



# Improving social inclusion of identified groups of children and young people at risk in the Western Balkans

Arising support from understanding and bridging the gaps



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The background features a complex arrangement of overlapping, semi-transparent geometric shapes in teal, orange, and green. A white-bordered rectangular box is centered over these shapes, containing the main text.

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<b>Authors</b> .....	4
<b>Contents</b> .....	5
<b>List of Acronyms</b> .....	8
<b>Introduction</b> .....	10
<b>Review of the international legal framework for the protection of children and youth who are at risk of social exclusion</b> .....	13
1.1 Children and youth in conflict with law .....	13
1.2 Youth leaving formal care.....	15
1.3 Children and youth who use drugs .....	17
1.4 Roma Children and Youth .....	18
1.5 Children and Youth with street experience.....	19
1.6. Children and youth from disadvantaged families.....	22
<b>Legal and institutional framework in Western Balkans</b> .....	25
<b>Albania</b> .....	27
Children and youth in conflict with the law .....	29
Youth leaving formal care.....	30
Roma children and youth.....	30
Children and youth with street experience.....	31
Children and youth who use drugs .....	33
Children and youth from disadvantaged families (drug use and/or conflict with the law).....	34
<b>Bosnia and Herzegovina</b> .....	35
Children and youth in conflict with the law .....	36
Youth leaving formal care.....	37
Roma children and youth.....	38
Children and youth with street experience.....	38
Children and young people who use drugs .....	39
Children and youth from disadvantaged families (drug use and/or conflict with the law).....	39
<b>Kosovo</b> .....	40
Children and youth in conflict with the law .....	42
Youth leaving formal care.....	42
Roma Children and Youth .....	42
Children and youth with street experience.....	43
Children and youth who use drugs .....	43
Children and youth from disadvantaged families (drug use and/or conflict with the law) .....	44
<b>Montenegro</b> .....	45
Children and youth in conflict with law .....	45

Youth leaving formal care.....	46
Roma children and youth.....	47
Children and youth with street experience.....	49
Children and youth who use drugs.....	50
Children and youth from disadvantaged families (drug use and/or conflict with the law).....	50
<b>Republic of Macedonia.....</b>	<b>52</b>
Policy, Legislative and Institutional Framework.....	53
Children and youth in conflict with the law.....	54
Youth leaving formal care.....	54
Roma children and youth.....	54
Children and youth with street experience.....	55
Children and youth who use drugs.....	55
Children and youth from disadvantaged families (drug use and/or conflict with the law).....	55
<b>Serbia.....</b>	<b>56</b>
Policy and legal framework.....	56
Content analysis of identified regulations.....	57
Institutional framework.....	58
<b>Regional Overview of Legal and Institutional Framework.....</b>	<b>60</b>
Table 1. Children and youth in conflict with law – Regional overview of legal and institutional framework.....	61
Table 2. Youth leaving formal care – Regional overview of legal and institutional framework.....	65
Table 3. Roma children and youth - Regional overview of legal and institutional framework.....	69
Table 4. Children and youth with street experience - Regional overview of legal and institutional framework.....	73
Table 5. Children and youth who use drugs – Regional overview of legal and institutional framework.....	76
Table 6. Children and youth from disadvantaged families (drug use and/or conflict with the law) - Regional overview of legal and institutional framework.....	80
<b>Analyses of the Current Situation.....</b>	<b>84</b>
<b>Albania.....</b>	<b>84</b>
Children and youth in conflict with the law.....	84
Youth leaving formal care.....	85
Roma children and youth.....	88
Children and youth with street experience.....	89
Children and youth who use drugs.....	91
Children and youth from disadvantaged families (drug use and/or conflict with the law).....	92
<b>Bosnia and Herzegovina.....</b>	<b>94</b>
Children and young people who use drugs.....	94
Children and youth with street experience.....	96
<b>Kosovo.....</b>	<b>98</b>
Children and youth who use drugs.....	98
Roma children and youth.....	99
Children and youth in conflict with law.....	100
Children and youth who use drugs.....	101
Children deprived of parental care and youth leaving formal care.....	102
Children and youth in conflict with law.....	102
Children and youth who use drugs.....	102
<b>Montenegro.....</b>	<b>105</b>
Children and youth in conflict with law.....	105

Youth leaving formal care.....	107
Roma children and youth.....	109
Children and youth with street experience.....	111
Children and youth who use drugs.....	112
Children and youth from disadvantaged families.....	113
<b>Republic of Macedonia.....</b>	<b>115</b>
Children and youth in conflict with the law.....	115
Youth leaving formal care.....	116
Roma children and youth.....	117
Children and youth with street experience.....	119
Children and youth who use drugs.....	120
Children and youth from disadvantaged families (drug use and/or conflict with the law)....	121
<b>Serbia.....</b>	<b>122</b>
Children and youth in conflict with the law.....	122
Youth leaving formal care.....	123
Roma children and youth.....	124
Children and youth with street experience.....	124
Children and youth who use drugs.....	125
Children and youth from disadvantaged families (drug use and/or conflict with the law)....	126
<b>Conclusion and Recommendations.....</b>	<b>127</b>
<b>Bibliography:.....</b>	<b>141</b>
Albania.....	141
Bosnia and Herzegovina.....	145
Kosovo.....	149
Montenegro.....	150
Republic of Macedonia.....	153
Serbia.....	155



## LIST OF ACRONYMS

AIDS - acquired immune deficiency syndrome  
AP - autonomous province  
ARYSE- At-Risk Youth Social Empowerment  
AYS - Albania Youth Strategy  
BD - Brcko District  
BiH-Bosnia and Herzegovina  
BPRI - Best Practices for Roma Integration  
CERD - Convention on the Elimination of All Forms of Racial Discrimination  
CPU - Child Protection Units  
CRC - Convention on the Rights of the Child  
CSO – Civil Society Organization  
CSW-Center for social work  
DCM - Decision of Council of Ministers  
EMCDDA - European Monitoring Centre for Drugs and Drug Addiction  
ERP - Economic Reform Program  
ESPAD - European School Project on Alcohol and other Drugs  
ESRP - Employment and Social Reform Policy  
EU – European Union  
FAST - Family and schools together  
FBiH - Federation of Bosnian and Herzegovina  
GFATM - The Global Fund to Fight AIDS, Tuberculosis and Malaria  
GHB - Gamma Hydroxybutyrate  
GO - governmental organizations  
HCV - hepatitis C virus  
HIV - human immunodeficiency virus  
HOPS - Healthy Options Project Skopje  
ICCPR - International Covenant on Civil and Political Rights  
ICITAP - International Criminal Investigative Training Assistance Program  
ILO - International Labor Organization  
IPA - Instrument for pre-accession assistance  
IPH - Institute of Public Health  
KFOS - Kosovo Foundation for Open Society  
LEPY - Law on Empowerment and Participation of Youth  
LF - Law on Family



LL - Labor Law  
LMP – Last month prevalence  
LSD - Lysergic acid diethylamide  
LSFS - Law on Social and Family Services  
LTP - Lifetime prevalence  
LYP - Last year prevalence  
MCR - Ministry of Communities and Returns  
MES - Ministry of Education and Sports  
MEST - Ministry of Science Education and Technology  
MLSP - Ministry of Labor and Social Policy  
MLSW - Ministry of Labor and Social Welfare  
MoH - Ministry of Health  
MSWY - Ministry of Social Welfare and Youth  
NAEP - National Employment Action Plan for the current year  
NCPCR - National Council for the Protection of Children’s Rights  
NGO – Non-governmental Organization  
NPO - Non Profitable Organization  
NSSI – National Strategy for Social Integration  
OSCE -Organization for Security and Co-operation in Europe  
OST - opioid substitution treatment  
RM - Republic of Macedonia  
RS - Republika Srpska  
SAfCPR - State Agency for the Protection of Children’s Rights  
SEE - South-East Europe  
SIDA - Swedish International Development Agency  
STD – Sexually transmitted disease  
UN – United Nations  
UNDP - United Nations Development Program  
UNFPA - United Nations Population Fund  
UNHCR - United Nations High Commissioner for Refugees  
UNICEF - United Nations Children’s Fund  
UNODC - United Nations Office on Drugs and Crime  
VET – Vocational Education and Training  
WB - Western Balkan  
WBC - Western Balkan Countries  
WHO – World Health Organization  
YRBS - Youth Risky Behavior Survey  
ZIKS - Zavod za izvršenje krivičnih sankcija (Institute for Execution of Criminal Sanctions)



According to the definition of the United Nations, each person between 10 and 24 years of age defines as youth, while according to the Council of Europe, a person is associated with youth until the age of 30. In most of the countries from the Western Balkan region, the term “youth” covers all persons between 15/16 and 30 years of age<sup>1</sup>.

Nevertheless, young people are the biggest driving, working, intellectual and productive force of a society, which is expected to additionally develop skills and capacities, and collect knowledge in order to create and overtake roles in all areas of social life. The process of an individual’s involvement into the society starts in early childhood, from his/her/their school enrolment and interaction with peers. This active period of socialization lasts until the moment when an individual becomes a part of the working environment, i.e. until he/she/they achieve/s a proper degree of social and economic independence and starts taking care of himself/herself/themselves.

The historical roots of the concept of “social exclusion”, as well as many modern concepts, can be traced back to Aristotle.<sup>2</sup> In recent history, the term was popularized first in France, in the 70s. The term was quickly adopted across the European Union, first concerning the discussions on programs to fight poverty. In early 90s, social exclusion virtually replaced the term poverty in the relevant social policies within the EU.<sup>3</sup> This term had a different meaning in the different socio-ideological frameworks, and variations of its content, within the same system, have been registered. In the previous century, the term, primarily defined in the European Union, has been adopted by the United Nations.<sup>4</sup>

However, the generally accepted definition of this term does not exist. The concept of ‘social exclusion’ has several meanings. The meanings that relate to this concept are being redefined over time and have different policy implications.<sup>5</sup>

According to Mathieson, the term “social exclusion” defines the following: groups at risk of social exclusion; what they are excluded from; conditions associated with the social exclusion; processes of social exclusion and the levels which they affect; as well as actors of exclusion (2008, p. 21).

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1 Serbia: Law on Youth, adopted in 2011; defines youth as persons between 15 and 30 years of age (Art. 3);  
Kosovo: Law on Empowerment and Participation of Youth (LEPY), adopted in 2009, defines youth as the age group of young people between 15 and 24 years old (Art 3);  
Montenegro: Law on Young People defines youth as persons between 15 and 30 years of age (Art. 2), while Law on Social and Child Protection defines youth as persons under the age of 26 (Art. 19);  
Federation of Bosnia and Herzegovina: Law on Youth defines youth as persons between 15 and 30 years of age (Art. 4), and between 16 and 30 years of age in Republic of Srpska;  
Albania: National Youth Strategy 2007-2013 defines youth as persons between 16 and 30 years of age;  
Macedonia: Youth Strategy defines youth as population at the age from 15 to 24.

2 Mathieson, 2008, p. 5

3 Mathieson, 2008, p. 6

4 Šučur, 2004

5 Mathieson, 2008, p. 21

Also, according to the Mathieson (2008, p. 21), there is a certain consensus that the “social exclusion” is:

- (a) Multidimensional, involving social, political, cultural and economic dimensions, which operate at different levels of society;
- (b) Dynamic, affecting in different dimensions and at different levels of society over time; and
- (c) Relational, that could be based on the exclusion as a rupture of relationships between people and society as a whole, resulting in a lack of participation, social protection, social integration, etc., and can be interpreted as a consequence of inequalities in social relations.

The main conflict of the two major schools, in relation to the definition of social exclusion, is what they emphasize as a key problem: lack of participation in decision-making or lack of access to civil rights.

Nowadays, the idea of connection between a social exclusion and rights of citizenship is increasingly accepted, thus a large number of scientists believe that it can be defined as a failure in one or more social systems such as democratic and legal system that ensures social integration, labor-market system that improves economic integration, social welfare system, which provides social integration, and family and community system, which ensures integration in human relations.<sup>6</sup> And finally, we have to mention one of the basic definitions - the definition of the World Health Organization (WHO)<sup>7</sup>, which states that “exclusion consists of dynamic, multi-dimensional processes driven by unequal power relationships interacting across four main dimensions - economic, political, social and cultural - and at different levels including individual, household, group, community, country and global levels. It results in a continuum of inclusion/exclusion characterized by unequal access to resources, capabilities and rights which leads to health inequalities”. The definition offered shows that different aspects of social exclusion are emphasized in the different policies (in the example given, a consequence that is emphasized is health inequality).

It is evident that young people in the region are not sufficiently integrated into the decision-making system, that they are in a difficult socio-economic situation, that they live in countries where rule of law is not fully established, therefore, face an increased risk of social exclusion. This is supported by data on the high unemployment rate, low rate of youth activities in the labor market, non-compliance of education with labor market needs, inadequate social protection, low social activism and participation, as well as general uncertainty due to lack of rule of law.

The category of “young people” includes categories that are at particular risk of social exclusion, which, in addition to challenging factors of the environment faced by the general population of young people, are marked by additional obstructionist circumstances related to a specific group, which increases the probability of long-term social exclusion. These factors may have a source in discriminatory patterns of the community in which they live, dysfunctional family environment, living below poverty line, being in an environment that is not encouraging or supporting, experience of drug abuse or conflict with the law.

The group of non-governmental organizations which have years of experience in supporting young people at risk of social exclusion, gathered around a project which aims to improve the policies and practices of governmental and non-governmental organizations, in relation to different groups of young people. One of joint activities is the regional study on the conditions young people at risk of social exclusion in the Western Balkans live in. In the framework of the project, the term “youth at risk” includes the following target groups: youth and children in conflict with the law, youth and children who use drugs, young people living in families with a history of conflict with the law and/or drug use, children and youth with street experience, young Roma and youth leaving formal care.

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<sup>6</sup> Šućur, 2004, p. 2

<sup>7</sup> [http://www.who.int/social\\_determinants/themes/socialexclusion/en](http://www.who.int/social_determinants/themes/socialexclusion/en), accessed on 11.07.2016.

The study aims at describing the problems of young people at risk of social exclusion, analyze their status, legal framework and policies, all in order to improve the current situation and support services provided to them. Accordingly, the goal is to create proposals for feasible, practical and applicable public policies that will provide effective and constructive solutions.

While researching on the topic of youth at risk, it is important to pay attention to the following spheres of social life: social security (position of young people at risk in the system of social protection and employment), health care, education, security and participation in social life with emphasis on the decision-making process.

Taking into account the volume of the selected topics, the project team came to the conclusion that it is necessary to narrow down the field of research and omit a rather important area of participation in social life. The topic of participation in social life and decision-making is imposed as a mandatory topic for future researches.


The project team set three main goals of the study:

1. To examine the social position of youth at risk through system of social protection, health protection, education, employment and participation, identifying thereby the problems of target groups and their possible cause.
2. To examine which services of support are provided to youth at risk, with the aim of resolving problems and end social exclusion;
3. To create practical policies with recommendations with the aim of suppressing social exclusion of youth at risk.

This study is a part of the project "At-Risk Youth Social Empowerment" which is supported by the European Union, and implemented in Western Balkans for the period of 45 months, from January 2016 to October 2019.

The project is coordinated by CSO Juventas, and project partners are ARSIS (Albania), Association Margina (Bosnia and Herzegovina), HOPS (Macedonia), CSO Labyrinth (Kosovo), Prevent (Serbia) and SHL Foundation from Germany. The network of the organizations mentioned will implement activities with the aim of contributing to active participation in social processes of youth at greatest risk of social exclusion in the Western Balkans.

This study was designed after a conducted research, and it can be used to promote the rights of young people at risk, but also as a basis for the development of improved policies, new services, standards in the provision of existing services offered by non-governmental organizations, networking of active institutions and organizations, and strengthening state institutional capacities.



## Review of the international legal framework for the protection of children and youth who are at risk of social exclusion

In accordance with the Constitutional commitment of the Western Balkan countries, the international standard is considered to be a significant determinant of national legislations. In that sense, presentation of the international legal framework is important. Although the reform of child protection system have achieved remarkable results regarding harmonization of individual national legislative frameworks with international standards in different areas, it is necessary to present the international legal framework for the protection of children and youth who are at risk of social exclusion.

### 1.1 Children and youth in conflict with law

Any child or young person who comes into contact with the justice system as a result of being suspected or accused of committing an offence or convicted to commit one, is considered as a child or a young person in conflict with the law. In this publication, terms like 'young offenders', 'children and young people in conflict with the law', 'juvenile offenders', and 'juvenile delinquents' are used with the same meaning: all children and young people who have infringed the law.

Over the last twenty-five years, international juvenile justice standards have been developed by the United Nations at the international level and the Council of Europe at the regional level. They have developed and set international standards that guide the way that legal systems interact and treat children in conflict with the law.

These guidelines encompass child-specific instruments and general human rights treaties and are divided into two main categories of international standards:

**Treaties** – legally binding to states that are signatories of the same. They are obliged under international human rights law to respect, protect and fulfill their provisions and to report on the ways in which national legislation, policy and practice reflect this. Each treaty has established a committee of experts to monitor implementation of the provisions by the states.

**Human rights standards** – non binding, non-treaty instruments in specific areas of juvenile justice - diversion, prevention of delinquency, community sanctions and measures, detention: declarations, recommendations, bodies of principles, codes of conduct and guidelines. They complement the treaties, have significant moral force and provide useful and practical guidance. Their value rests on their recognition and acceptance by a large number of states.

The main principle which serves as a basis for all international legal instruments regulating juvenile justice is a "child-friendly justice". A "child-friendly justice" refers to the judicial systems which ensure adherence and effective implementation of all children's rights at the highest level, keeping in mind basic principles, and taking into account the level of maturity and a child's ability to understand, as well as circumstances of the case. The judiciary which meets

the criteria of “child-friendly justice” is personal, accessible, age appropriate, speedy, diligent, adapted and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.<sup>8</sup>

Among the juvenile justice guiding international legal instruments the following ones are of particular importance:

- » Universal Declaration on Human Rights 1948
- » International Covenant on Civil and Political Rights – ICCPR 1966
- » Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (and its Optional Protocol 2002)
- » Convention on the Rights of the Child 1989
- » Standard Minimum Rules for the Treatment of Prisoners 1955
- » Code of Conduct for Law Enforcement Officials 1979
- » UN Standard Minimum Rules for the Administration of Juvenile Justice 1985 (‘Beijing Rules’)
- » UN Guidelines for the Prevention of Juvenile Delinquency 1990 (‘Riyadh Guidelines’)
- » UN Rules for the Protection of Juveniles Deprived of their Liberty 1990 (‘Havana Rules’)
- » UN Standard Minimum Rules for Non-custodial Measures 1990 (‘Tokyo Rules’)
- » Guidelines for Action on Children in the Criminal Justice System 1997
- » UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters 2002
- » UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders 2010 (‘Bangkok Rules’)
- » UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems 2012
- » Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1988
- » UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime 2005

### Regional standards

- » European Convention for the Protection of Human Rights and Fundamental Freedoms 1950
- » European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 1987
- » Council of Europe Framework Decision on the Standing of Victims in Criminal Proceedings 2001
- » European Rules for Juvenile Offenders Subject to Sanctions or Measures 2008
- » Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice 2010

It is important to note that under international law offenders lose their child specific rights when they turn 18 and there is no obligation on States to apply the principles for over-18s.

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<sup>8</sup> Guidelines of the Committee of Ministers on Child-friendly justice; definition of child-friendly justice.

## 1.2 Youth leaving formal care

Youth leaving formal care are also known as youth in transition/care leavers. The broad definition of a care leaver is “any adult who spent time in care as a child”<sup>9</sup> (i.e. under the age of 18 or 26). Leaving care could be due to the following circumstances: return to the biological family, adoption, death, emancipation of youth.

Norms that define the general framework of human rights (Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the European Convention for the Protection of Human Rights and Freedoms, European Social Charter and its additional protocol), as well as the Convention on the Rights of the Child, are of particular importance for young people leaving formal care. There are also the UN Guidelines for the alternative care that are not considered a norm, but they provide detailed guidance on how to ensure care for children and young people without parental care.

