists of probation service mentioned that they are overloaded at their work. The number of cases they follow is too high and the process of monitoring of mediation agreement implementation will be difficult for them. They stressed the idea that a bigger number of specialists should be employed in the local probation offices in order to fulfil the functions as foreseen in the new legislation.

## **5. Challenges faced in this process: perceptions of juvenile justice specialists and mediators**

During the focus groups with juvenile justice specialists and the free discussions with mediators and RJ professionals, they stressed some challenges faced in their work.

*Firstly*, the lack of a local office of mediation.

*“Usually I meet the parties at the institution who refer the case, for example at police commissariat. But we all know that it is not an adequate place, especially for minors, who see the police officers in uniforms all around there. Unfortunately there is no a special office for the conversations with the minors ” (Mediator from Gjirokastra).*

*“The meetings with parties are organised in our local probation office. We make available the protocol room for the mediator for the meetings with the parties. We think this is a way to help the mediation service” (Local probation office director, Vloa).*

*Secondly*, the continuous training with juvenile justice specialists.

As mentioned above, because of the high level of mobility of professionals in institutions, such as police commissariats, probation offices etc, it is difficult to create a continuous collaboration with them and the mediation service. The new specialists usually have not been trained and do not have information about the RJ programs and the process of case referral at the mediation service sometimes stops because of this.

*Thirdly*, weak collaboration among actors who deal with juveniles.

During the focus groups, juvenile justice specialists stressed the idea that they need to have a stronger collaboration with all actors who deal with juveniles, such as schools, community and all other institutions:

*“Sometimes I have the feeling that our work is segmented. It’s like a “ball” to pass to the others. I know that this happens because of the strict procedures we have, but if we think deeper, we must strongly stress the importance of collaboration between us, as institutions, in function of the life of people, especially when we have to do with juveniles” (Specialist of Police Commissariat in Tirana District).*

## 6. Suggestions

From the data taken from all the sources that have been in the focus of this monitoring and evaluation program, some suggestions have been stressed out.

In order to overcome the confusion created regarding the procedures foreseen in the Criminal Procedural Code and the Code of Criminal Justice for Children, some legislative amendments should be undertaken, especially in the CCJC. Specific manuals should be prepared in order to clarify the referral mechanism, especially from prosecution to VOM service and RJ programs.

The memorandum of understanding between institutions should be continuous and uninterrupted, in order to create a solid road for case referring from penal justice institutions to the VOM service and RJ programs.

Continuous trainings for juvenile justice specialists about the value of VOM service and RJ programs, the ways of collaboration with these services, the amended legislation etc. and should be offered.

The creation of a network between all professionals and institutions who deal with juvenile justice (penal and restorative one), should be created. Periodic networking round tables as well as virtual forums, should be organized in order to strengthen the collaboration between these actors.

A special focus should be given to the minors in custody conditions. Special restorative programs should be offered to them.

Taking in consideration the educational value of VOM and RJ programs, the restorative education approach should be part of the school curricula, helping students, parents as well teachers and other professionals, to operate according to the restorative principles.

VOM and RJ program offices should be opened in localities, in order to help parties to take more information and to benefit from these services not only when referred from institutions, but even independently from them.

## **ANNEX 1: THE GUIDE OF INTERVIEWS WITH PARTIES**

1. How did you take information about mediation? Who referred the case to the VOM service or RJ program?
2. How was the experience during this process? How was the attitude of the mediator?
3. Please list some positive aspects of the VOM service and RJ program, according to your experience.
4. Please list some limitations of the VOM service and RJ program, according to your experience.
5. How did this process influence your relation with the other party?
6. Do you think the conditions set out in the agreement will be respected?
7. Would you recommend the VOM service and RJ programs to the others as an alternative of resolving disputes?

## **ANNEX 2: THE GUIDE OF FOCUS-GROUPS WITH JUVENILE JUSTICE SPECIALISTS**

1. Do you think mediation and RJ are helpful programs? How do they affect the parties? How do they affect your work? Please identify some aspects of these programs influence.
2. What about the referring of the case to the mediation service? Is it easy for you?
3. What are some challenges you face in this process?
4. How would you evaluate the collaboration with the VOM service and RJ programs?
5. Please specify some needs you have regarding the collaboration with this service (more trainings, leaflets, manuals, etc.)
6. What about the monitoring of the agreement implementation and the sustainability of the VOM program? What are the challenges faced in this process?
7. What are your suggestions for improving the provision of the VOM service and RJ programs in Albania?

### ANNEX 3: THE FORM FOR THE EVALUATION OF THE MEDIATION SERVICE FROM THE PARTIES

1. How did you take information about the mediation?

- From the probation officer
- From the court
- From the prosecutor
- From the police officer
- From the mediator
- Through the information materials
- Through the media
- From relatives
- Other: Please specify

2. What is the type of dispute?

- Penal (specify)\_\_\_\_\_

3. Did you get enough information before you started the mediation process?

- Yes
- No

4. Have you successfully completed the mediation process through signing the agreement?

- Yes
- No

5. What was the length of the mediation process?

- Less than a week
- Less than two weeks
- Less than a month
- More than a month

6. Did the mediation bring full reconciliation with the other party or the complete termination of the conflict?

- Yes
- No
- Partially

7. How do you currently communicate with the other party?

- Very good
- Good
- Not so good
- Bad
- I do not communicate at all

8. Has it been appropriate for you the place where the mediation was organised?

- Yes
- No

9. Please mention three qualities that you value in the attitude of the mediator.

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10. What would you consider inappropriate in the attitude, behavior or the words of the mediator?

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11. The conflict resolution was achieved by:

- Your suggestion
- From the other side
- From the mediator

12. Is there any deadline for meeting the requirements of each party?

- Yes
- No

13. Do you think the conditions set out in the agreement will be respected?

- Yes
- No

14. What do you think about the mediation process?

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15. Would you recommend to the others the mediation as an alternative to resolving disputes?

- Yes
- No

Thank you!