Guided by the **Universal Declaration of Human Rights**<sup>10</sup> regarding the rights of young people who left institutional accommodation, it is necessary to point out and reflect on the following rights:

1. The right of every person to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment, and to a just and favorable remuneration ensuring an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection<sup>11</sup>
2. the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (Article 25);
3. the right to education (Article 26 paragraph 1), except that education shall be free, at least in the elementary and fundamental stages, and that technical and professional education shall be made generally available; high education shall be equally accessible to all on the basis of merit, which is consistent with the obligations under the Convention on the Rights of the Child.

**International Covenant on Economic, Social and Cultural Rights**<sup>12</sup> with its protocol is one of the key international legal instruments of the United Nations in the field of human rights. The States Parties to the present Covenant shall recognize the following: the right of everyone to work in just and favorable conditions of work (Article 6.1, Article 7); the right to social security, including social insurance (Article 9); the right to adequate standard of living for themselves and their family, and to the continuous improvement of living conditions (Article 11.1); the right “to the enjoyment of the highest attainable standard of physical and mental health” (Article 12.1); the right to education, which shall be “directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms” (Article 13.1).

Under the **European Convention for Human Rights and Freedoms**<sup>13</sup> prohibition of discrimination is particularly highlighted (Article 14), pointing out that all rights and stipulated freedoms shall be secured without discrimination on any ground, such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

<sup>9</sup> Definition of The Care Leavers' Association, <http://www.careleavers.com/who-we-are/what-is-a-care-leaver-2>

<sup>10</sup> Universal Declaration of Human Rights was adopted by the UN General Assembly in 1948; Resolution 217/III.

<sup>11</sup> Article 23 paragraphs 1 and 3

<sup>12</sup> International Covenant on Economic, Social and Cultural Rights, which entered into force in 1976. Available on: <http://www.unmikonline.org/regulations/unmikgazette/05bosniak/BIntCovEcSocCulRights.pdf>. Date of insight 3 July 2015.

<sup>13</sup> The European Convention for Human Rights and Freedom entered into force in 1953. Available on: <http://www.sostelefon.org.rs/zakoni/14.%20Evropska%20konvencija%20za%20zastitu%20judskih%20prava%20i%20osnovnih.pdf> Date of insight: 03.07.2015.

**European Social Charter and its additional protocol<sup>14</sup>** guarantee several rights that can be divided into two categories: conditions of employment and social cohesion. The second category generates rights to health care, social security, social and medical assistance, and the right to social assistance. This guarantees the rights of the family and its individual members to legal, economic and social protection. By elaborating on these principles, the Parties undertake the responsibility to establish a system of effective exercise of: the right to work (Articles 1 and 2), the right to vocational orientation and vocational training (Article 9 and 10); the right to health care (Article 11); the right to social security (Article 12), the right to social and medical assistance (Article 13); the right to benefit from social welfare services (Article 14); the right to housing (Article 31). The right of children and youth to social, legal and economic protection is particularly defined, for the purpose of "providing adequate exercise of the rights of children and youth to grow up in an environment which encourages the full development of their personality and of their physical and mental abilities" (Article 17). Taking appropriate and necessary measures is prescribed in order to "ensure the protection and special assistance from the state for children and young people who are temporarily or permanently deprived of family support" (Article 17).

**The Convention on the Rights of the Child<sup>15</sup>** is the most important document concerning children's rights. The provisions of the Convention concern any person under the age of 18. When it comes to children without parental care and children at risk of being separated from their families, the Convention states that a child may be separated from their parents only "when competent authorities subject to judicial review, determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child". Paragraph 3 continues that it is necessary to respect the right of the child to maintain personal relations with both parents on a regular basis, except if it is contrary to the child's best interests (Article 9). Article 18 paragraph 2 prescribes that the States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children, thus preventing the relocation from families. Article 20 paragraphs 1 and 2 prescribes that a child who is temporarily or permanently deprived of their family environment is entitled to special protection and assistance provided by a State which will ensure alternative care in accordance with their national laws. The rights pertaining to all children, which should particularly be mentioned in relation to children and young people without parental care, also apply to: participation and the free expression of the opinion of the child in accordance with age and maturity (Article 12 paragraph 1), freedom of thought, conscience and religion (Article 14 paragraph 1), the right to "the highest attainable standard of health" (Article 24) and the "right to education" (Article 28). When it comes to education, the focus is put on encouragement of the following categories: a) development of different forms of available and accessible secondary education, with the introduction of free education and financial assistance if needed; b) accessibility of higher education for all in relation to abilities; c) availability of professional and educational information and counseling. In addition, education needs to be focused on developing "the child's personality, talents and mental and physical abilities to their fullest potential" (Article 29 paragraph 1 a), as well as "preparation for responsible life in a free society" (Article 29 paragraph 1 d). With regard to children who have been exposed to any form of neglect, exploitation or abuse, torture, the state is obliged to take all appropriate measures to promote physical and psychological recovery of the child, which is aimed at promoting health, self-respect and dignity of the child (Article 39). Although children and young people who are prepared to abandon the system of formal care are not considered a special category, it is important to ensure the protection and exercise of all the rights guaranteed by the Convention, in order to prepare for the most possible successful transition to independent living.

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14 European Social Charter entered into force in 1965, and its amendments entered into force in 1999. Protocol dates from 1988. Available on: [http://www.ombudsman.co.me/docs/izvjestaji/Evropska\\_socijalna\\_povelja.pdf](http://www.ombudsman.co.me/docs/izvjestaji/Evropska_socijalna_povelja.pdf) Date of insight: 3 July 2015.

15 The Convention on the Rights of the Child was adopted in 1989 by UN General Assembly. After gaining its independence in 2006, Montenegro submitted a successor statement related to the Convention on the Rights of the Child.



**Guidelines for the Alternative Care of Children**<sup>16</sup> are not a binding legal document, but represent important and detailed guiding recommendations for further policy and practice when it comes to children/young people without parental care. In the chapter “General principles and perspectives” it is stated that where there are large institutions that care for children, alternative solutions should be developed in the context of de-institutionalization strategy (Article 23). A separate chapter is dedicated to the prevention of alternative care, where more detailed guidelines are presented to support the families (Article 32-38), prevention of the family separation (Article 39-48), and measures focused on family reintegration (Article 49-52). A chapter entitled “Framework of Care Provision” refers to taking the necessary measures to ensure legal, political and financial conditions for the provision of alternative care, where priority is given to solutions based on the family and the community (Article 52). The guidelines include a chapter devoted to “Determination of the Most Appropriate Form of Care”, which refers to the process of decision-making on alternative care, stating that decision-making should be based on a rigorous assessment, planning and review, which should be carried out by suitably qualified professional in a multidisciplinary team, whenever possible. Also, it is highlighted that decision-making should involve consultation at all stages with the child, and according to his/her capacities, and with his/her parents or legal guardians (Article 56-58). This chapter also includes guidelines for care planning and sustainability of care (Article 59-67). Chapter “Implementation of Alternative Care” includes programme policies, which concern the recognition of informal care, as well as the general conditions which apply to all forms of formal alternative care. Also, it includes part of the “Legal responsibility for the child”, which refers to the designation of an individual or a competent entity vested with the legal right and responsibility to make decisions in parents’ stead, in consultation with the child, if the parents are absent or unable to take care of the child, and the child’s placement on alternative care has been ordered or authorized by the competent judicial authority or administrative body. Article 104 defines the roles and specific responsibilities of the person or body acting in place of the parents, as well as guidelines for the functioning of the services and facilities responsible for formal care and foster care. A chapter that is particularly significant to the subject of our research is dedicated to supporting children and young people after care (Article 131 to Article 136).

### 1.3 Children and youth who use drugs

According to the World Health Organization, addiction is the repeated use of a psychoactive substance to the extent that the user is periodically or chronically intoxicated, shows a compulsion to take the preferred substance, has great difficulty in voluntarily ceasing or modifying substance use and exhibits determination to obtain the substance by almost any means. Hazardous use describes a use pattern that increases the risk of harmful physical, mental and social consequences for users and their social environment (e.g. family, community), while harmful use describes a use pattern that is already damaging the mental or physical health of users and may have social consequences. Terms such as “misuse” or “abuse” can be considered judgmental if used to describe drug use.

With regard to international documents referring to drug use, children are not mentioned in the texts of the Single Convention on Narcotic Drugs from 30 March 1961 and the Convention on Psychotropic Substances from 21 February 1971 in the context of drug use and trafficking. However, in the second paragraph of the preamble to the **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances**, adopted in Vienna on 19 December 1988, the Parties express a deep concern regarding the fact that in many

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<sup>16</sup> Guidelines for alternative care are adopted at the UN General Assembly in 2010. Alternative care is a broader concept than the formal care, because alternative, in addition to formal care, also includes informal care (defined as any private form of custody which is applied in a family environment, in which the child continuously receives care from their relatives or friends (so-called informal kinship foster care) or any other person individually, on the initiative of the child, his or her parents or some other person, without an order issued by a court or administrative body and/or any other authorized body.

parts of the world, children are used as illegal consumers of drugs and for purpose of illegal production, distribution and sale of narcotic drugs and psychotropic substances, which entails a great danger.

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances imposes an obligation on State Parties to ensure that their courts and other competent authorities which have jurisdiction, take into account the factual circumstances as particularly serious and aggravating, in the case of:

- » victimization or use of minors;
- » a criminal offense in connection with the drug being committed in the penal institution or an educational institution or social service facility or in their immediate vicinity or in other places to which school children and students resort for educational, sports and social activities;

Parties to the Convention are obliged to ensure that their courts or other competent authorities bear in mind the serious nature of the aforementioned circumstances when considering the possibility of early release or parole of persons convicted of such offences.

**The Convention on the Rights of the Child** also recognizes the rights of the child in the context of drug abuse, binding the State Parties to take all appropriate measures, including legislative, administrative, social and educational measures to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

**UN Standard Minimum Rules for the Administration of Juvenile Justice** (“The Beijing Rules”) point out that juveniles with addiction to drugs in pre-trial detention may have special needs, and that medical and psychological assistance is extremely important for institutionalized juveniles, including those who are with addiction to drugs.

In this regard, the **United Nations Rules for the Protection of Juveniles Deprived of their Liberty** (the Havana Rules) recommends that “juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programs, administered by qualified personnel. These programmes should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug – or alcohol-dependent juveniles”.

**Political Declaration of the United Nations and the Action Plan for international cooperation towards an integrated and balanced Strategy to combat the drug problem in the world**<sup>17</sup> recognizes that interventions aimed at reduction of drug use are too often aimed at the general population and usually with one standard approach, and do not provide specialized programs tailored to vulnerable groups with specific needs. The vulnerable groups primarily include children, adolescents and young people. In this regard, Member States are obliged to provide prevention programs that target and involve children and youth in order to increase their range and efficiency.

## 1.4 Roma Children and Youth

The issue of human rights protection of Roma people was officially addressed for the first time in 1977 in the **Resolution of UN Sub-Commission on the Prevention of Discrimination and Protection of Roma Minority**. Later on, in August 1991, the Sub-Commission drew the attention on the protection of Roma community and their civil, political, economic, social and cultural rights. All the efforts and trials for the protection of Roma people were intensified with the **Resolution “On the Protection of Roma (Gypsies)”**, approved in March 4, 1992 by the United Nations Commission on Human Rights. Among many other things, the Resolution

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<sup>17</sup> <https://www.unodc.org/documents/ungass2016/V0984963-English.pdf>

invited nations to approve of all the necessary measures in order to do away with any form of discrimination against Romani people.

The fact that the **International Romani Union** obtained recognition by the United Nations as an CSO representing Roma people in March 1979 and its classification into Roma CSO of second category in March 1993, strengthened all the endeavors being made on Roma issue and the protection of their human rights in all the countries of Europe, including the Western Balkan countries, as well<sup>18</sup>.

Great advancement was made in 2010 and 2011 in developing some actual commitment by the European institutions while facing the issue of Roma exclusion. **The EU Framework for National Roma Integration Strategies up to 2020** constitutes a leap greatly demanded by Roma activists throughout Europe. The **"Strasbourg Declaration"** on Roma people of the European Council urged the political powers to take concrete actions and measures on tackling this matter of concern<sup>19</sup>.

The first multi-national project in Europe aiming at actively bettering the lifestyle and living conditions of Roma people, reducing poverty and fighting social exclusion through political reforms and programmes was the **Decade of Roma Inclusion** which lasted from 2005 up to 2015. The Decade was a political commitment of nine countries of Central and Southeastern Europe to reduce inequality in terms of human and economic development of Romani people, facilitate the reduction of the gap existing between the living conditions and well-being of Roma and non-Roma people. It actively engaged in taking actions against poverty and social exclusion by the implementation of political reforms and programs drafted to "eradicate (uproot)" the vicious cycle of poverty, destitution and social exclusion that many Romani find themselves in.

The nine countries of Central Europe and Southeastern Europe which were partners in this project, developed a national **Decade Action Plan** that specifies goals and indicators in the Roma Decade's priority areas: Education, Employment, Healthcare and Housing and these are identified as the four "priority areas" even within the EU Framework on National Roma Integration Strategies up to 2050<sup>20</sup>.

## 1.5 Children and Youth with street experience

Children and youth with street experience are children under 18, who have some connection to the street, usually due to living and/or working there even on a seasonal or transitory basis.

This definition includes:

- » Children and youth in begging situations, who are either on their own or with others, including being carried, who may be offering objects or services for a token fee;
- » Children and youth working informally on the street, in activities such as collecting plastic or metal for recycling, or as street peddlers;
- » Children and youth on the street, either selling items to members of public at places such as traffic lights, bars/cafes or on the spots aside of the road, or selling services such as parking, carrying luggage (porter) or shoe shining;
- » Children involved in sexual activities for economic gain;
- » Children in conflict with the law, who are involved in street crimes such as drug transportation or sale.

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18 Ma. Elisabeta Osmanaj: "E drejta për arsim e komunitetit rom në kuadrin e integritit të Republikës së Shqipërisë në Bashkimin Evropian". ("The right to education of the Roma community in the framework of the integration of the Republic of Albania into the European Union")

19 Report: Human Rights of Roma and Travelers Communities in Europe, Council of Europe, February 2012, [www.commissioner.coe.int](http://www.commissioner.coe.int)

20 Dekada e përfshirjes së romëve Shqipëri-PKV 2010-2015 (Decade of Roma Inclusion in Albania -PKV 2010-2015)

The principles contained within the **Convention on the Rights of the Child**<sup>21</sup> constitute the most important international instrument. Under the Convention, signatory states are obliged to provide protection and care to every child, necessary for child well-being, and to undertake, to this end, all required legal and administrative measures, taking into account the rights and responsibilities of child's parents, legal guardians or any other individuals who are legally responsible for the child in question.

In accordance with the Article 32 paragraph 1 of the Convention, the State Parties shall guarantee the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. This Article also imposes obligation on the States to determine the minimum age for employment, ensuring respect of the regulation of the hours and conditions of employment, as well as to determine the appropriate penalties or other sanctions in case of violation of these provisions.

The Convention on the Rights of the Child (Article 39) imposes an obligation on States Parties to ensure the appropriate recovery and social reintegration of children who are victims of any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment. "Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child", as stated in this Article.

**International Labor Organization's Convention** No. 182 on the worst forms of child labor<sup>22</sup> gives a broad definition of child labor and its worst forms, including **all forms of slavery or practices similar to slavery, such as trafficking of children, debt bondage and serfdom and forced or compulsory labor, as well as work which, by its nature or the circumstances in which it is carried out, is likely to harmful the health, safety or morals of children.**

This Convention obliges States Parties to design and implement programmes of action to eliminate as a priority the worst forms of child labor. In particular, there is a highlighted need for the state to prevent the engagement of children in the worst forms of child labor, but also to provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labor and their rehabilitation and social integration. This international agreement, which elaborates on what the countries should do in order to prevent and eliminate the worst forms of child labor, particularly highlights the importance of education, the elimination of poverty and the cooperation of the relevant authorities at national and international level.

In 2004, the International Labor Organization adopted a definition of begging, which is determined as "a range of activities whereby an individual asks a stranger for money on the basis of being poor or needing charitable donations for health or religious reasons. Beggars may also sell small items, such as dusters or flowers, in return for money that may have little to do with the value of the item for sale". All children who are forced to beg fall into the category of forced labor, which is in accordance with the Convention no. 29 of **International Labor Organization** in 1930 defined as "all work or service which is exacted from any person under the menace of any penalty and for which they said person has not offered him/her voluntarily". Forced child begging may include trafficking of children for the purpose of begging.

**United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000)** defines trafficking as "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of sex work of others or other forms of sexual exploitation, forced

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21 UN Convention on the Rights of the Child, 1990, Art. 1. <http://www2.ohchr.org/english/law/crc.htm>

22 <http://www.amrrs.gov.me/sites/default/files/Zakoni/CO%20182.pdf>

labor or services, slavery or practices similar to slavery, servitude or the removal of organs". This definition implies that the consent of the trafficked person to the exploitation is irrelevant for him/her to be considered a victim of this crime.

Item 11 of the preamble of **Directive 2011/36/EU of the European Parliament and the Council** from 5 April 2011 **on preventing and combating trafficking in human beings and protecting its victims** adopts a broader concept of what should be considered trafficking, i.e. "forced begging should be understood as a form of forced labor or services as defined in the 1930 ILO Convention No 29 concerning Forced or Compulsory Labor. Therefore, the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of human trafficking only when all the elements of forced labor or services occur. **However, when a child is concerned, no possible consent should ever be considered valid**".

Article 2.3 of the **Directive** prescribes the following: "Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs".

According to Article 4.2 of the **Directive**, Member States shall take the necessary measures to ensure that an offence of human trafficking is punishable by a maximum penalty of at least 10 years of imprisonment where that offence was committed against a victim who was particularly vulnerable, which, in the context of this Directive, shall include at least child victims.

Some of the numerous international instruments relevant for combating or prevention of child begging include:

- » Convention on the Abolition of Slavery,
- » Convention for the Protection of Human Rights and Fundamental Freedoms,
- » International Covenant on Economic, Social and Cultural Rights,
- » International Covenant on Civil and Political Rights,
- » European Convention for the Protection of Human Rights and Fundamental Freedoms with its protocols,
- » The Convention on the Rights of Persons with Disabilities,
- » The United Nations Convention against Transnational Organized Crime and its Protocols,
- » Council of Europe Convention on Action against Trafficking in Human Beings,
- » Constitution of the International Organization for Migration,
- » European Social Charter and others.

**Convention on the Abolition of Slavery**<sup>23</sup> – child is "delivered by his/her parents" with a view to exploitation; begging as slave-like conditions:

- » Protocol to CRC on sale of children – child is "transferred by any person or group"
- » ILO Convention on forced labor – child is "obliged to perform", by means of "coercion"
- » The issue of "forced" vs. "free" begging.
- » Worst Forms of Child Labor – slavery, sex work, illicit activities (ban), "work which... is likely to harm the health, safety or moral of children?"
- » Rarely a specific mention of exploitation or abuse through begging.
- » Highest standard of international law should apply.

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<sup>23</sup> UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956. <http://www2.ohchr.org/english/law/slavetrade.htm>

**Council of Europe: European Convention on Human Rights (1950)**<sup>24</sup> Art. 4 relates to children who are forced to beg by prohibiting slavery, servitude and forced or compulsory labor. Art. 14 protects the rights of Roma and other minorities, prohibiting discrimination on any grounds, including race or national or social origin.

**European Social Charter**<sup>25</sup> (1961, revised 1966) secures children's rights to social, legal and economic protection and obliges governments to protect children against negligence, violence and exploitation. Art. 7 on child labor. Article 17 obliges states to penalize different forms of violence against children in law and practice.

**Council of Europe: Convention on Action against Trafficking in Human Beings** (2005)<sup>26</sup> covers children and adults, and internal and cross-border trafficking. It covers trafficking by informal networks and families as well as organized criminal groups.

**EU Charter for Fundamental Rights**<sup>27</sup> Art. 5 covers slavery, servitude, forced labor and trafficking and Art. 21 non-discrimination.

**EU Directive on preventing and combating trafficking in human beings and protecting its victims (2011, to be transposed by 6 April 2013 by all EU MS except Denmark)**<sup>28</sup> Preamble (11): Directive adopts a broader concept of trafficking in human beings: "Forced begging should be understood as a form of forced labor or services as defined in the 1930 ILO Convention No 29 concerning Forced or Compulsory Labor.<sup>29</sup> Therefore, the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of trafficking in human beings only when all the elements of forced labor or services occur. [...] when a child is concerned, no possible consent should ever be considered valid." [...]

"The expression 'exploitation of criminal activities' should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain."

Article 2.3: Begging as a form of forced labor or services within the Directive's definition of trafficking. Article 4.2: Aggravated penalties in the case of a victim who is a child or is in a situation of vulnerability.

## 1.6. Children and youth from disadvantaged families

Children and young people from disadvantaged families are those living in families with a history of conflict with the law (parents who have a record of breaking laws and social norms as a result of committing a violation or crime) and/or drug use (habitual taking of illegal drugs). They are prone to various risks and dangers. These risks vary in severity degree, and degree and urgency of acting. The service provider should conduct a risk assessment for each case, particularly for children and young persons, and plan measures that will be undertaken if the risks materialize.

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24 Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, available at: <http://www.refworld.org/docid/3ae6b3b04.html> [accessed 25 November 2017]

25 Council of Europe: European Committee of Social Rights, European Social Charter (revised) - Conclusions 2008 (Volume 1), 2008, available at: <http://www.refworld.org/docid/4b28f3772.html> [accessed 25 November 2017]

26 Council of Europe Convention on Action against Trafficking in Human Beings CETS No.: 197, 2005. <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>

27 European Union: European Commission, 2014 report on the application of the EU Charter of Fundamental Rights, 8 May 2015, available at: <http://www.refworld.org/docid/55af67dc4.html> [accessed 25 November 2017]

28 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:j10058> [accessed 25 November 2017]

29 ILO (1999) Convention on the Worst Forms of Child Labor. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>

The rights guaranteed by the international documents without distinction and discrimination apply to children and young people regardless of their background or family circumstances. The particularity of each child and universal access which should be based on a treatment of the child as an individual with all their particularities and characteristics, should represent the basis for the application of all international standards in protection of the rights of every child.

With regard to children from disadvantaged families, the respect for all human rights and freedoms without any form of discrimination based on the origin are guaranteed by provisions of the following international instruments:

**The Convention on the Rights of the Child** establishes an obligation (Article 2) of Contracting Parties to respect and ensure the rights set forth in this Convention to each child within their jurisdiction without discrimination and irrespective of race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status of the child, his parents or legal guardian. In paragraph 2 of the same Article, States Parties shall take all appropriate measures in order to ensure protection of children from all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians or family members.

**International Convention on the Elimination of All Forms of Racial Discrimination** (1965) requires States Parties to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone to equality before the law without distinction as to race, color, or national or ethnic origin, notably in the exercise of the following rights: ... (iv) the right to health, medical care, social security and social services, (v) the right to education and professional training, (vi) the right to equal participation in cultural activities; (f) the right of access to all places and services intended for public use such as transport, hotels, restaurants, cafes, theatres and parks.

**Hague recommendations regarding the Education Rights of National Minorities - OSCE** (The Hague, 1996) - States should approach minority education rights in a proactive manner. Where required, special measures should be adopted by States to actively implement minority language, education, rights to the maximum of their available resources, individually and through international assistance and cooperation, especially economic and technical.

A preamble of **Convention on the Rights of the Child** emphasizes the belief of State Party, that the family, as the fundamental unit of a society and the natural environment for the growth and well-being of all its members, particularly children, should be granted the necessary protection and assistance, so that it can fully assume its responsibilities within the community, with the aim of achieving the full and harmonious development of a personality of a child, who should grow up in a family environment, in an atmosphere of happiness, love and understanding. The priority in the development of a child is to grow up in the family home if it is not contrary to his or her interests. It is the responsibility of each State to ensure that children grow up in a functional family environment and to react in the best interests of the child in the case of neglect or abuse. This sometimes involves the relocation from the family.

Articles 3 and 33 of the Convention are of particular importance to the rights of children affected by parental drug use. Article 3 stipulates that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, best interests of the child shall be of primary consideration. The Contracting Parties undertake to ensure the necessary protection and care for a child, taking into account the rights and duties of his/her/their parents, legal guardians, or other individuals legally responsible for the child, and to this end, shall take all appropriate legislative and administrative measures. Article 33 imposes an obligation on State Parties to undertake all necessary measures, including legal, administrative, social and educational ones, to protect children from illegal use of narcotics and drugs, as defined by relevant international treaties and to prevent the abuse of children in illicit production and trafficking of such substances.

In the specific circumstances in which a child is found due to the criminal responsibility of the mother, specific rules are provided allowing the child to grow in an environment that is

most natural for him/her/them. Thus, the **UN Rules for the treatment of women prisoners and the application of alternative measures for women offenders**, the so-called “Bangkok rules”<sup>30</sup>, prescribe a protection of interests of the child as one of the principles of treatments of women who have children, and pregnant women. In this regard, a number of specific rules stipulate the interests of mothers and children while the mother is in custody or serving a prison sentence.

These rules include the following:

- » • a woman with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children; (1)
- » • prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimizations, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds; (15)
- » • Prison staff shall demonstrate competence, professionalism and sensitivity, and shall preserve respect and dignity while searching both children in prison with their mothers, and children visiting prisoners; (21)
- » • Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children; (23)
- » • visits involving children shall take place in the environment that is conducive to a positive visiting experience, including with regard to staff attitudes, and shall allow open contact between mother and child. Visits involving extended contact with children should be encouraged, where possible. (28)

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<sup>30</sup> Adopted by the UN on 22 July 2010 by the Resolution 2010/16





## Legal and institutional framework in the Western Balkans

This section is to present the key political, social and economic rights to which children and young people are entitled to, and highlight the main legally binding obligations for the individual WBC to deliver services. The service provider, while reading through the following paragraphs, is encouraged to identify the rights which are more or less applied in the context in which the provider operates, and identify measures to undertake with the aim to empower children and young people to exercise these rights.

The Western Balkan Countries (WBC) are committed to implement the **Convention on the Rights of the Child**, and protect and secure the rights of children.<sup>31</sup>

The Western Balkan region made progress towards the child rights compliant juvenile justice system. In accordance with the **Constitutional commitment of the WB countries**, the international standards are a significant determinant of national legislations. The reforms of child protection systems have achieved significant results regarding a harmonization of individual national legislative framework with international standards. In general, the comparison between the states shows wide variations in achievements on most of the parameters which suggest uneven practices across the region and opens up a possibility for significant exchange of good practices regionally. There is also wide variation among the parameters within each of chapters and slight lagging of institutional parameters in comparison to legal ones; both of which could be interpreted as the developmental occurrences which should be remedied in the course of further improvements of national juvenile justice systems.

Children and youth without parental care all around world are facing with a lot of difficulties. Unclear definitions about age groups and care systems are making difficulties in service providing for this vulnerable group. There is a statistical over-representation of children in alternative care having experienced poverty and/or social exclusion. However, literature and statistical data to support poverty and social exclusion as causal indicators of children being placed in alternative care is largely under-researched and under-represented. This highlights the need for joint approach in creating services that will be sustainable for children and youth across the Western Balkan region.

Drug use among children<sup>32</sup> and young people in the Balkans is becoming an increasingly visible problem calling for a serious approach and urgent response, on the part of professionals working on this issue as well as decision makers, towards introducing changes in the health and social protection system. Such changes, historically speaking, involve political will and funding. At present, it is of crucial importance for organizations to train their teams well and

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<sup>31</sup> Intersection of different provisions on the Rights of the Child in relation to exploitation and the State's responsibility

<sup>32</sup> In accordance with Article 1 from the Convention on the Rights of the Child, in this text a child means every person below the age of eighteen years.

create programs for children and youth who use drugs as soon as possible, while the competent ministries in every state, mostly Ministries of Health and Ministries of Labor and Social Policy/ Wellfare jointly work on opening programs for treatment and care of children who use drugs.

In the Western Balkans, issues tackling Roma community, protection of their human rights and their inclusion in the society is viewed as a continuous process and serious endeavor to develop social democracy. The countries in the region have ratified the **International Convention** and other documents to provide protection to Roma and other at-risk groups. Furthermore, the Western Balkan countries made part of the **Decade of Roma Inclusion 2005-2015** and the **EU Framework for National Roma Integration Strategies up to 2020**. The Constitution of Albania, Macedonia, Serbia and Bosnia Herzegovina have sanctioned in one way or another the protection of human rights, fundamental freedoms, equality and integration of Roma and Egyptian people or other minorities and groups of people. There is care being shown over the issue of having Roma and Egyptian community direct participation in the decision-making process.

Legislation in all WBC failed to recognize the issue of children and youth with street experience and respond appropriately by creating conditions to protect children from this form of economic exploitation. The terms „street experience“ or “child begging“ do not exist in the legislations in question; instead, there are explanations set in motion that an offence is committed - municipal offence, public peace and order offence, etc.; there is an intent of committing a criminal offence (human trafficking, neglect and abuse of a minor); it is away in which prohibited act is committed against another party (abuse of parental rights). Also, existing legal measures have proven ineffective, even consistent implementation of the law failed to suppress child begging phenomenon. In WBC, imposition of penalties and punishments stipulated by the law would only aggravate the problem, given that it is often impossible to collect considerable fines due to the social status of the families.

None of the Western Balkan countries involved in the ARYSEN project (Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Kosovo) recognize the children and young people from disadvantaged families as a specific group at risk. This does not imply that there are no social assistance schemes or services available for this group. However, there is little to no information available on how these countries handle related cases. There are indicative references for protection of the group at risk within the overall framework of protection of children and youth at risk.



Policy and legal framework of Albania does not give a definition of youth and children as such, but it sets the basic limits in few places. National Youth Strategy 2007-2013<sup>33</sup> treats a wide range of persons between 13 and 30 years of age as youth, targeting different portions of this range depending on the topic. National Youth Action Plan 2015-2020<sup>34</sup> takes the persons „belonging to 15-29 years age group“<sup>35</sup> as youth, while the Albanian Constitution<sup>36</sup> sets the age of 18 as the majority age.

## Legal framework

A review of policy documents and the legislation framework on young people at risk shows that commitment to the protection of this target group through legislative and institutional reforms is expressed clearly at the policy level. Key document addressing youth development is the National Youth Action Plan 2015-2020. It includes cross-cutting policies, budgeted objectives and activities, which aim to further affect the socioeconomic development of youth. This Plan is the first of its kind developed in extensive consultation with young people all over the country. It is budgeted to details and constitutes an effort to map all the resources available from the leading ministry, to line ministries and contributions by donors in support of youth in the five year period. This plan, which comes as a part of the Government Program for Youth, the National Strategy for Development and Integration, the European Union Youth Strategy, and the National Action Plan for the Implementation of the SEE Regional Strategy 2014-2020 sets several development objectives:

- » Promotion and participation of young people in democratic decision-making processes, aims at not only establishing respective infrastructure in support of young people, like youth centers, but also at strengthening and enhancing the structures and capacities of youth organizations and networks;
- » Boost youth employment through effective policies for labor market, improvements of legal framework, and support to “start-up” programmes, expansion of vocational training and schools and competitions to promote innovative ideas;
- » Health, Sports and Environment, this strategic objective aims at preserving and protecting young people’s health through integrated health policies, accompanied by expansion of a sports culture;
- » Education, this objective aims at improving life skills curricula, strengthening and enhancing the educational system chain;

33 <http://www.crc.a.al/en/national-youth-strategy-2007-2013>

34 <http://youthumans.net/uncategorized/national-youth-action-plan-2015-2020-of-albania/>

35 P. 6 National Youth Action Plan 2015-2020, <http://youthumans.net/uncategorized/national-youth-action-plan-2015-2020-of-albania/>

36 [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2016\)064-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2016)064-e)

- » Social Protection, planned activities aim at strengthening the system starting with improved capacities and reaching to community interaction.
- » Culture and voluntarism, this objective aims at improving opportunities for young people to organize their leisure time and take part in various activities.

In addition to above mentioned overarching documents, there is a package of legal documents that provide functional mechanisms for children and young people at risk:

- » The joint action of structures implementing the National Strategy for Combating Human Trafficking, No. 30, year 2010
- » Establishing detailed rules for cooperation between institutional mechanisms and non-profit organizations to accomplish the local polices for the protection of the rights of a child, No. 263, year 2012
- » Procedures for the Commission of Control and Placement of State Agency sanction under Protection of Rights of the Child, No. 264, year 2012
- » Creation and Functioning of Coordination Mechanisms of Work among Governmental Authorities Responsible For Referring Cases Of Children at Risk and Procedures, No. 265, year 2012
- » Coordination of mechanisms activity at central and local level for the protection of the rights of child, No. 266, year 2012
- » 2013 Resolution On Protection And Respect Of Rights Of The Child In Albania
- » Law on Empowerment of Youth, 2008
- » Draft 2015 Cooperation and Intervention Procedures to Help Children at-Risk for Main Responsible Institutions and Structures for Children's Protection, 2013
- » Criminal law generally provides for physical welfare of children in terms of protection from physical violence as well as sexual violence. However, the Criminal Code has not paid any special attention to emotional violence against children, which, for law enforcement and defense of the rights of children, can pose problems in implementation.

## Institutional framework

The Ministry of Social Welfare and Youth (MSWY) is the main Ministry responsible for coordinating the implementation of the government's social development objectives. The Ministry, within the framework of the National development and Integration Strategy (2014-2020) is taking into consideration public consultations findings developed in the National Youth Action Plan (2015-2020). The aim of this plan is to develop and coordinate cross-sectorial youth policies in education, employment, health, culture and youth participation enhancement in social life and decision making processes. MSWY encompasses:

**Social care and protection** -Social care and protection program includes a cash benefit sub-program on poverty alleviation (Social Assistance) and the disability benefit sub – program. Social care services are part of the social protection program, including residential and day-care services for different categories of beneficiaries.

**Social inclusion** - The social inclusion program includes the activity of the State Agency for the Protection of Children's Rights (SAfCPR) that is the coordinating institution in charge of monitoring and ensuring implementation of children's rights.

**Vocational education** - The secondary vocational education program has been under management of Ministry of Education and Sports during 2012 – 2014 and is transferred under the responsibility of the Ministry of Education starting from 2015.

The Ministry of Education and Sports (MES) is responsible for education policies and delivery of education services in the country - for the management of the education process' content, including curricula and teachers. It includes:

**Basic education** - Primary education program is providing all the services of this type for children; Secondary education - Secondary education program is providing all the services of this type for children;

**Vocational education** - Secondary vocational education program is analyzed as a part of the education sector here, but only its parts that are concerning children.

The Ministry of Health (MoH) is responsible for health policies and finances a large share of public expenditures in the health sector. It comprises:

**Primary healthcare services** - A relevant program in the health sector is primary healthcare, which affects a large share of young population. Considering that no data are available specifically for children, but services are largely used by them, for purposes of this analysis the share (%) of children number vs. total population is used<sup>37</sup>.

**Secondary healthcare services** - Secondary healthcare services are also used by children (hospitalized or treated in the hospitals).

**Public Healthcare** - Public healthcare services also affect a large share of young population. Actually, the only data available for the children is the number of vaccinations per year and associated budget/costs.

Some activities of the Ombudsman and its commissioners are focused on children's and youth's rights protection.

State Institutions provide certain services for children and young people at risk, but their services are mostly stationed in the residential institutions. In 61 of Albanian Municipalities there are no services for children and youth at risk, except for specific programs that are delivered by CSOs. There is a high number of CSOs that provide residential care for all the children or youth that were identified as high risk (shelter for victims of trafficking, shelter for victims of domestic violence, shelter for children exploited in street situation, unaccompanied children, and children without parental care or living in extreme poverty). In addition, most non-institutional actors provide support in the areas of social protection, education and employment. Eight (8) Non Profitable Organizations (NPOs) have reported to provide services for young people at risk. Their programmes aim at supporting young people at risk through services like: daily centers; personal assistance; housing support; -advisory centers; shelter; reintegration activities. These programmes are mainly implemented with the support of foreign funds for short period of time (1 - 2 years) and are not sustainable. Services are provided for young people at risk of social exclusion in 80 percent of NPOs. The groups that benefit from the services are mostly children and youth with street experience, Roma children and youth, children and youth in conflict with the law, children and youth leaving formal care, and in lesser extent children and youth who use drugs and children and youth from disadvantaged families. These services are licensed from institutional authorities for providing specific services adequate for young people at risk.

## Children and youth in conflict with the law

The legal documents that provide protection for children and young people in conflict with the law include Juvenile Justice Strategy 2012-2020, Law No. 37/2017 Code of Criminal Juvenile Justice dated 30.3.2017 promulgated by decree no. 10215 dated 27.4.2017 of the President of the Republic, Criminal law, Order No. 300 from 08.07.2013 of the General Director of State Police on "Standard Work Procedures for juvenile's treatment during the preliminary "investigation phase", Criminal Procedure Code's provisions on detention and pre-trial detention for minor offences, Law no. 10024/2008 "On Amendments to the Law no. 8331/1998 "On the execution of criminal judgments", legal framework for the establishment and functioning of the Probation Service.

Institutional framework for the protection of this category of children and youth includes several instances. The **Ministry of Justice** controls the juveniles in prisons and pre-detention centers

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<sup>37</sup> source INSTAT

and also the probation service for young offenders. **Prison system** - The Institute for Juveniles in Kavaja was designed with a modern concept for treatment of juveniles in the penitentiary system, focusing on the reintegration and education programs. It is a correctional facility that hosts minors exclusively and was built with EU financial support a few years ago. Other penitentiary institutions that host minors are Korca, Jordan Misja 313 Tirane, Durres, Lezhe and Vlore (pre-trial detention centers). Probation Service - This program includes also minor's as offenders in the probation service. The probation service law establishes the mediation services through the mechanism of engagement of CSOs in the implementation of alternatives and mediation, which have the potential to gradually be part of the system throughout the country. **General Prosecutor Office (GPO)** - "Planning, management, administration" is the only program under responsibility of GPO. "Minor's departments" have been established in the courts and offices of prosecutors, in several districts. **Ombudsman** - Some activities of the Ombudsman and its commissioners are focused on these children's and youth's rights protection.

## Youth leaving formal care

Treatment of children and youth leaving formal care is regulated by: Law no. 8153 on State Social Services from 1996, Family Code, Code of Civil Procedure; Law on Assistance and Social Care; Framework Law on the Protection of the Rights of the Child; Decision of Council of Ministers (DCM) strategies for Children, Custody, Social Protection, Social Services; DCM for Custody standards; Strategy custody service; Social Protection Strategy (2007-2013); The strategy for children; Social inclusion strategy; Law on the Status of Orphans No. 8153, year 1996; Law on Social Assistance and Services No. 9355, year 2005; Law on Foster Care No. 9335, year 2005; Law on the Adoption Procedures and Albanian Adoption Committee No. 9695, year 2007; Law no. 9355 dated 10.03.2005, "On the economic assistance and social care"; Law no. 8153, dated 10.31.1996, "On the status of orphans" and the Law 9382 from 2004 on "social housing".

Institutional framework for children and youth leaving formal care encompasses: Ministry of Social Welfare and Youth; Social State Service; Economic Assistance Services; State Agency for the Protection of Children's Rights; The National Council for Child Protection; social workers; courts; municipalities through the Municipal Council; Social Services Sector at the Municipality level; Social administrator; Multi-disciplinary commissions for custody; Child protection units at the municipality level; adoption services; SOS Children's Village in Albania; foster care; institutional-type homes for children 0-6 and 6-14 years old; day care centers for children with social problems; repatriation services and re-unification with the family; family-type homes for children 0-18 and young people 15 -24 years old; and Dormitories of public vocational schools.

## Roma children and youth

The legal and policy framework regulates treatment of Roma children and youth through: [The Constitution of the Republic of Albania](#) (especially Article 18, Articles 16 and 20. Article 18); Social Protection Sector Strategy 2007-2013; National Plan of Action for the Decade of Roma Inclusion 2012-2015; Policy Paper on Social Inclusion for 2015 - 2020 by the Ministry of Social Welfare and Youth; [Albanian law no. 10 221, dated 04.02.2010](#), "On protection from discrimination"; [Convention on the Elimination of All Forms of Racial Discrimination](#) - CERD, which has been ratified by Albania in 1994; [European Convention for the Protection of Human Rights and Fundamental Freedoms](#), ratified by Albania in 1996 (Albanian Law no. 8137/1996); as well as Framework Convention for the Protection of Human Rights and Fundamental Freedoms Institutions dealing with Roma children and youth include: Ministry of Social Welfare and Youth; Ministry of Education and Sport; Ombudsman; Commissioner for Protection from Discrimination; Council of Ministers and the Education; Department of social service and housing in Tirana; Regional Vocational Training Centers; daycare centers for children, community centers for the elderly and day care centers for people with disabilities in Tirana.

## Children and youth with street experience

Various publications have addressed children and youth with street experience in Albania. These publications have focused specifically on: children in street situation, children involved in related activities such as begging or illegal activities, and on other relevant sub-groups groups. However, children and youth with street experience are made up of these and other various overlapping groups, some of which have not previously been studied in depth. For this reason, their treatment is regulated by various legal documents:

- » [The Constitution of the Republic of Albania](#). Article 54 of the Constitution provides special protection for children (0-18) by the State. Also, it provides the right of every child to be protected from violence, abuse, exploitation.
- » The Labor Code, in Article 11, predicts that the rights and obligations concerning labor relations are governed by international conventions ratified by the Republic of Albania. Consequently, conventions ratified by Albania can be applied directly, without seeking the issuance of a specific law. The Labor Code addresses through specific provisions, employment issues as the prohibition of forced labor and the employer's obligation to respect employee, including health care.
- » The Family Code, adopted by the Albanian Parliament, came into force on 21 December 2003 and started to be implemented in January 2004.
- » [Penal Code](#) (1995) contains a specific chapter on crimes against children and their punishment but extends its action against them in a number of chapters and articles
- » [Economic Aid Law and social services](#). It is one of the most important laws for the welfare and social protection of children and families in difficult situations, including those living in situations of on the street or other extreme situations. The law aims to determine assistance and social services to individuals and groups in need who cannot ensure their vital needs<sup>38</sup>.
- » [Law on Protection of the Rights of the Child](#), Article 5, defines the non-discrimination principle.
- » Convention. [Convention No. ILO 138](#) that was approved by Albania on 2nd of August 2001 and its obligations extend over all codes and laws relating to children or child labor. In Article 3, paragraph 3, it is stated: "Child labor, regardless of the nature or the circumstances in which it is carried, can harm the health, safety or morals of children." The ILO's 138 Convention requires States Parties to determine the minimum age for work, which in the case of Albania is defined in the Labor Code (16 years), as well as in the Law on Pre-university Education System and in the Decision No. 20, from May 1996, "for the protection of minors at work". As mentioned above, a child who is in the street situation is untenable and threatened to become a victim of abuse, whether it is forced out into the street or for reasons like loss, abandonment, etc. is leaving the house. Whatever the reason for being a child in the street, the law must ensure its protection.

Other legal documents referring to the protection of children and youth with street experience are: Law on the Social Workers in the Republic of Albania, No. 163, year 2014; Law on the Protection of the Rights of the Child No. 10347, year 2010; Amendments and Additions to Law No. 9355/2005 on Social Assistance and Services No. 10399, year 2011; Law on Child Labor No. 7952, year 1995; The Family Code of Albania, No. 9062, year 2003; National Education Strategy 2004-2015; National Social Protection Strategy 2015-2020; Action Plan for Children 2012-2015 and Youth National Action Plan 2015-2020.

As for the institutional framework for children and youth with street experience the Law No. 10347, dated 4.11.2014 "On the Protection of Children's rights" and the secondary acts in application thereof, establish the institutional mechanisms at the local and central level and regulate their interaction to ensure respect and the protection of children's rights.

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<sup>38</sup> Ligj Nr. 9355, datë 10.03.2005 3.Ligj Nr. 10 347, datë 4.11.2010

At the central level, the following bodies are organized and functional:

- » **National Council for the Protection of Children's Rights (NCPCR)**. NCPCR is an ad hoc advisory body established with the Prime Minister Order No. 238, dated 11.12.2013 "On the Establishment of the National Council for the Protection of Children's Rights". The national council is chaired by the Minister of MSWY and it is composed of:
  - » Minister of Interior Affairs;
  - » Minister for Education and Sports;
  - » Minister of Justice;
  - » Minister of Health;
  - » Minister for European Integration;
  - » Minister of Finance;
  - » Minister for Economic Development, Trade and Undertaking;
  - » Minister of State for Local Affairs;
  - » Minister for Urban and Tourism Development;
  - » Ombudsman;
  - » 1 representative from the National Association of Municipalities;
  - » 2 representatives from the civil society.

The important role of the NCPCR is to provide and reflect regularly on how progress is achieved, if the children live safely, healthy and happily and with hope for the future. The NCPCR, through a coordinated inter-sectorial approach, aims to have cooperation with the state institutions and civil society to work harder for the respect and realization of children's rights.

- » **Minister coordinating the work for Protection of Children's Rights issues** is the state body in charge of coordinating the children's rights issues with all responsible ministries. Based on the role and functions the Ministers play in the government cabinet of the current government, this position is held by the Minister of MSWY, who, through the policymaking instruments, drafts policies and government programs in the field of child protection, and proposes legal and secondary acts amendments to the Council of Ministers, and signing of international acts in the field of child protection.
- » **State Agency for the Protection of Children's Rights (SAfCPR)** is a legal entity, dependent on the MSWY. It's a key institution whose aim is to supervise the legal framework on protection of children's rights and to coordinate actions for the protection of children.

All the mechanisms at the central level have mainly policymaking, supervisory and coordination functions for the implementation of these policies.

At the local level, the following bodies are organized and functional:

- » **Unit for Child Rights at regional level;**
- » **Unit for the Protection of Child at municipal/communal level.**

Institutional framework for youth with street experience:

**At the national level:**

- » Ministry of Youth and Social Welfare – it is the lead Ministry in developing legislation, as well as in executing policies related to employment, VET, social protection and youth.
  - » National Employment Service;
  - » State Social Service;
  - » Youth Consultation Board;
- » Ministry of Education and Sports;
  - » National Agency for VET and Qualifications;



- » National Centre for Continuous Learning;
- » Ministry of Health;
- » Ministry of Culture.

#### **At the local level:**

- » Regional departments / representations of the above mentioned national-level institutions play a role in the implementation of socio-economic inclusion policies at the regional and local level. Therefore, they are included as participants in the process in respective areas where they are being represented.
- » Local government institutions – Regional Councils, Municipalities and Communes hold decentralized responsibilities regarding social inclusion.

## **Children and youth who use drugs**

With regard to international legislation, Albania has adhered to the three UN Drug Conventions by adopting the following laws:

- » Law No 8722, dated 26 December 2000 'On the adherence of the Republic of Albania to the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances, 1988' (Official Gazette of the Republic of Albania No 50, 29 January 2001, p. 2156).
- » Law No 8723, dated 26 December 2000 'On the adherence of the Republic of Albania to the Single Convention on narcotic drugs of 1961, and that Convention as amended by the 1972 Protocol' (Official Gazette of the Republic of Albania No 50, 29 January 2001, p. 2190).
- » Law No 8965, dated 7 November 2002 'On the adherence of the Republic of Albania to the Convention on drug and psychotropic substances, 1971' (Official Gazette of the Republic of Albania No 79, 8 December 2002, p. 2254).

In the framework of implementation of the legislative reform, the Republic of Albania adopted and implemented a complete and contemporary national legislation in compliance with the international conventions, which is summarized in the following laws:

- » Law No 7975, dated 21 July 1995 'On narcotic and psychotropic substances' (Official Gazette of the Republic of Albania No 20, 25 August 1995, p. 853), amended by Laws: No 9271 dated 9 September 2004; No 9559 dated 8 July 2006. This law defines the rules of production, manufacturing, import, export, control, store and trade of narcotic and psychotropic substances. The list of the drugs under control is part of this law.
- » Law No 8750, dated 26 March 2001 'On the prevention and combating of illicit trafficking of narcotic drugs and psychotropic substances' (Official Gazette of the Republic of Albania No 14, 13 April 2001, p. 391), defines the standards for the prevention and combating of illicit trafficking of drugs and their precursors. It allows for more special investigation means, such as 'simulated purchase', 'controlled deliveries' and 'infiltrated' or 'undercover' agents. Also, creation and functioning of the National Committee for Coordination of the Fight against Drugs is foreseen in this law.
- » Law No 8874, dated 29 March 2002 'On the control of the substances that can be used for illicit manufacturing of narcotic and psychotropic substances' (Official Gazette of the Republic of Albania No 12, 29 April 2002, p. 359) defines the rules for the control of the substances that are often used for the illicit manufacturing of narcotic and psychotropic drugs, with the aim of preventing the supply or deviation from legal destination of such substances. The list of the substances (precursors) under control is part of this law.
- » Law No 7895, dated 27 January 1995 'On the Penal Code of the Republic of Albania' (Official Gazette of the Republic of Albania No 2, 16 March 1995, p. 23), amended by Laws: No 8279 dated 15 January 1998; No 8733, dated 24 January 2001; No 9275, dated 16 September 2004.

- » Articles 283–286/a define serious sanctions for people committing drug-related crimes: 5–10 years of imprisonment for production, selling, distribution and possession of drugs, and 7–15 years for trafficking. These sanctions are more severe if offences are committed in cooperation or by criminal organizations. Penal sanctions are defined for illicit cultivation of narcotic plants (3–7 years of imprisonment) and trafficking or deviation of precursors (3–7 years of imprisonment). Possession of a ‘daily dosage’ of drugs for personal use is not punishable. Very often the quantity of the drug seized can influence the judge in deciding between the minimum and maximum punishment for the offence.
- » Important improvements were made to the Albanian Penal Code since 2004, such as changes regarding criminal organizations (Article 333) and structured criminal groups (Article 333/a).
- » Law No 7905, dated 21 March 1995 ‘Penal Procedural Code of the Republic of Albania’ (Official Gazette of the Republic of Albania No 5, 24 April 1995, p. 159). Important changes were also made by Laws: No 8813, dated 13 June 2002; No 9187, dated 12 February 2004 with regard to use of special investigation means, such as surveillance and interceptions (Articles 221, 222, 223, 224), simulation actions and infiltration (Article 294/a, 294/b).

The National Strategy Against Drugs 2012–16 is approved by the Council of Ministers Decision No 403, 20 June 2012 (Official Gazette No 85, 24 July 2012, p. 4299). The Strategy ensures a balanced approach to drug supply and demand reduction aspects. It is based on four main pillars: strategic coordination; supply reduction; demand reduction; harm reduction. The mission of the Strategy is to protect public safety and the life and health of individuals and communities through minimizing the risks and other damages deriving from drugs’ use via coordinated national action.

Institutional framework for children and youth who use drugs encompasses: Ministry of Education and Sports - responsible for drug prevention in school settings, Institute of Public Health, and Ministry of Culture and Tourism - also contribute to prevention activities among youth at a national level, Ministry of Interior (Albanian State Police), Regional educational departments, Public health departments, local authorities - contribute to school-based prevention activities, General Directorate of Prisons - periodically organizes a series of awareness-raising and harm-reduction activities, Regional Education Directorates and Regional Police departments.

## **Children and youth from disadvantaged families (drug use and/or conflict with the law)**

Policy and legislative framework in Albania does not recognize children and youth from disadvantaged families (drug use and/or conflict with the law) as a specific group at risk of social exclusion. This does not imply that there are no social assistance schemes, services or any other provisions available for this vulnerable group.

There are indicative references for protection of children and youth from disadvantaged families within the overall framework of protection of children and youth at risk. Albania now has in place a cross-cutting strategy on social inclusion alongside strategies on social protection, social insurance, health and gender equality. Four legislative documents: The Law on Child Rights and Protection; the Criminal Justice for Children Code; the National Action Plan (Agenda) for Children for 2016-2020; and the Law on Social Care Services contributing to Albania’s European Union (EU) integration-driven reforms, explicitly outline the accountabilities of various duty bearers at both central and local levels of state governance, specify the enhanced role of civil society, and provide space for a considerably more active participation of right holders in shaping a safe, enabling and friendly environment for all boys and girls in Albania<sup>39</sup>.

<sup>39</sup> see “Social Inclusion Data on Children in Albania”, <http://www.sidalbania.org/>; “Data on social inclusion of children in Albania” and <http://observator.org.al/odf2/qarqet-en.html/>). The ISIGURT online platform was established in 2016 to report child abuse and support prevention (<http://www.isigurt.al>)



# Bosnia and Herzegovina

## Legal framework

Due to complexity of the political and administrative organization of the state (two entities, ten cantons and one administrative district, each with budgetary and administrative autonomy), there is inconsistency in the implementation of the rights of the child throughout the country, in fulfilling their rights depending on their place of residence.

**Constitution of Bosnia and Herzegovina (BiH)**, as the highest legal act, defined its provisions so that BiH and both entities would ensure the highest level of internationally recognized human rights and fundamental freedoms. The enjoyment of rights and freedoms set forth in this Constitution or international agreements/Annex and the Constitution, shall be ensured to all persons in BiH without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. The Constitution<sup>40</sup> prescribes the primacy of the application of the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols in relation to national legislation and obliges all national institutions/institutes to apply it directly in the event of a different decision than the national one.

Bosnia and Herzegovina does not have a national youth law. **The Law on Youth Organisation of the Republika Srpska** (RS) has had two revisions/updates (in 2008 and in 2011), and the **Youth Law of the Federation of Bosnia and Herzegovina** (2016 – 2020), defines the youth policy framework in BiH. The Brcko District of Bosnia and Herzegovina does not have a law on youth. The National Assembly of the Republika Srpska adopted the **Proposal of the third Youth Policy of Republika Srpska** (2016-2020).

Strategies and action plans at the state level which regulate the position of young people at risk in the area of [health care](#) are:

- » Policy and Strategy for the Protection and Promotion of Mental Health in the Federation of BiH (2012-2020)
- » Policy of improving children's nutrition in Federation of Bosnian and Herzegovina (FBiH)
- » Policy for the health of young people in BiH
- » Strategy for the promotion of sexual and reproductive health and rights in the Federation of BiH (2010-2019)
- » Strategy for early growth and development of children (2015 – 2019)

In the Republic of Srpska there is a Strategy for the Development of a family (2009 - 2014).

In the area of [social protection](#) relevant strategies are:

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<sup>40</sup> Article 2, paragraph 2

- » Social Inclusion Strategy of BiH (2008 – 2013)
- » Employment Strategy in Bosnia and Herzegovina (2010-2014)
- » Strategy of deinstitutionalization and transformation of Social Care in the FBiH (2014-2020)

In the field of **education** there are:

- » The strategic directions of development of preschool education in BiH
- » Strategic Directions of Development of Education in Bosnia and Herzegovina with an Implementation Plan (2008-2015)

In the area of **participation** Strategy towards Youth of BiH exists.

At the local or municipal and city level, strategies and action plans are related to the sphere of security, employment and participation of children and young people. Other areas that are considered in this study are not under the jurisdiction of local governments. In order to solve the burning problems, municipalities and cities decided to adopt and implement specific strategies and action plans: Action Plan for the prevention of juvenile delinquency and the use of alternative measures in the city of Banja Luka for the period 2015-2017, Action Plan of Social Inclusion in the child protection system in the municipality of Novi Grad Sarajevo (2015-2016), etc.

## Children and youth in conflict with the law

Primarily, the laws which deal with this matter are **Laws in the field of security**:

**BiH:**

- » Criminal Code<sup>41</sup>
- » Criminal Procedure Code<sup>42</sup>

**The Federation of BiH (FBiH):**

- » Criminal Code FBiH<sup>43</sup>
- » Criminal Procedure Code<sup>44</sup>
- » The Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings.<sup>45</sup>

**The Republic of Srpska (RS):**

- » Criminal Code<sup>46</sup>
- » Criminal Procedure Code<sup>47</sup>
- » The Law on the Treatment of Children and Juveniles<sup>48</sup>

**Brcko District:**

- » Criminal Code<sup>49</sup>
- » Criminal Procedure Code<sup>50</sup>

41 Criminal Code, "Off. Gazette of BiH" no. 03/03, 32/03, 37/03, 54/04, 61 / 04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14, 22/15, 40/15

42 Criminal Procedure, "Off. Gazette of BiH" no. 03/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09 93/09, 72/13

43 "Official Gazette of FBiH" no. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14 and 76 / 14

44 "Official Gazette of FBiH" no. 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 09/09

45 "Official Gazette of FBiH" no. 07/14

46 "Official Gazette of RS" no. 49/03, 108/04, 37/06, 70/06, 73/20, 1/12, 67/13)

47 "Official Gazette of RS" no. 50/03, 111/04, 115/04, 29/07, 68/07, 119/08, 55/09, 80/09, 88/09 and 92/09

48 "Official Gazette of RS" no. 63/14

49 "Official Gazette of BD" no. 10/03, 45/04, 06/05, 21/10, 52/11

50 Official Gazette of Brcko District" no. 48/04, 6/05, 14/07, 19/07, 21/07, 2/08, 17/09 and 13/09

The way mentioned laws are governing the status of this group of young people at risk is that they guarantee a greater scope of rights in connection with the conduct of the criminal proceedings and also prescribe various mitigating circumstances in relation to the application of substantive criminal legislation in these cases.

Furthermore, in the sphere of social protection, laws that could be associated with this group of young people at risk are:

- » Law on Social Protection of War Victims and Protection of Families with Children<sup>51</sup> of the FBiH.
- » Law on Child Protection<sup>52</sup> of the RS
- » Law on Social Protection<sup>53</sup> of the RS
- » Law on Child Protection<sup>54</sup> of the BD
- » Law on Social Protection<sup>55</sup> in the BD

These laws define specific groups of young people at risk and, among others, young people, and children with socially risky behaviors that can qualify as a group of young people at risk, which includes children and young people in conflict with the law. In the area of education, health, employment and participation, there are no laws that specifically refer to this group of young people at risk in addition to the laws that are generally related to children and young people which will specify the further part of the research.

Cantonal authorities have adopted specific action plans related to juvenile delinquency such as "Action Plan for the Prevention of Juvenile Delinquency and Work with Juveniles in Conflict with the Law 2013-2015" (Sarajevo canton).

## Youth leaving formal care

Bosnia and Herzegovina has, perhaps, the most complex arrangements regarding institutional responsibility of all the countries in the region, with few strategies on the national level and some difference between the two entities in terms of institutional arrangements. In Bosnia, responsibilities are shared between cantons and municipalities.

The laws primarily relating to this group of young people at risk are the **Laws of Social Protection**.

In addition, there are **Family Law of FBiH**<sup>56</sup>, and the **RS Family Law**.<sup>57</sup> These laws govern the status of this group at risk recognizing them and guaranteeing them a certain type of social assistance, such as financial and other material assistance, training for life and work, foster placement and accommodation in social welfare institutions.

Furthermore, in the area of health care, laws relating to this group of young people at risk are:

- » Health Insurance Act<sup>58</sup>
- » Health Care Act<sup>59</sup> at the level of the FBiH and the Law on Health Insurance<sup>60</sup>
- » Health Care Act<sup>61</sup> in the RS
- » The Law on Health Care<sup>62</sup> in BD

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51 "Official Gazette of FBiH no. 36/99, 54/04, 39/06"

52 "Official Gazette of Srpska Nos. 2/4"

53 "Official Gazette of Srpska Nos. 37/12"

54 "Official Gazette of BD no. 1/03, 4/04, 21/05, 19/07 and 2/08")

55 "Official Gazette of BD no. 03/01, 04/04, 19/07"

56 "Off. Gazette of FBiH Nos. 35/05 and 31/14"

57 "Off. Gazette of Srpska Nos. 54/02 "

58 "Off. Gazette of FBiH Nos. 30/97, 7/02, 70/08, 48/11

59 "Off. Gazette of FBiH no. 46/10"

60 "Off. Gazette of Srpska Nos. 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 01/09, 106/09"

61 "Off. Gazette of Srpska no. 106/09"

62 "Off. Gazette of BD no. 2/10"

Here is an evident intention of the legislator to provide additional protection for children and youth without parental care and is reflected in the standards of the Health Insurance Act, according to which children and young people provided legal to mandatory health care on several grounds, aiming to avoid a situation in which a child or a young person could lose their right to compulsory health insurance, and in particular a child or a young person without parental care.

In the spheres of education, security, participation and employment there are no regulations that relate specifically to this group of young people at risk than those who are generally related to children and youth.

## Roma children and youth

Bearing in mind that members of the Roma community in Bosnia and Herzegovina represent a national minority, **laws pertaining to this group of young people at risk are primarily laws related to education, employment, access to health care and social protection and participation**, whose specific standards relate to the obligation to protect minority rights. In the field of education, the **Framework Law on Primary and Secondary Education**<sup>63</sup> which provides that “the language and culture of any significant minority in BiH shall be respected and accommodated within the school to the greatest extent where practicable, in accordance with the **Framework Convention for the protection of national minorities**, and all the laws in the entities, cantons and BD, as well as other relevant regulations in the field of education shall be harmonized with provisions of this law, no later than six months after this law has entered into force.

## Children and youth with street experience

A large number of legislative and strategic national documents are relevant in this area, and consequently influence both the position and the exercise of the rights of this group of children and youth. Laws regarding the prohibition of discrimination, enforced in all WBC, determine the principle of equality for all children. Social protection laws recognize the attainment of minimum material compensation, the elimination of social exclusion’s consequences and protection against abuse, neglect and exploitation, throughout defined services and the right to material assistance, which is very modest in all countries and limited by the capacity of institutions to provide this type of support. Particularly relevant are laws regulating citizens’ status, health care, education, residence, stay of illegal immigrants, asylum laws, and re-admission laws and agreements.

In BiH, children and youth with street experience are recognized in the **Law on Social Protection of the Republika Srpska** (RS) and the **Law on Social Protection of the Brčko District** (BD), but not in the Law on Social Protection of the Federation of Bosnia and Herzegovina (FBiH). Care for those groups belongs to the social protection departments.

In the FBiH, some children and youth with this experience could be found as social protection beneficiaries, but under other beneficiary categories such as: children/youth without parental care, educationally neglected children/youth, or children/youth whose development is hampered by family circumstances.

Besides the Constitution of BiH<sup>64</sup>, the main laws related to this vulnerable category of children and youth are:

- » **Family law** FBiH, RS, BD
- » **The Framework Law on Primary and Secondary Education in BiH** ( entities’ and cantonal laws on education, as well as the Law on Education in BD),
- » **Law on Social Protection, Protection of Civilian War Victims and Protection of Families with Children** FBiH, RS, BD.

63 Off. Gazette of BiH no. 18/03”

64 Official Gazette B&H, No.25 / 09

## Children and young people who use drugs

In the field of health care the **Law on Prevention and Suppression of Drug Abuse**<sup>65</sup> is enforced at the state level. Furthermore, the **Law on Protection of Persons with Mental Disabilities**<sup>66</sup> at the level of the FBiH and the Law on the Protection of Persons with Mental Disorders<sup>67</sup> at the level of RS are adopted. Laws in the area of social protection have already been mentioned. In the area of security, there are certain provisions of the above mentioned **Criminal Procedure Code** and the **Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings** relating to this group of young people at risk. In the sphere of education, employment and participation the laws that generally relate to this population of children and youth have already been mentioned.

## Children and youth from disadvantaged families (drug use and/or conflict with the law)

These are primarily already mentioned **laws on social protection of civilian war victims and protection of families with children**, then **laws on child and social protection**. These laws recognize this group of young people at risk as educationally neglected children, neglected children, and children whose development is impeded by family circumstances, and they assign certain rights such as home care and assistance at home, then the social services and other professional services, financial and material assistance as well as accommodation in another family (foster care). Also there are already mentioned **laws in the field of health care** in order to provide health insurance for this population and **laws relating to other areas, i.e. education, security, participation and employment**, which generally refer to the population of children and young people.

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65 "Off. Gazette of BiH no. 8/06"

66 "Off. Gazette of FBiH no. 37/01"

67 "Off. Gazette of Srpska Nos. 46/04"



## Legal framework

The term “child” is defined in several laws of Kosovo. For the purpose of the application of the Juvenile Justice Code [Art. 2], Law on Social and Family Services [Art. 1], and the Criminal Code of Kosovo [Art. 120], a “child” is defined as a person who is under 18 years old, and “minor” as a person who is between 14 to 18 years old.

**The Law on Empowerment and Participation of Youth (LEPY)**, adopted in 2009 by the Assembly of Kosovo, aims to promote and reaffirm continued participation of youth in decision-making processes in order to improve the quality of life of youth and their social status. The LEPY defines youth as the age group of young people between 15 and 24 years old [Art.3]. LEPY provides that the central government bodies are, among other things, responsible for adopting and implementing documents relevant to youth, collecting providing data relevant to young people, supporting the development of youth, and supporting the participation of marginalized youth groups [Art. 6], which for the purpose of this report includes young people from Roma communities in Kosovo. The LEPY also provides that local authorities are, among other things, responsible for provision of financial and human resources for implementation of youth programs, supporting the informal education of youth organizations and other activities initiated by young people, and devising policies for youth development [Art. 7].

The **Law on Family (LF)**, adopted by the Assembly of Kosovo in 2006, includes several provisions for protection of children [Art. 125], including: right for protection from economic utilization, exploitation trafficking, sexual exploitation, or any activity which could be harmful to children’s education or health. The LF also protects children from illegal use of narcotic drugs and psychotropic substances, and prohibits use of children for illegal production and trafficking of such substances.

LF provides for special financial and social support to children without parental care, those diagnosed as mentally or physically challenged as well as parents who are not capable to create adequate living conditions for their children [Art. 5 (1)].

Moreover, the LF provides that children without parental care enjoy special social protection, and the fundamental forms for protection of these children are custody, family shelter, residential shelter and adoption [Art 157 (2)].

The LF also includes provision for protection of children when they are under the custody of their parents, providing that the Custodian Body exercises general and continuous supervision of the exercise of parental custody [Art. 146]. If the Custodian Body learns about the existing danger to the child, because of an abuse or neglect by parents, it is obliged to take measures for protection of the personality, rights and interests of the child [Art. 147]. The Child cannot be removed from care of his/her parents or legal guardian without permission or order from a court, but exceptionally, if the Custodian Body has reasons to believe that health, safety, or welfare of a child is at risk, the Custodian Body may remove the child to a place of safety for a period not exceeding 72 hours [Art. 148 (1) and (2)].



The **Law on Social and Family Services** (LSFS), adopted in 2005 and amended in 2011 by the Assembly of Kosovo, includes provisions for protection of children. The Law provides that in all matters concerning the provision of services to children and to families, the best interests of the child is of first and paramount consideration [Art. 9 (1)]. The LSFS delegates the competence to the Centre for Social Work to ensure the provision of social care and/or counseling in circumstances where, among others, a child is in need due to: being without parental care; child's parents (because of psycho-social, addiction or other problems) have difficulty providing adequate levels of care; child is suffering from consequence of family conflict; other form of social problem [Art. 9 (3)].

In addition, **the Law on Protection against Domestic Violence**, adopted in 2010 by the Assembly of Kosovo, includes a provision that aims to protect children who live in families with history of domestic violence. This law provides that in case of domestic violence child's custody is entrusted temporarily to the victim of domestic violence, while parental rights are temporarily stripped of the perpetrator of domestic violence [Art. 6].

Provisions for protection of youth are also included in the **Kosovo Labor Law** (LL). The LL provides that employees under 18 years of age won't do work that may be damaging to their health, safety or moral [Art. 45 (1)]. The LL obliges employers to adopt measures necessary for safety and health protection of young people, and to implement these measures on the basis of risk assessments [Art. 45 (2), (3) and (4)]. The LL further lists the dangerous areas in which employees of less than eighteen years of age won't work, and assigns the Ministry of Labor and Social Welfare the primary responsibility for enforcement of these legal provisions [Art. 45 (5) and (7)].

There is also a provision for protection of youth in the **Law on Public Health**, adopted in 2007 by the Assembly of Kosovo. The law provides that the purpose of health care is to promote young harmonious body and mental development through health education, systematic control, obligatory vaccines, [Art. 34 (1)]. This law provides, among other things, control and psychological care for youth to promote their integration into a healthy community, consultation regarding physical education in schools and for sports, and consulting with parents and teachers, in case of use of psychoactive substances, such as drugs, alcohol and smoking [Art. 34 (2)]. Within the framework of youth health care, the institutions observe, among other things, the application of public health standards, application of regular and appropriate information for damages related to consuming of alcohol, tobacco, drugs and other psycho active substances, and monitor students' and pupils' state and stability [Art. 34 (3)].

**The Law on Narcotic Medicaments** (2007) defines the term **'user of narcotics'** as a person who, as a result of consuming the narcotic medicaments or psychotropic substances developed a physiological, physical and psychic dependence for these substances [Art. 2].

**The Juvenile Justice Code**, adopted by the Assembly of Kosovo in 2010, regulates the procedure of imposed and execution of measures and sentences against a minor, as well as court and mediation procedures for a minor. The Juvenile Justice Code provides that a judge may impose appropriate measures to protect the rights and well-being of a child, such as placing the child in a shelter, education institutions or similar establishment, placing the child under the supervision of Guardianship Authority, or transferring the child to another family if necessary [Art 6 (10)]. The Guardianship Authority is defined as the department operating within the Centre for Social Work responsible for protection of children [Art. 2].

**The Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo**, adopted in 2008 by the Assembly of Kosovo, includes among other things, provisions for protection of employment rights of minority communities. This law provides for special consideration measures to improving the employment of Roma, Ashkelon and Egyptian communities [Art. 9 (2) and (3)]. While the law does not make reference to Roma children or youth per se, the provisions of this article provides for some legal basis to promote employment opportunities for children and youth of working age in Kosovo. No references were found on children and young people on the streets in Kosovo laws.

## Children and youth in conflict with the law

The administration of justice for children in the Republic of Kosovo is mainly implemented with the **Juvenile Justice Code, Provisional Criminal Code of Kosovo, Provisional Criminal Procedure Code of Kosovo, the Law for Civil Aspects of International Abduction of Children, Law for Protection of Witnesses, Law on Police.**

The institutions of the Republic of Kosovo are making maximal efforts to reform the justice system for minors, and in order this system is in full compliance with European and international standards for protection and respecting the children rights was drafted the **Juvenile Justice Code**. Except in extraordinary circumstances, a minor is entitled to keep continuous contacts with family. With the aim of minor rehabilitation, during the time of deprivation of freedom, they should be offered education, psychological assistance and medical help. In case of international child abduction, local legislation guarantees quick return of a child that is dismissed or kept without any right in the country of residence; it also ensures the respect of right of custody and of contact with children, who are permanent residents of Kosovo or of a requesting state.

Furthermore, according to the legislation in force, a minor that is in conflict with the law, even after 18 years old is continued to be recognized some rights and privileges as a minor, regardless that he/she/they reached the age of majority. On this occasion, the age of 18 years is defined as a minor adult, while the age of 21 is defined as a young adult. The continuation rights exercising even after the age of 18 are stipulated in the Juvenile Justice Code.

As long as this legal framework provides full support for minors in conflict with the law, its effectiveness unavoidably depends on the level of implementation by relevant institutions and professionals. Given that the Juvenile Code for Minors, determines and deals with implementation of measures and various punishments also obliges the court to take into consideration the best interest of a minor, before any measure or punishment is imposed against him/her/them.

## Youth leaving formal care

According to the Administrative Instruction 09/2014 for Regulation of Procedures for Adoption for Children Without Parental Care, 'children without parental care are considered the ones whose parents are not alive, are unknown, missing, or whose parents, for whatever reason, temporarily or permanently do not perform their parental duties'.

In Kosovo, a number of different international actors have sought to influence reform, often working within 'pilot projects'. Kosovo's social protection system was, essentially, redesigned under international supervision but it, too, lacks a clear strategy on social inclusion and the status of the overall Development Strategy is unclear.

## Roma Children and Youth

UNDP report in 2010 that ¼ of Roma, Ashkali and Egyptian community do not attend their studies in the primary school and 62% of Roma, Ashkali and Egyptian boys and 78% of Roma, Ashkali and Egyptian girls do not follow up their studies in secondary education. The figures show that 75% of children do have 4-year studies at primary school and 25% follow up their studies in secondary school and only 1.4% of Roma and Egyptian children and youth carry on studying or have finished secondary education. All the gathered data by ESP and UNDP (2005) on RAE community literacy level in terms of writing and reading skills show quite an unfavorable position of Roma and Egyptian people education. Furthermore, there is a noticeable deterioration in the educational indicators in the last years.

UNDP evaluated that 58% of Roma, Ashkali and Egyptian people were unemployed in 2010 as

compared to the average of 48% in Kosovo. This study reports about the unemployment figure reaching 75% among Roma, Ashkali and Egyptian youth of 15-24 year old<sup>68</sup>.

The results of UNDP Human Development Report study proved the fact that all Roma, Ashkali and Egyptian employees (if employed) have had low-profile jobs. According to Kosovo Foundation for Open Society (KFOS), There is much concern about the lack of civil registration for 0-6 year-old Roma, Ashkelon and Egyptian children. 14.7% are not registered in the birth register. Children of this age run many risks of health for during this stage many vaccinations are performed and not having them would consequently increase infant mortality rate due to several epidemics, but it would most certainly lead even to long-term health issues despite the fact that the unvaccinated might strike it lucky by not submitting to different epidemic diseases.

We should also hold into consideration that children of this age group might easily fall prey of infant trafficking phenomenon. Meanwhile, law and order bodies might have obstacles in finding them and providing protection which makes things worse<sup>69</sup>.

The situation of providing shelter and housing to Roma and Egyptian families is a matter of great concern. Over 50% of Roma and Egyptian families do not own necessary, adequate and appropriate, elementary living space so that they can guarantee their children's well-being. Over 42 % of their settlements are informal and living places are not safe and secure. Roma settlements have no access to public services such as electricity or public lighting, maintenance, etc.

## Children and youth with street experience

- » Law on Social and Family Services, (No 02/ L-17)
- » Law on Social Assistance Scheme in Kosovo, (LAW No. 2003/15)
- » Law on Material Support to the Families of Children with Disability, (LAW NO. 03/L-022)
- » Law on Labor, (Law No.03/L –212 )
- » Protection of Health of Employees and of Work Environment as well as of Law on Labor, (Law No. 2003/19)
- » Law on Protection from Domestic Violence, (Law No.03/L –182)
- » Law on Family (LAW NR. 2004/32)

## Children and youth who use drugs

**The Law on Public Health**, adopted in 2007 by the Assembly of Kosovo provides, among other things, for added control and psychological care for youth to promote their integration into a healthy community, consultation regarding physical education in schools and for sports, and consulting with parents and teachers, in case of psychoactive substances use , such as drugs, alcohol and smoking (Art. 34) of the Law on Public Health (2007).

**The Law on Social and Family Services** (LSFS), adopted in 2005 and amended in 2011 by the Assembly of Kosovo, includes provisions for protection of children. The Law provides that in all matters concerning the provision of services to children and to families, the best interest of a child is the first and paramount consideration [Art. 9 (1)]. The LSFS delegates the competence to the Centre for Social Work to ensure the provision of social care and/or counseling in circumstances where, among others, a child is in need because: the child is without parental care; child's parents (because of psycho-social, addiction or other problems) have difficulty providing adequate levels of care; child is suffering from consequence of family conflict; or other form of social problem renders the child in need [Art. 9 (3)].

**Articles 33 and 34 of the Law on Narcotic Medicaments** define treatment and curing of drug addiction. Drug addiction is treated on the basis of free will of the person or the legal

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68 Best Practices for Roma Integration (BPRI): Regional Report on Anti-Discrimination and Roma Participation in Local Decision-Making, May, 2013. OSCE/ODIHR 2013

69 The situation of Roma, Ashkali and Egyptian communities in Kosovo, (KFOS - SOROS), 2009

custodian, or based on a court decision in Kosovo, and can be treated in all licensed health institution of Kosovo. The institutions that deal with treatment and rehabilitation of drug-addiction are obliged to present data for the cases to the National Institute of Public Health [Art. 33]. Moreover, the law provides that curing and social assistance to persons who suffer from drug-addiction should be organized by the Ministry of Health, Ministry of Labor and Social Welfare, Ministry of Internal Affairs and the Ministry of Culture, Youth, Sports [Art. 34].

### **Children and youth from disadvantaged families (drug use and/or conflict with the law)**

In Kosovo, persons who live in disordered family relationships are considered as persons in need under the **Law on Social and Family Services** (LSFS). The LSFS delegates the competence to the Centre for Social Work to ensure the provision of social care and/or counseling in circumstances where, among others, a child is in need because: a child is without parental care; child's parents (because of psycho-social, addiction or other problems) have difficulty providing adequate levels of care; a child is suffering from consequences of family conflict; or other form of social problem renders the child in need.

According to the **Law on Social and Family Service in Kosovo**, a Centre for Social Work maintains a register of families and children in need who are resident in their territory and who lack family or other community support and who have difficulty with caring for their children, or where a child is at risk of neglect, exploitation or abuse or any other form of harm. The Centre for Social Work arranges visits on a regular basis by a responsible person, in order to ensure the safety and wellbeing of a child and provide a specific family or child with whatever services may be considered necessary. Consideration may be given by the Centres for Social Work to remove a child from parental or other care givers' care in circumstances where there are grounds to suspect that a child is experiencing serious harm to his physical or mental health.

In Kosovo, **the National Strategy for Prevention of Child Labor** (2011-2016) recognized that disrupted family environments, including parent's addiction to alcohol or drugs and lack of parental skills are among the factors that can push children into great vulnerability and involvement in child labor. There are community-based residential care options such as shelters and small-group homes for children in vulnerable situations including domestic violence, trafficking and sexual exploitation. These residential care homes are extended in seven municipalities covering all regions in Kosovo, and they provide shelter, medical and psychosocial support to domestic violence victims. Whereas the residential care homes cooperate closely with the Centers for Social Work and Kosovo Police in protecting the victims of domestic violence, they are also facing challenges with financial sustainability and lack of adequate human resources.



## Legal framework

As a member of the United Nations (UN) and Council of Europe, Montenegro develops the reform of the social protection system with respect to rights, norms and standards set out in international documents.

Law on Young people defines youth as persons between 15 and 30 years of age (Art. 2), while Law on Social and Child Protection defines the same as persons under the age of 26 (Art. 19). Law on social and child protection guarantees access to services to: children and youth in conflict with the law, children without parental care (but not youth) and children and youth who use drugs, while other target groups can be a part of other priority groups (children whose parent are unable to take care of them; children and young people with disabilities; children and young people who use alcohol, drugs or other narcotics; victims of abuse, neglect, domestic violence and exploitation, who are facing a possibility to become a victim; victims of human trafficking; children who are found outside the place of residence without the control of parents, adoptive parents or guardians; pregnant women without family support and adequate life conditions; single parents, without family support and adequate life conditions; persons who requires an appropriate form of social protection, due to specific circumstances and social risk, homeless people) (Art. 4).

Children without parental care and young people who were children without parental care (5 years after leaving institutional care) can use social subsidies, which are not guaranteed for other groups, but in case of satisfying certain material conditions and having necessary personal documentation, other groups can have access to those. Criminal laws have been adjusted to the need of children in conflict with the law. There are certain, but limited provisions in areas of education, employment, health and security/safety related to target groups. Strategies are well defined only for support of Roma children and youth.

## Children and youth in conflict with law

The area of education of this category of children and youth is regulated by the following legal acts:

- » General Law on Education and Upbringing;
- » Law on Education and Upbringing of Children with Special Educational Needs,
- » Law on Primary Education and Upbringing;
- » Law on Treatment of Juveniles in Criminal Proceedings;
- » Rulebook on the manner, conditions and procedure for orientation of children with special educational needs; Rulebook on the manner and procedure of bestowing honors, prizes and corrective measures for elementary school students;
- » Rulebook on the manner and procedure of imposing corrective measures to Grammar School students; and

- » Rulebook on detailed conditions for the provision and use of services, norms and minimum standards of the service of placement of children and youth in an institution and a small home community.

With regard to adult young people, Rulebook on House Rules in the Institute for Execution of Criminal Sanctions and Law on the execution of imprisonment, fines and security measures also apply. Institutional framework includes: Ministry of Education, Ministry of Justice, Institute for Execution of Criminal Sanctions (ZIKS), primary and secondary schools in Montenegro and Centre for Children and Youth "Ljubovic".

Health protection of children and youth in conflict with the law is regulated by the following documents:

- » Law on Health Care;
- » Law on Health Insurance;
- » Law in Criminal Proceedings; Law on the Treatment of Juveniles in Criminal Proceedings;
- » Law on Execution of Imprisonment;
- » Fines and Security Measures; Rulebook on House Rules in the Institute for Execution of Criminal Sanctions; and
- » Rulebook on detailed conditions for the provision and use of services, norms and minimum standards of the service of placement of children and youth in an institution and a small home community.

Institutional framework in which health protection of this category of children and youth is implemented includes the following: Ministry of Health, Ministry of Justice, Institute for Execution of Criminal Sanctions (ZIKS), Ministry of Labor and Social Welfare, institutions of primary, secondary and tertiary health protection and Centre for Children and Youth "Ljubovic".

Law on Social and Child Protection, Rulebook on detailed conditions for the provision and use, norms and minimum standards of advisory-therapeutic and socio-educational services and Rulebook on detailed conditions for the provision and use of services, norms and minimum standards of the service of placement of children and youth in an institution and a small home community directly recognize this category of children and youth and prescribe social services envisaged for them. The institutional framework implies involvement of: Ministry of Labor and Social Welfare, social work centers, Ministry of Justice, Institute for Execution of Criminal Sanctions (ZIKS), and Centre for Children and Youth "Ljubović".

In the field of employment, children and youth are not recognized as hard-to-employ persons, or persons to whom active policy measures in the labor market should be adjusted. The institutions involved in this segment are: Ministry of Labor and Social Welfare, social work centers and Employment Agency of Montenegro.

The security framework for children and young people in conflict with the law is regulated by: Criminal Code, Law on Execution of Imprisonment, Fines and Security Measure, Rulebook on House Rules in the Institute for Execution of Criminal Sanctions, Law on Misdemeanors, Law on the treatment of juveniles in criminal proceedings, Law on protection from domestic violence, Rulebook on the records of criminal sanctions and Rulebook on the records on the pronounced alternative measures. The responsible institutions are: Ministry of Justice, High Court in Podgorica, High Court in Bijelo Polje, High Public Prosecutor's Office, Ministry of Interior, Police Department, Institute for Execution of Criminal Sanctions, Centre for Children and Youth "Ljubović", Ministry of Education, schools, as well as social work centers.

## Youth leaving formal care

Law on Preschool Education, Rulebook on the manner, conditions and procedure for orientation of children with special educational needs, Rulebook on criteria, manner, conditions and compensation for exercise of rights to accommodation and food in the student dormitory,

student loans, scholarships and transport participation and Rulebook on detailed conditions for the provision and use of services, norms and the minimum standards of services for placement of children and youth in an institution and a small group community, represent legal acts in the field of education, which contain provisions directly related to this group. The institutional framework consists of: Ministry of Education, preschool institutions, primary schools, secondary schools, universities, Children's Home "Mladost" and student dormitories.

The sphere of health care regulating the position of children and youth without parental care includes: Law on Health Care and Law on Health Insurance. The Ministry of Health, Ministry of Labor and Social Welfare and institutions of primary, secondary and tertiary health care. All of these are a part of the institutional framework responsible for implementation and regulation of health services and rights for these persons.

Law on Social and Child Protection, Rulebook on detailed conditions for the provision and use, norms and minimum standards of support services for community living, Rulebook on detailed conditions for the provision and use, norms and minimum standards of advisory-therapeutic and socio-educational services, Rulebook on detailed conditions for the provision and use of services, norms and minimum standards of services for children and youth placed in an institution and a small group community, are the legal documents containing norms directly aiming at needs of children and youth at risk of social exclusion. The institutions responsible for the planning and implementation of adequate social protection are: Ministry of Labor and Social Welfare, social work centers and Children's Home "Mladost".

The general legislation in the field of labor and employment does not recognize young people leaving formal care. It is not directly included in by-laws or recognized as a category at risk of social exclusion. The institutional framework consists of: Ministry of Labor and Social Welfare, social work centers and the Employment Agency of Montenegro.

In the area of criminal legal acts, the Law on Treatment of Juveniles in the Criminal Proceedings, and the Law on Protection from Domestic Violence prescribed specific provisions for direct legal effect on young people leaving formal care. The institutions are: Ministry of Justice, Ministry of Interior, Institute for Execution of Criminal Sanctions (ZIKS), Children's Home "Mladost" and social work centers.

## Roma children and youth

Many studies and reports show that the majority of Roma people still live in extremely poor conditions. Their poor economic power, lack of education, low level of employment, inadequate living space and housing conditions, social exclusion based on stereotyping and ethnic bias, their specific lifestyle and other idiosyncrasies are some of the reasons counting for their difficult position in society. In those conditions, children do not go to school regularly even though the state has facilitated their access to education. The problems related to education are also numerous: illiterate parents not able to provide support to children, lack of preschool education, low quality of segregated classes provided to Roma that discourage them from further education, financial constraints, lack of skills of teachers to deal with Roma children, lack of knowledge of Montenegrin language, subsequently high level of drop outs (caused also by early marriages and begging).<sup>70</sup>

The studies carried out by UNDP, World Bank and European Commission in 2011 show that 55% of Roma and Egyptian 7-15 year-old children and youth are enrolled for the compulsory education and just 13% of youths of 16-19 years old get enrolled in secondary schools.

The extreme poverty leaves them stuck in dire housing situation, living in camps with all other families and with a low level of hygiene. The health of Roma population in Montenegro is hugely affected by their poor living conditions combined with inadequate education level, not

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<sup>70</sup> Promotion and protection of human rights of Roma and other vulnerable groups MONTENEGRO, Instrument for pre-accession assistance (IPA II) 2014-2020, European Commission

to mention expensive specialized care. This leads to bad health situation, premature deaths, risk for birth deliveries, and making life expectancy of this group lower than the national average.<sup>71</sup> Roma population in Montenegro is relatively well-covered in the health insurance and vaccination programmes (84% and 94% correspondingly) and they do report on health more positively when compared to non-Roma population living nearby. Nevertheless, the information available suggests that the health condition of Roma people is far worse than of the overall population in Montenegro.

The studies of UNDP, World Bank and European Commission report that 42% of the surveyed Roma live in dilapidated houses or poor neighborhoods as compared to 12% of non-Roma people living nearby. The level of unemployment for Roma people is 44% as compared to 30% within non-Roma people living nearby and the reasons for that are to be found not only in the lack of all the necessary qualifications of Roma and Egyptian people required by the labor market, but even in discrimination befalling them.

Education of this category is legally regulated by:

- » Law on Pre-School Education,
- » Law on Primary Education,
- » Law on Education of Children with Special Needs,
- » Rulebook on criteria, manner, conditions and amount of fees for achieving the right to accommodation and meals at dormitories, student loans, scholarships and participation for transport.

The institutional framework consists of: Ministry of Education, Ministry of Human and Minority Rights, preschools, primary and secondary schools, colleges and students' dormitories.

A broad relevant strategic framework can be emphasized, consisting of:

- » Strategy for Early and Preschool Education in Montenegro 2016-2020,
- » Strategy for Development of Primary Education 2011-2017 and
- » Strategy for Social Inclusion of Roma and Egyptians in Montenegro for the period 2016-2020.

Documents in the field of health care system regulating the rights of this group of children and youth are the following: Law on Health Care, Law on Health Insurance and Strategy for Social Inclusion of Roma and Egyptians in Montenegro for the period of 2016-2020. Health care institutions that regulate and implement health policy are: Ministry of Health, and health institutions of primary, secondary and tertiary health care.

The legal system of social and child protection which directly includes this group of children and youth consists of: Law on Social and Child Protection, Strategy for social inclusion of Roma and Egyptians in Montenegro for the period of 2016-2020, and the Rulebook on detailed conditions for the provision and use, norms and minimum standards of advisory-therapeutic and socio-educational services. The institutions in charge are: Ministry of Labor and Social Welfare and social work centers.

In the field of employment, children and young Roma are directly recognized through: Decree on subsidies for the employment of certain categories of unemployed persons. The responsible institutions are: Ministry of Labor and Social Welfare, social welfare centers, the Employment Agency of Montenegro and centers for information and professional counseling.

Legal documents in the field of security do not highlight this category of children and youth at risk of social exclusion. The institutional framework consists of the Ministry of Justice, Ministry of Interior, Institute for Execution of Criminal Sanctions, Children's Home "Mladost" and social work centers.

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<sup>71</sup> Ibid.



## Children and youth with street experience

In the process of taking the necessary actions to improve the socio-economic status of citizens, especially people who are in need of services and support in the field of social and child protection, the Government of Montenegro adopted the **Social and Child Protection Development Strategy for 2008-2012**. After the expiry of the designated period, the Government has prepared a new **Social and Child Protection Development Strategy for 2013-2017**.

In the **Law of Social and Child Protection**<sup>72</sup>, children with street experience are partially included in the category of homeless, and mentioned in the context of primary social care. A child could belong to the following subcategories: without parental care, whose parent are not able to take care of the child, with disabilities, in conflict with the law, who uses alcohol, drugs or other narcotic substances, that is a victim of abuse, neglect, domestic violence or exploitation, or is at risk of becoming a victim, that is a victim of human trafficking, whose parents do not agree on the manner of exercising their parental rights, who finds itself out of the place of residence without the supervision of a parent, adoptive parent or guardian, who is pregnant and without family support and adequate living conditions, who is a single parent and without family support and adequate living conditions, who needs an adequate form of social protection due to special circumstances and social risk.

The Law on social and child protection stipulates, with a view to decentralizing the competencies in the field of social and child protection services away from centers for social work, that services of support to community life, social-educational and counseling-therapeutic services, as well as shelter services may be provided by other stakeholders from both public and private sectors.

The following by-laws were adopted in accordance with the Law on Social and Child Protection:

- » Rules on detailed conditions for the provision and use, norms and minimum standards services stay at a shelter;
- » Rulebook on detailed conditions for the provision and use of services, norms and the minimum standards of support for community living<sup>73</sup>;
- » Rulebook on detailed conditions for the provision and use, norms and the minimum standards of advisory-therapeutic and socio-educational services<sup>74</sup>;
- » Rulebook on determining the amount of resources for development, i.e. funding of social and child protection services and the criteria for their allocation<sup>75</sup>

"Rules on detailed conditions for the provision and use, norms and minimum standards services stay at a shelter" stipulates that the accommodation services in a shelter are provided for the following categories of children and youth: 1) a child who is a victim of abuse, neglect, violence and exploitation, or is at risk of becoming a victim; 2) a child who is caught outside their place of residence without the consent of their parents, adoptive parents or guardians; 3) a child with behavioral problems; 4) a child who is a victim of trafficking. The provider of accommodation services at a shelter is obliged to provide: adequate housing, material conditions, accommodation in accordance with the age and gender of the user, nutrition and access to health services, personal hygiene and sanitation facilities, a safe environment for the user empowerment.

Although laws such as **Law on the prohibition of discrimination**<sup>76</sup>, **Law on Protection**

72 "Official Gazette of Montenegro", No. 27/2013, 1/2015, 42/2015, 47/2015, 56/2016, 66/2016, 1/2017, 31/2017 – decision US, 42/2017 i 50/2017

73 "Official Gazette of Montenegro", No. 30/15

74 "Official Gazette of Montenegro", No. 32/15)

75 "Official Gazette of Montenegro" No. 42/15

76 "Official Gazette of Montenegro", No. 46/2010

**against Domestic Violence<sup>77</sup>, Criminal Code<sup>78</sup> and the Law on Public Peace and Order<sup>79</sup>** do not recognize children and youth with street experience as a specific group at risk, they deal with abuse and neglect that could lead or is manifested in that manner.

With regard to the field of security, only the **Law on the treatment of juveniles in criminal proceedings** recognizes this category of children and youth. Institutional network in this context includes: Ministry of Justice, Ministry of Interior, Institute for Execution of Criminal Sanctions, Centre for Children and Youth "Ljubović" and centers for social work.

## Children and youth who use drugs

The Law on Education of Children with Special Educational Needs, Rulebook on the manner, conditions and procedures for orientation of children with special educational needs and the Rulebook on detailed conditions for the provision and use of services, norms and the minimum standards of services for children and youth in an institution and a small community group, included in their provisions children and youth who use drugs. The competent institutions involved are: Ministry of Education, primary and secondary schools in Montenegro and the Centre for Children and Youth "Ljubović".

Health care is regulated by: the Law on Health Care, Law on Health Insurance, Law on the Prevention of Drug Abuse and the Law on Protection and Rights of the Mentally Ill Persons, and the Rulebook on detailed conditions for the provision and use of services, norms and the minimum standards of services for children and youth in an institution and a small group community. In addition, Mental Health Improvement Strategy and Strategy for the Prevention of Drug Abuse 2013-2020 stand out. The health policy relevant for this group has been developed and implemented by: Ministry of Health, Ministry of Justice, Institute for Execution of Criminal Sanctions, and health institutions of primary, secondary and tertiary health care.

When speaking about the field of social protection, children and young people who use drugs are directly included in the following laws and bylaws: Law on Social and Child Protection and Rulebook on detailed conditions for the provision and use, norms and the minimum standards of advisory-therapeutic and socio-educational services. The institutional framework consists of: Ministry of Labor and Social Welfare, social work centers, Institute for Execution of Criminal Sanctions and Center for Children and Youth "Ljubović".

The legal framework in the field of labor and employment does not contain norms that directly regulate a position of children and youth who use drugs. The institutional framework consists of: Ministry of Labor and Social Welfare, social work centers and Employment Agency of Montenegro.

Criminal Code, Law on the Execution of Imprisonment, Fines and Security Measures, Law on the Treatment of Juveniles in Criminal Proceedings and the Law on Protection from Domestic Violence contain norms that are directly related to children and youth who use drugs. The institutional framework consists of: Ministry of Justice, Ministry of Interior, Institute for Execution of Criminal Sanctions, the Center for Children and Youth "Ljubović" and social work centers.

## Children and youth from disadvantaged families (drug use and/or conflict with the law)

In Montenegro, the Law on Pre-School Upbringing and Education has "a program to strengthen parental skills", which includes support to parents provided by educational and professional staff, and encourages the use of parents' potential through the library of toys and books,

<sup>77</sup> "Official Gazette of Montenegro" No. 46/2010, Art. 152. - 40/2011-1

<sup>78</sup> "Official Gazette of Montenegro", No. 70/2003, 13/2004, 47/2006; "Official Gazette of Montenegro", No. 40/2008 and 25/2010

<sup>79</sup> "Official Gazette of Montenegro", No. 40/2011-1

involving age-appropriate toys and books, literature for parents and other learning materials for children's development. The Rulebook on the methods, conditions and procedures for orientation of children with special educational needs leaves the possibility that this is a group in need as it states that this category includes children who have unfavorable family and material conditions caused by domestic violence, drug use, and other conditions. Children and youth from families with history of drug use or conflict with the law can use a free legal aid if they are persons with disabilities, victims of domestic violence or human trafficking<sup>80</sup>.

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80 Law on Free Legal Aid, „Official Gazette of Montenegro” 20/2011 and 20/2015



The Law on Child Protection<sup>81</sup> defines all persons under the age of 18 as children, while “youth” is defined only in the Strategy on Youth<sup>82</sup> as “persons between the ages of 15 and 29”. In the last 10 years, in the Republic of Macedonia there were several amendments and changes to the policies for protection of children and youth at risk. The first was the adoption of the Law on Juvenile Justice in 2007, where the phrase “a child at risk” was mentioned for the first time. The term is covered in the field of juvenile punitive legislation and encompasses a little broader context in its definition. In this sense, the definition of a child at risk in the Law on Juvenile Justice is the following: “a child at risk is any child at the age of seven and not yet 18, with physical disability or difficulties in the mental development, a victim of violence, neglected in terms of education and social behavior, and is in such state that the educational function of parent/s or guardian/s is impeded and hindered, a child not included in the educational system, involved in begging, roaming or prostitution, who uses drugs and other psychotropic substances and precursors or alcohol, who due to the abovementioned states is or can come into contact with the law as a victim or a witness of an action prescribed by law to be a misdemeanor or a criminal offence.”<sup>83</sup>

Different terminology is applied in the domain of social protection, where the phrase “social risk” is contained in the provisions of the Law on Social Protection<sup>84</sup> referring to children, youth and adults equally. In this respect, “social risk” encompasses risks regarding health, old age and aging, single-parent families, unemployment risks, loss of income necessary for one’s livelihood on the basis of employment or similar situations, poverty and other risks related to social exclusion.

In 2008 and 2010, the Law on Juvenile Justice was amended, and then later in 2013 a new law was adopted titled Law on Justice for Children<sup>85</sup>. In all amendments made to Law on Juvenile Justice and Law on Justice for Children, the article prescribing the terms, including the definition of the term “a child at risk”, remains unchanged.

Although the Law on Child Protection does not aim at children at risk directly, it still prescribes measures for social protection in the provisions referring to all children, hence children at risk as well.

Even though not defined as children and youth at risk, some of the groups – subject of the research, are recognized in the documents issued by some of the competent ministries, as described below.

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81 Official Gazette of RM 170/2010

82 AYS 2015

83 Official Gazette of RM 87/2007, article 19

84 Official Gazette of RM 79/2009

85 Official Gazette of RM 148/2013

## Policy, Legislative and Institutional Framework

The most significant document referring to activity implementation on a national level in the field of **social protection** is the Annual Program for the Realization of Social Protection<sup>86</sup>, adopted each year by the Government of the Republic of Macedonia. The program defines the social protection areas, as well as the manner of the program's implementation by way of provision of services and measures for social prevention, extra-institutional protection and institutional protection for citizens exposed to basic social risks. The users of social protection covered with social protection services and measures in the program are children at risk, specifically those without parental care, placed in day centers for children living on the street, using drugs and juveniles with educational – social problems.

Another significant document is the National Program for Development of Social Protection 2011 – 2021<sup>87</sup> pursuant the Law on Social Protection, prepared by the Government of the Republic of Macedonia. The program identified the goals, priorities and directions of the development of social protection of Macedonian citizens with active social policy measures, for the medium term of up to 5 years ahead and the long term of up to 10 years ahead.

Yet another important document is the National Strategy for Alleviation of Poverty and Social Exclusion in the Republic of Macedonia 2010-2020<sup>88</sup>, which mentions children without parents and parental care, children on the streets, children who use psychoactive substances, Roma children and children at social risk.

Several laws exist in the domain of **educational policies** which refer to primary, secondary and higher education for all pupils and students<sup>89</sup>. The available programs, strategies, action plans and rulebooks published in this field encompass all pupils and students and there are no separate programs for youth at risk.

In the field of **health care** there is a lack of documents in which health rights of youth at risk are separately regulated, apart from Roma youth. The Ministry of Health indicated that the activities regarding health protection related to specific risks (for people who use psychoactive substances, health checks programs for children on the streets etc.) are covered in the Program for Health Protection of People with Dependence Disorders<sup>90</sup>, however youth at risk are not isolated as a separate group, rather the program pertains to the entire population. In their response to the request for free access to public information, as a source of information for drug prevention and sexual and reproductive health programs, the Ministry of Health referred to the Program for Early Detection of Malign Diseases – cervical cancer screening, the Program for Population Protection from HIV/AIDS and Preventive Program for Active Health Protection of Mothers and Children in the Republic of Macedonia. These programs were also not specifically created for youth at risk rather they refer to the entire population of Macedonia.

In the area of **employment** there is the National Employment Plan of the Republic of Macedonia 2014 – 2015<sup>91</sup> and the Youth Employment Action Plans for 2014 and 2016-2020<sup>92</sup>, where disadvantaged youth is mentioned and where activities for youth at risk are set out, without specifying exactly which group of youth at risk. The Operational Plan for Active Employment Measures 2014<sup>93</sup>, prescribes measures of subvention of youth employment in general, the only isolated group mentioned being children without parents and parental care.

The important documents on monitoring youth at risk as pertaining to **safety** are prepared by the State Council for Prevention of Juvenile Delinquency and the Ombudsman. Both

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86 Official Gazette of RM 202/2014

87 MLSP 2010

88 MLSP 2013

89 Official Gazette of RM 103/2008 and 52/2002

90 Official Gazette of RM 17/2014 and 196/2014

91 MLSP 2014c

92 MLSP 2012a, MLSP 2015

93 MLSP 2015

institutions include information on youth at risk in their annual reports<sup>94</sup>. The Ombudsman's annual reports are transparent and available in electronic form on their website. The Ombudsman has established the practice of reporting on the state of children's rights, where one of the subcategories encompasses the rights of children who are members of vulnerable and marginalized groups and where records are kept on the current needs and problems of children on the streets, children who use drugs, Roma children etc.

The National Youth Strategy 2016 – 2025<sup>95</sup> sets out the basic principles and guidelines for all actors in the society leading to the improvement of the socio-economic situation of youth. The strategy recognizes certain groups of youth at risk, while the Action Plan on Youth prescribes specific activities. The lack of finances for the strategy's implementation reveals the lack of seriousness when it comes to meeting the needs and problems of youth in Macedonia.

a review of the available data on groups mentioned, the data which institutions and organizations in Macedonia dispose of, leads to the conclusion that many of the groups are not recognized as communities of specific interest which require specific programs and activities, even though the Republic of Macedonia is defined as a social state in the Constitution. For other groups, however, separate documents and regulations do exist. Considering the number of groups of youth at special risk from social exclusion who have different needs and problems, the lack of equal representation in all the areas subjected to the research is expected. The absence of unified national definition in official institutions' documentation is common for all groups.

Despite the absence of records on each of the specified groups, a clear general idea on the situation groups in Macedonia encounter regarding social and health protection, education, employment and safety can still be formed.

## Children and youth in conflict with the law

There are two definitions for children and youth in conflict with the law in the Law on Justice for Children; one defines children in conflict with the law at the age of 14 to 16, and the other as the ones who are above 16 years of age. Data on this category are available at the Inter-municipal Centers for Social Work, the Bureau for Social Affairs and the Ministry of Justice.

## Youth leaving formal care

Children without parents and parental care are recognized by the Ministry of Labor and Social Policy where partial records on these cases are also being kept. When speaking about legislative regulations, this category is mentioned in the Law on Family<sup>96</sup>, in the part prescribing the state's obligations referring to care.

## Roma children and youth

There are several documents on Roma children and youth, issued by the Ministry of Labor and Social Policy, Ministry of Education, Ministry of Health and the Employment Agency of the Republic of Macedonia. Partial records on this category are kept in the aforementioned institutions, while organizations who work with Roma have more information and data. There is the impression that the availability of data on this group of youth at risk in state institutions is related to group's recognition from an ethnic aspect, not as a group at risk.

There is a crucial national document on Roma youth – the Strategy for Roma in the Republic of Macedonia 2014–2020, which outlines the priority fields of action: employment, education, housing, health and culture. Several state institutions and organizations working with or for

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94 Ombudsman of RM 2015 and 2016, SCPJD 2015 and 2016

95 AYS 2016

96 Official Gazette of RM 153/2014

Roma are concerned with the Strategy's implementation. Numerous documents came as a result from the Strategy for every field separately.

In addition, although less specifically, the Constitution of Macedonia has sanctioned the protection of human rights, fundamental freedoms, equality and integration of Roma and Egyptian people or other minorities and groups of people. The issue of having this community's direct participation in the decision-making processes is something that is being encouraged and cared for.

## **Children and youth with street experience**

Children and youth with street experience are recognized as a separate category in the documents issued by the Ministry of Labor and Social Policy.

The Action Plan for Children on the Streets 2013 – 2015<sup>97</sup> was adopted as a specific document for working with children with street experience, and it identifies the competences of all state institutions pertaining to the system of social protection of this group.

## **Children and youth who use drugs**

Children and youth who use drugs are recognized in very few documents issued by the Ministry of Labor and Social Policy (the National Strategy on Alleviation of Poverty and Social Exclusion in the Republic of Macedonia 2011-2021), however, no records are kept on this group. The group is also mentioned in the Law on Narcotic Drugs and Psychotropic Substances<sup>98</sup>, in the part describing the competences of certain ministries, and the necessity for protection and education of this category of children and youth has also been mentioned. The National Drugs Strategy of the Republic of Macedonia<sup>99</sup> refers to them in the section on decreasing the demand for drugs, which also prescribes prevention measures, early detection and counseling.

## **Children and youth from disadvantaged families (drug use and/or conflict with the law)**

Children and youth from disadvantaged families are disregarded in all available documents issued by research institutions and organizations, thus showing that the policy and legislative framework in Macedonia does not recognize children and youth from disadvantaged families (drug use and/or conflict with the law) as a specific group at risk of social exclusion.

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97 MLSP 2012b

98 Official Gazette of RM 103/2008

99 MoH 2014



## Identifying legal regulations

### Policy and legal framework

The only legal documents in the Republic of Serbia which contain the phrase “young people at risk” are the National Youth Strategy for the period of 2015 - 2025, and the Action Plan for the Implementation of the National Strategy for Youth 2015 - 2017 prepared by the Ministry of Youth and Sports of the Republic of Serbia.

Other legal documents that are relevant to the target groups are: Law on Social Protection, Law on Public Health, Law on Youth, Criminal Code, Law on Criminal Procedure, Law on Juvenile Offenders and Criminal Protection of Minors, Social Housing Law, Labor Law, Law on Prevention of Abuse at Work, Law on Protection of Personal Data, The National Strategy for prevention and protection of children from violence, The Law on Employment and Unemployment Insurance, National Employment Strategy 2020, Employment and Social Reform Policy (ESRP), The National Employment Action Plan for the current year, the Economic Reform Program 2016-2018 (ERP), Anti-Discrimination Law, Action Plan for the implementation of the Strategy of prevention and protection against discrimination for the period of 2014 - 2018, Family Law, The Law on Social Care of Children, The Law on Financial Support to Families with Children, Law on execution of non-custodial sanctions and measures, Strategy for the Development of criminal sanctions’ execution system in the Republic of Serbia until 2020, Action Plan for the implementation of the Strategy for development of criminal sanctions’ execution system in the Republic of Serbia until 2020, The Law on Preschool Education, The Law on the Basis of the Education System, The Law on Primary Education, The Law on Secondary Education, The Law on Higher Education, Education Development Strategy in Serbia until 2020, Action Plan for the implementation of the Education Development Strategy in Serbia until 2020, Law on Volunteering, Rules on Restrictive Practices employed in social care, Rulebook on organization, norms and standards of the Center for Social Work, Special Protocol on the Treatment of police officers to protect minors from abuse and neglect, Special Protocol on the Treatment of judicial authorities to protect minors from abuse and neglect, Special healthcare system protocol for the protection of children from abuse and neglect, Special protocol for the protection of children and students from violence, abuse and neglect in educational institutions, Special protocol for the protection of children in institutions of social protection from abuse and neglect, Rules on the treatment protocol established in response to violence, abuse and neglect, General Protocol for the Prevention of Child Abuse and Neglect, Framework Action Plan for the prevention of violence in educational institutions, The Strategy on the prevention of drug abuse for the period of 2014-2021, Action Plan for the implementation of the strategy on the prevention of drug abuse for the period of 2014-2017, Law on Patients’ Rights, Strategy for improving the situation of Roma in Serbia, Strategy for Social Inclusion of Roma in the Republic of Serbia for the period of 2016 - 2025, National Strategy for gender equality for the period of 2016 – 2020.



## Content analysis of identified regulations

National Youth Strategy for the period of 2015 - 2025 defined nine strategic goals regarding young people in different areas of their interest. One of them is to support social inclusion of young people from categories at risk of social exclusion.

The strategy recognizes young people who have health risks as the most vulnerable population of youth at risk. These include: persons who inject drugs, sex workers, men who have sex with men, young people in institutional care, young Roma and young people serving unjust prison sanctions.

The strategic goal "Enhanced support for the social inclusion of young people at risk of social exclusion" has three specific objectives:

Specific goal 1: "The necessary system pre-conditions are created for youth at risk of social exclusion to be adequately recognized and supported in their inclusion in the economic, social and cultural currents."

Specific goal 2: "Increased availability and scope of activities designed to prevent social exclusion of young people at risk"

Specific goal 3: "Increased coverage and inclusion in available programmes of youth at risk of social exclusion who are beneficiaries of local services and support programmes"

The document that emerged from the National youth strategy 2015-2025 is the Action plan for the implementation of the National strategy for youth 2015 - 2017.

Planned activities under the first specific goal:

- » Develop a new system of categorizing young people at risk of social exclusion in accordance with EU standards;
- » Ensure the new classification system is implemented while monitoring the youth at risk of social exclusion;
- » Develop a gender-sensitive mechanism of monitoring and evaluating local programmes for youth at risk of social exclusion;
- » Create a computer-based monitoring system in institutions of health, education, social welfare and employment;
- » Conduct trainings for employees in the institutions of health, education, social protection and employment for the application of mechanism for monitoring and evaluation, which includes gender-sensitive indicators;
- » Implement standardization of services and programs for youth at risk of social exclusion.

Planned activities under the first specific goal 2:

- » Support the establishment of local services and development programs for effective counseling and psychological support for young people at risk of social exclusion;
- » Support the establishment of local services and development programs for the improvement of working engagement of young people at risk of social exclusion;
- » Support training programs for representatives of institutions and civil society organizations involved in the prevention of social exclusion of young people;
- » Support programs to inform decision-makers in local governments on the rights and needs of young people at risk of social exclusion;
- » Support training programs on gender equality and gender perspectives for representatives of institutions dealing with the prevention of social exclusion;
- » Provide support to programs of associations that carry out youth activities to identify the needs of youth at risk and the development and implementation of adequate programs;
- » Support the activities of establishing partnerships among the subjects involved in youth policy by using an integrated approach in exploiting existing local resources (human, material, technical).

For the specific goal 3 an indicator is set to monitor the increase in the percentage of young people at risk to benefit local programs and services. Planned activities under this specific goal are:

- » Support the development of local services for efficient, optimal and timely information for socially excluded young people;
- » Supporting the activities of continuous research about the extent of use of existing services designed for young women and men at risk of social exclusion;
- » Support mechanisms for cooperation and exchange of experience of employees in public institutions;
- » Develop programs of sensitization of employees in the public institutions in order to efficiently support young people at risk of social exclusion;
- » Provide a system for monitoring the efficiency of services and programs to support young people at risk of social exclusion;
- » Support activities to adapt existing services and programs to support young people at risk of social exclusion;
- » Ensuring compliance of services and programmes offered with the recommendations of international organizations and institutions working with the youth at risk of social exclusion.

The ministries recognized as stakeholders are: the Ministry of Youth and Sports and the Ministry of Labor, Employment, Veteran and Social Affairs. As participants in the activities there are the following institutions: National Bureau of Statistics, National and Provincial Institute for Social Protection, Ministry of Health, Ministry of Interior, Ministry of Education, Science and technological development, the Office for Human and Minority rights, schools, centers for social work, health centers and others, as well as civil society organizations.

## **Institutional framework**

The institutions that provide support services and services to young people at risk of exclusion in the Republic of Serbia are: social welfare centers, health centers, homes for young people and children without parental care, institutions for education of children and youth centers for foster care, SOS Children's Villages, national employment service, preschools, elementary and secondary schools, higher education institutions. In addition to the institutions established by the state, province or local government, support and services to youth at risk is also provided by the civil society organizations. They are financed from the budget of the Republic of Serbia, AP Vojvodina budget, local governments' budgets, foreign funds or through their own income got from non-economic activities, social enterprises, membership fees, participation of service user etc.

Content analysis of institutions' documents In accordance with the Law on Employment and Unemployment Insurance, National Employment Service as the holder of Employment Affairs is guided by the following acts: National Employment Strategy 2020, the National Employment Action Plan for the current year (NAEP), Program of Economic Reforms 2016-2018 (ERP), Program of the employment policy and social policy (ESRP) reform and others. In accordance with these strategic documents and analysis of the needs of the local labor market the Annual work program of the National Employment Service is made.

According to the Law on Employment and Unemployment Insurance, harder-to-employ persons are those unemployed due to health conditions, insufficient or inadequate education, socio-demographic characteristics, regional or occupational mismatch with the labor market or other objective circumstances that are making the process of finding jobs more difficult. According to the National Action Plan of Employment for 2016, harder-to-employ persons who have priority for inclusion in the reactive employment policy are: unemployed young people under 30 years of age, the excess employees and unemployed persons older than 50 years, unemployed with no qualifications, low skilled and long-term unemployed, persons with disabilities and Roma.

Programs and measures of active employment policy following especially vulnerable categories are

including: unemployed women, children without parental care, victims of domestic violence and human trafficking, single parents, rural population, refugees and displaced persons, returnees under the Agreement on readmission, spouses from families in which both spouses are unemployed, parents of children with disabilities and the like. In a way active employment policy allows their integration into the labor market and improves the quality of their life.

The program of work of the National Employment Service for 2016 envisages the implementation of: the Programme for training and development and the Program of professional practice which is implemented in two modes (the Program of professional practice in order to fulfill the requirements for the professional exam and the Program of professional practice in order to obtain specific practical knowledge). During the Program of professional practice unemployed people are hired by employers on the basis of the Treaty on vocational training, or professional training, without the employment contract. The purpose of this program is professional practice and professional development training for independent work in the profession and gaining work experience.

In order to encourage employers to hire more difficult to employ persons, the Work Programme of the National Employment Service for 2016 foresees the following incentives for employment and self-employment: subsidies for hiring unemployed persons from the category of hard to employ for newly created jobs; subsidies for labor earnings of a social assistance beneficiary; wage subsidies for people with disabilities without work experience and support measures for people with disabilities who are employed under special conditions; subsidies for self-employment and encouraging the development of entrepreneurship.

The Ministry of Labor, Employment, Veteran and Social Affairs is guided by the following laws: the Law on Social Protection, Family Law, the Law on Financial Support for Families, Law on Juvenile Offenders and Criminal Protection of Juveniles, the Law Against Discrimination, Criminal Code, on the basis of the education system, etc. All these documents recognize young people at risk of social exclusion, although not named so.

Despite the fact that there is no special law on children in national legislation, there are over 80 legal documents, which, more or less, relate to the protection of the rights of children and youth at risk.



## Regional Overview of Legal and Institutional Framework

In order to make a regional overview, project team has developed a set of regional legal and institutional indicators that should enable comparison between different states, but also show areas where exchange of experience and examples of good practice would be especially beneficial. For this purpose, the project team has collected and analyzed laws, policies, services and practices that were identified as existing, needed or interesting solutions for at least one country.

There is a separate table provided for each at risk group of children and youth:

1. Children and youth in conflict with the law
2. Children and youth leaving formal care
3. Roma children and youth
4. Children and youth with street experience
5. Children and youth who use drugs
6. Children and youth from disadvantaged families (drug use and/or conflict with the law)

Every table is divided in two groups of indicators:

- » Legal and policy framework (blue areas)
- » Institutional framework (pink areas).

There are 4 possible values to every indicator:

1. Existing and functional (green),
2. Existing but not functional (yellow),
3. Not existing (red),
4. Not relevant (grey).

Project teams from each country had implemented evaluation, based on available sources. Those indicators will be improved within the course of project implementation and their values will be re-published.

**Table 1.** Children and youth in conflict with law – Regional overview of legal and institutional framework

Children and youth in conflict with law	ALB	B&H	KOS	MKD	MNE	RS
<b>Social support</b>						
They are recognized in the Law on Social Protection as a priority group	Green	Green	Green	Green	Grey	Green
They are recognized in the Law on Child Protection as a priority group	Green	Teal	Grey	Teal	Grey	Teal
They are recognized in the Law on Social and Child Protection as a priority group	Grey	Teal	Grey	Green	Green	Teal
Children in conflict with law are recognized in the Law on Social Protection as a priority group	Green	Green	Green	Green	Green	Green
Youth in conflict with law is recognized in the Law on Social Protection as a priority group	Green	Green	Teal	Teal	Teal	Green
They are recognized in the Strategy for Social Protection	Green	Grey	Grey	Green	Grey	Teal
They are recognized in the Strategy for Child Protection	Green	Grey	Grey	Grey	Grey	Teal
They are recognized in the Strategy for Social and Child Protection	Teal	Grey	Grey	Green	Green	Teal
Children from this category are recognized in Guidelines for provision of social protection services	Teal	Grey	Grey	Teal	Green	Green
Youth from this category are recognized in Guidelines for provision of social protection services	Grey	Grey	Grey	Teal	Green	Green
They are recognized as a separate group in the National Strategy for Reduction of Poverty and Social Inclusion	Teal	Teal	Grey	Teal	Grey	Green
Recognized in the National Drug Strategy	Yellow	Grey	Green	Teal	Green	Green
They are recognized in local strategies for improvement of social inclusion	Yellow	Teal	Green	Teal	Green	Green
They have priority in achieving right to social housing	Teal	Teal	Teal	Teal	Teal	Green
There are guidelines for collection of data in the social protection system for this group	Teal	Teal	Teal	Teal	Teal	Green
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Youth	Green	Teal	Teal	Teal	Teal	Green
There is an official document which contains rules of cooperation between CSOs and institutions in this area	Teal	Teal	Teal	Teal	Teal	Green
There are public institutions for children and youth in conflict with the law (semi-open)	Teal	Green	Green	Green	Green	Green
There are closed correctional institutions for minors in conflict with the law	Green	Green	Green	Green	Green	Green
Institutions which provide resocialization services (public sector) have been established	Teal	Green	Green	Yellow	Teal	Green
Centers for provision of resocialization services (CSO sector) have been established	Teal	Teal	Teal	Teal	Teal	Green
Centers for Social Care provide resocialization services	Teal	Yellow	Yellow	Yellow	Yellow	Green

There are day centers which provide social protection services to this category						
There are drop-in centers which provide social protection services to this category						
Self-support groups exist						
Independent living support services are provided to this category						
Socio-educational services are provided to this category						
Counseling and therapy services are provided to this category						
Social housing is provided for this category						
Other types of support for housing are provided to this category						
Data are collected within social protection system						
There is a mechanism of coordination among public authorities, and models of mutual referring of children and youth from this category						
There are mechanisms of coordination between local/municipal and national institutions in this area						
There are mechanisms of outsourcing and paying for social services which are provided to this category outside public institutions						
<b>Employment</b>						
Protection of children is prescribed by the Labor Law						
Free of charge programmes for acquiring qualifications are guaranteed to this group						
Work in public interest is recognized as a working experience						
This category is recognized as a hard-to-employ category						
This category is recognized as a group in the National Employment Strategy						
There are subsidies for employers which are hiring young people from this category						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
There are programmes aiming at enhancing working skills of this group						
Free of charge programmes for acquiring qualifications are offered to this group						
Organizations provide opportunity for employment of this group (within social enterprises, etc.)						
There are programmes of mentorship in employment						

There is the Law on Social Entrepreneurship						
There is the Strategy for Social Entrepreneurship						
There is a mechanism of outsourcing and paying for services which are offered to this category outside public institutions						
<b>Education</b>						
Provision of elementary education inside institution for execution of criminal sanctions is obligatory						
There is a Law on education of children with special educational needs						
This category is recognized in the field of education of children with special educational needs						
This group is recognized in laws on education						
Education is regulated in the Law on Juvenile Justice						
Education of children with special educational needs is recognized by other laws						
Free of charge books for children in institutions are guaranteed by law						
Free of charge elementary education in prison is guaranteed by law						
Free of charge secondary education in prison is guaranteed by law						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
There are elementary schools within correctional facilities for minors						
There are elementary schools within the institution for execution of criminal sanctions for adults						
Centre for Vocational Education/Centre for Education of Adults provide services to this group						
There are organizations which provide VET services to this group						
VET programmes are available in prison						
VET certified programmes are available in correctional institute for juveniles						
Additional programmes for provision of support to studying are available inside schools						
Additional programmes for provision of support to studying are available in the community/ CSOs						

There is a mechanism of outsourcing and paying for education-related services which are provided to this group outside public institutions						
<b>Health</b>						
Free of charge healthcare in closed institutions is guaranteed by the law						
National Drug Strategy prescribes measures for drug abuse prevention for children and youth in conflict with the law						
Health protection is defined in the Law on Execution of Criminal Sanctions						
Health protection of prisoners falls within the jurisdiction of the Ministry of Justice						
Health protection of prisoners falls within the jurisdiction of the Ministry of Health						
There are guidelines for health protection of this group						
There are guidelines for collection of data on health protection of this group						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
There is a treatment for children who use drugs, within closed or semi-closed institutions						
There is a treatment for adults who use drugs, within closed or semi-open institutions						
Prison hospital is operational						
Substitution therapy is introduced in prison						
Substitution therapy can be continued in prison						
Services for improvement of mental health are provided in closed institutions						
Services for prevention of communicable diseases, such as HIV, are available to this group						
There is a mechanism of outsourcing and paying for health-related services which are provided to this category outside public institutions						
<b>Security</b>						
There is the Law on Juvenile Justice						
Alternative sanctions are introduced in law(s) which regulate(s) the position of children in conflict with the law						
Law prescribes an obligatory treatment for people who use drugs and who are in conflict with the law						
There are guidelines for collection of data						
There is the National Strategy or a document for prevention of behavior that is not socially acceptable						



Role of a social worker is recognized in the Law on minors in conflict with the law						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
There is the National Council for Juvenile Delinquency Prevention						
There is a separate prison for minors						
Centers for minors in conflict with the law (closed) exist						
There is a court for minors						
There are judges for minors						
Offices for treatment of minors are available within judicial system, including psychologists and/or social workers						
Offices for treatment of minors in conflict with the law are available within centers for social work						
Probation services for minors exist						
Probation services for adults exist						
Data are collected inside judicial system and contain information on sanctions, treatment and probation						
Data on children and youth in conflict with the law are connected with data on social protection						

**Table 2.** Youth leaving formal care – Regional overview of legal and institutional framework

Children and youth leaving formal care	ALB	B&H	KOS	MKD	MNE	RS
<b>Social support</b>						
A category of children without parental care is recognized in the Law on Social Protection						
A category of youth who were children without parental care is recognized in the Law on Social Protection						
They are recognized in the Law on Social Protection as a priority group						
They are recognized in the Law on Child Protection as a priority group						
They are recognized in the Law on Social and Child Protection as a priority group						
There is a Law on Foster Care						
Deinstitutionalization as a principle is covered by law or strategies						
They are recognized in local strategies for improvement of social inclusion						
They have priority in achieving rights to social housing						
Material support is available to this group						

Children from this category are recognized in Guidelines for provision of social protection services	Dark Green	Light Green	Light Green	Light Green	Light Green	Light Green
Youth from this category are recognized in Guidelines for provision of social protection services	Dark Green	Light Green	Light Green	Light Green	Dark Green	Light Green
They are recognized in the Strategy for Social Protection	Light Green	Light Green	Grey	Light Green	Grey	Light Green
They are recognized in the Strategy for Child Protection	Light Green	Light Green	Grey	Grey	Dark Green	Light Green
They are recognized in the Strategy for Social and Child Protection	Dark Green	Light Green	Light Green	Light Green	Dark Green	Light Green
They are recognized as a separate group in the National Strategy for Reduction of Poverty and Social Inclusion	Dark Green	Dark Green	Light Green	Light Green	Grey	Light Green
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People	Dark Green	Dark Green	Light Green	Dark Green	Dark Green	Light Green
There are guidelines for collection of data in the system of social protection for this group	Dark Green	Light Green	Yellow	Yellow	Dark Green	Light Green
There are official documents which contain rules of cooperation between CSOs and institutions in this field	Dark Green	Light Green	Yellow	Dark Green	Dark Green	Light Green
Centers for Social Work take part in providing support during the formal care	Light Green	Light Green	Yellow	Light Green	Light Green	Light Green
CSOs are involved in provision of support during the process of formal care	Light Green	Light Green	Dark Green	Light Green	Light Green	Light Green
CSOs are included in provision of support after leaving formal care	Light Green	Light Green	Dark Green	Dark Green	Light Green	Light Green
There are programmes for provision of support in the community	Light Green	Light Green	Light Green	Dark Green	Light Green	Light Green
Self-support groups exist	Light Green	Grey	Light Green	Light Green	Light Green	Light Green
There are day centers which provide social services to this category	Light Green	Dark Green	Yellow	Dark Green	Dark Green	Light Green
Services of support for independent living are provided to this category	Light Green	Light Green	Yellow	Light Green	Light Green	Light Green
Socio-educational services are provided to this category	Light Green	Light Green	Light Green	Light Green	Light Green	Light Green
Counseling and social therapy services are provided to this category	Light Green	Light Green	Light Green	Light Green	Light Green	Light Green
Social housing is provided for this category	Dark Green	Light Green	Dark Green	Light Green	Yellow	Light Green
Other types of support for housing are provided to this category	Dark Green	Light Green	Dark Green	Light Green	Light Green	Light Green
Data are collected within social protection system	Light Green	Light Green	Yellow	Yellow	Light Green	Light Green
There is a mechanism of coordination between public authorities, and models of mutual referring of children and youth from this category	Yellow	Light Green	Dark Green	Yellow	Yellow	Light Green
There is a mechanism of coordination between local/municipal and national institutions in this field	Yellow	Light Green	Dark Green	Dark Green	Yellow	Light Green

There is a mechanism of outsourcing and paying for social services which are provided to this category outside public institutions						
<b>Employment</b>						
Free of charge programmes for acquiring qualifications are guaranteed for this group						
Employers are networked with institutions providing formal care						
This category is recognized as hard-to-employ						
This category is recognized as a group in the National Employment Strategy						
Subsidies are available for employers which hire young people from this category						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
There are programmes aimed at improving working skills of this group						
Free of charge programmes for acquiring qualifications are offered to children						
Free of charge programmes for acquiring qualifications are offered to youth						
Organizations provide other programmes for supporting employment of this group						
Organizations provide opportunity for employment of this group (within social enterprises, etc.)						
There are programmes of mentorship in employment						
There is a mechanism of outsourcing and paying for employment-related services which are provided to this category outside public institutions						
<b>Education</b>						
Free of charge books for children in formal care are guaranteed by law						
Free of charge secondary education is available						
Free of charge university education in public universities is available						
Free of charge university education in private universities is available						
Free stay in student dormitories and use of student canteen is provided to this group of young people						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
Scholarships for university education of young people are available						

Additional programmes for provision of support for studying within schools exist						
Additional programmes for provision of support for studying exist in community/CSOs						
Organizations provide VET services to this group of young people						
Centre for Vocational Education/Centre for Education of Adults provide services for this group						
There is a mechanism of outsourcing and paying for services related to education which are provided to this category outside public institutions						
<b>Health</b>						
Free of charge healthcare is available to all children without parental care						
Free of charge healthcare is available to all young people without parental care (by 26 years of age)						
Free of charge dental services for youth are available						
Free of charge available medicines are available						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
Health education is available to children without parental care						
Free of charge psycho-therapy is available to young people without parental care, if needed						
There is a mechanism of outsourcing and paying for healthcare services which are provided to this category outside public institutions						
<b>Security</b>						
Law prescribes support for children without parental care, who are in conflict with the law						
The Law on protection from domestic violence regulates the possibility for children to be relocated from the family						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
Free of charge legal aid is available to young people who were children without parental care						
There is a mechanism of outsourcing and paying for security-related services, that are provided to this category outside public institutions						

**Table 3.** Roma children and youth - Regional overview of legal and institutional framework

Roma children and youth	ALB	B&H	KOS	MKD	MNE	RS
<b>Social support</b>						
They are recognized in the Law on Social Protection as a priority group	Light Green	Dark Green	Grey	Dark Green	Grey	Light Green
They are recognized in the Law on Child Protection as a priority group	Light Green	Dark Green	Grey	Dark Green	Grey	Dark Green
They are recognized in the Law on Social and Child Protection as a priority group	Dark Green	Dark Green	Grey	Grey	Dark Green	Dark Green
They are recognized in the Strategy for Social Protection	Grey	Dark Green	Grey	Light Green	Grey	Dark Green
They are recognized in the Strategy for Child Protection	Grey	Dark Green	Grey	Grey	Dark Green	Dark Green
They are recognized in the Strategy for Social and Child Protection	Dark Green	Dark Green	Grey	Dark Green	Dark Green	Dark Green
Children from this category are recognized in the Guidelines for provision of social protection services	Dark Green	Dark Green	Grey	Yellow	Dark Green	Dark Green
Youth from this category are recognized in Guidelines for provision of social protection services	Dark Green	Dark Green	Grey	Dark Green	Dark Green	Dark Green
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People	Grey	Dark Green	Light Green	Dark Green	Light Green	Light Green
There is the Strategy for improvement of quality of life of Roma population, and children and youth are singled out as separate groups treated by this Strategy	Light Green	Light Green	Light Green	Light Green	Light Green	Light Green
There are official documents which contain rules of cooperation between CSOs and institutions in this field	Dark Green	Dark Green	Grey	Light Green	Dark Green	Light Green
They are recognized as a separate group in the National Strategy for Reduction of Poverty and Social Inclusion	Grey	Light Green	Grey	Light Green	Grey	Light Green
They have a priority in achieving rights to social housing	Light Green	Dark Green	Grey	Light Green	Light Green	Light Green
There is a special programme for support of accommodation provision for Roma population	Light Green	Dark Green	Light Green	Light Green	Light Green	Light Green
Financial and other types of economic assistance are available to Roma population	Dark Green	Dark Green	Light Green	Light Green	Yellow	Light Green
There are guidelines for collection of data in the social protection system for this group	Light Green	Dark Green	Grey	Light Green	Light Green	Light Green
They are recognized in local strategies for improvement of social inclusion	Light Green	Light Green	Light Green	Dark Green	Light Green	Light Green
Roma mediators in social protection are recognized as a qualification/vocation	Dark Green	Dark Green	Light Green	Light Green	Dark Green	Dark Green
Services of Roma mediators in social protection are available	Light Green	Dark Green	Dark Green	Light Green	Dark Green	Dark Green
Day centers which provide social services for this category exist	Light Green	Dark Green	Dark Green	Light Green	Dark Green	Light Green
There are drop-in centers which provide social services for this category	Light Green	Dark Green	Dark Green	Light Green	Dark Green	Light Green

Socio-educational services are provided to this category						
Counseling and social therapy services are provided to this category						
Social housing is available to this category						
Other types of support are provided to this category						
Self-support groups exist						
Data are collected within social protection system						
There is a mechanism of coordination among public authorities, and models of mutual referring of children and youth from this category						
There is a mechanism of coordination between local/municipal and national institutions in this field						
There is a mechanism of outsourcing and paying for social services which are provided to this category outside public institutions						
<b>Employment</b>						
Free of charge programmes for acquiring qualifications are guaranteed to this group						
This category is considered as hard-to-employ						
Subsidies are available for employers which hire young people from this category						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
This category is recognized in the National Employment Strategy						
There are Guidelines on collection of data on Roma population in the labor market						
Measures for improvement of employability are recognized in the Strategy on Roma						
Roma mediators in employment are recognized as a qualification/vocation						
There are programmes aimed at improving working skills of this group						
Centre for education of adults provide free of charge services to this group of youth						
Organizations provide services of vocational education and training for this group of youth						
Free of charge programmes for acquiring qualifications are offered to this group						
Organizations provide other programmes which support employment of this group						
Organizations provide opportunity for employment of this group (within social enterprises, etc.)						

Programmes of mentorship in employment exist						
Roma mediators services in employment are available						
Data are collected within employment system						
There is a mechanism of outsourcing and paying for employment-related services which are provided to this category outside public institutions						
<b>Education</b>						
Elementary education is obligatory						
Secondary education is obligatory						
Law regulates cases of children who are not enrolled in elementary schools or dropped out of primary education						
Law regulates support in education for young people who are not enrolled in elementary schools or dropped out of elementary education						
This group is recognized as a group with special educational needs						
This group is recognized in some laws on education						
There is the National Strategy for Integration of Roma in Education or other relevant document which regulates this area						
Law stipulates that educational material for Roma children is provided in Roma language upon request, in accordance with the law						
Law prescribes free of charge textbooks for Roma children						
Segregated schools are forbidden by the law						
Roma mediators in education are recognized as a vocation/qualification						
Strategy on Roma defines measures in the field of education						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
School curricula, textbooks, diplomas and other materials are available in Roma language						
School curricula include history, culture and identity of Roma population						
Additional programmes for provision of support for studying exist within schools						
Additional programmes for provision of support for studying are available in the community/ CSOs						
Scholarship for students are available						
Segregated schools don't exist						

Data on Roma in educational system are available						
Roma mediator services are introduced in the educational system						
There is a mechanism of outsourcing and paying for education-related services, which are provided to this category outside public institutions						
<b>Health</b>						
Roma population has access to free of charge health protection						
Law defines availability of materials on health education in Roma language						
Healthcare is available to Roma who are not official residents in their administrative units						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
Measures for improvement of health of this category are recognized in the Strategy for Roma						
Roma mediator in health protection is recognized as an occupation						
There are data on percentage/level of early marriage and pregnancy in Roma population						
There are programmes for promotion of healthy life styles						
There are programmes for harm reduction within the Roma community						
Programmes aimed at persons who use drugs are available in the field, particularly in collective accommodation						
Roma mediators work in the field of health						
There are health programmes which are particularly aimed at Roma community						
Services for prevention of communicable diseases, such as HIV, are available to this population						
There is a mechanism of outsourcing and paying for health services which are provided to this category outside public institutions						
<b>Security</b>						
Court translations are available in Romani language						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Youth						
Measures for improvement of security of children and youth are recognized in the Strategy for Roma						
There are members of Roma population among the employees in the police						



There are mechanisms of outsourcing and paying security-related services, which are provided to this category outside public institutions						
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**Table 4.** Children and youth with street experience - Regional overview of legal and institutional framework

Children and youth with street experience	ALB	B&H	KOS	MKD	MNE	RS
<b>Social support</b>						
Street children are recognized in the Law on Social Protection as a priority group						
Street youth are recognized in the Law on Social Protection as a priority group						
They are recognized in the Law on Social Protection as a priority group						
They are recognized in the Law on Child Protection as a priority group						
They are recognized in the Law on Social and Child Protection as a priority group						
They are recognized in the Strategy for Social Protection						
They are recognized in the Strategy for Child Protection						
They are recognized in the Strategy for Social and Child Protection						
Children from this category are recognized in the Guidelines for provision of social protection services						
There are guidelines for collection of data on this group in the system of social protection						
This category is recognized in the National Strategy for Reduction of Poverty and Social Inclusion						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
There are official data which include rules of cooperation between CSOs and institutions in this field						
They have a priority in achieving rights to social housing						
National Action Plan for street children and youth is developed						
Street children are defined in relevant laws						
There are regulations on social protection of homeless children						
There are regulations on social protection of children who are found begging						
They are recognized in local strategies for improvement of social inclusion						

There are reliable statistical data on street children/youth, which are classified by administrative units						
There are resource centers for street children (public sector)						
There are resource centers for street children (CSO sector)						
There are day centers which provide social services to this category						
There are drop-in centers which provide social service to this category						
Services of support for independent living are provided to this category						
Socio-educational services are provided to this category						
Counseling and social therapy services are available to this category						
Social housing is provided to this category						
Other types of support for housing are available to this category						
Self-support groups exist						
Financial or other types of assistance are available						
Data are collected within social protection system						
There is a mechanism of coordination among public authorities, and model of mutual referral of children and youth form this category						
There is a mechanism of coordination between local/municipal and national institutions in this field						
There is a mechanism of outsourcing and paying for social services which are provided to this category outside public institutions						
<b>Employment</b>						
Free of charge programmes for acquiring qualifications are guaranteed to this group						
This category is recognized as hard-to-employ						
Subsidies are available for employers which hire young people from this category						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
This category is recognized in the National Employment Strategy						
There are programmes aimed at improving working skills of this group						
Free of charge programmes for acquiring qualifications are offered to this group						
Organizations provide other programmes which support employment of this group						

Organizations provide opportunity for employment of this group (within social enterprises, etc.)						
Mentorship programmes in employment exist						
There is a mechanism of outsourcing and paying for employment-related services which are provided to this category outside public institutions						
<b>Education</b>						
Elementary education is obligatory						
Law regulates cases of children who are not enrolled in elementary school or who dropped out of elementary education						
Law regulates support in education for youth who are not enrolled in elementary school or who dropped out of elementary education						
Education of street children is recognized in some laws						
This group is recognized within the field of education of children with special educational needs						
National Strategy on Street Children or a similar document contains a chapter on education						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Youth						
Additional programmes for provision of support to studying are available within schools						
Additional programmes for provision of support for studying are available in the community/ CSOs						
Centre for Vocational Education/Centre or Education of Adults provide free of charge services for this group of young people						
Organizations provide VET services for this group of youth						
Data are provided within educational system						
There is a mechanism of outsourcing and paying for education-related services which are provided to this category outside public institutions						
<b>Health</b>						
There is a free of charge health care for street youth						
Healthcare is available for children who are not official residents of that administrative unit						
Law on Health Protection or a similar document defines street children as a priority or at-risk group						
Guidelines for health protection of this group exist						

Guidelines for collection of data on health protection of this group exist						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
Health protection within daily centers is available						
Services for prevention of communicable diseases, such as HIV, are available to this population						
There are mechanisms of outsourcing and paying for health-related services which are provided to this category outside public institutions						
<b>Security</b>						
Law prescribes a creation of multi-sectoral teams for protection of children from economic exploitation and begging						
Strategies prescribe a creation of multi-sectoral teams for protection of children from economic exploitation and begging						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Youth						
This category is recognized in the National Strategy to Combat Trafficking in Human Beings						
There are protocols on collection of data on street children and youth who are in conflict with the law						
There are multi-sectoral teams for protection of children from economic exploitation and begging						
There is a mechanism of outsourcing and paying services related to security provided outside public institutions for this category						

**Table 5.** Children and youth who use drugs – Regional overview of legal and institutional framework

Children and youth who use drugs	ALB	B&H	KOS	MKD	MNE	RS
<b>Social support</b>						
They are recognized in the Law on Social Protection as a priority group						
They are recognized in the Law on Child Protection as a priority group						
They are recognized in the Law on Social and Child Protection as a priority group						
They are recognized in the Strategy for Social Protection						
They are recognized in the Strategy for Child Protection						

They are recognized in the Strategy for Social and Child Protection						
They are recognized in the Local Strategies for Improvement of Social Inclusion						
Guidelines for provision of social protection services recognize children and youth who use drugs						
There are guidelines for collection of data in the system of social protection for this group						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
They are recognized as a separate group in the National Strategy for Reduction of Poverty and Social Inclusion						
They are recognized in the National Drug Strategy						
There are official documents which contain rules of cooperation between CSOs and institutions from this field						
Day centers (public sector) exist						
Day centers (CSO sector) exist						
Outreach work exists (CSO sector)						
Self-support groups exist						
There is a therapeutic community within the system of social protection						
Centers for social work provide services for this category of children and youth						
There are drop-in centers which provide social services to this category						
Services of support for independent living are provided for this category						
Socio-educational services are provided to this category						
Counseling and social therapy services are provided to this category						
Social housing is provided for this category						
Other types of support for housing are provided to this category						
Data are collected within the social protection system						
There is a mechanism of coordination among public authorities, and models of mutual referring of children and youth from this category						
There is a mechanism of coordination between local/municipal and national institutions within this field						
There is a mechanism of outsourcing and paying for social services which are provided to this category outside public institutions						
<b>Employment</b>						

Free of charge programmes for acquiring qualifications are guaranteed to this group						
This category is recognized as hard-to-employ						
This category is recognized as a group in the National Strategy for Employment						
Based on circumstances, some young people who use drugs are classified in the category of people with mental disabilities						
Subsidies are available for employers which hire young people from this category						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
There are programmes intended for improving working skills of this group						
Free of charge programmes for acquiring qualifications are offered to this group						
Organizations provide opportunity for employment of this group (within social enterprises, etc.)						
There are programmes of mentorship in employment						
There is a mechanism of outsourcing and paying for services of employment which are provided to this category outside public institutions						
<b>Education</b>						
This group is recognized within the education of children with special educational needs						
This group is recognized in some laws on education						
Programmes for prevention of drug use at the elementary education level are a legal obligation						
Programmes for prevention of drug use exist, but they are not obligatory in elementary schools						
Programmes for prevention of drug use are obligatory in secondary schools						
Programmes for preventing drug use exist, but they are not obligatory in secondary schools						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
Additional programmes for provision of support for studying exist in schools						
Additional programmes for provision of support for studying exist in a community/CSOs						
Centre for Vocational Education/Centre for Education of Adults provide services for this group						

Organizations provide services of vocational education and training to this group						
There is a mechanism of outsourcing and paying for education-related services which are provided to this category outside public institutions						
<b>Health</b>						
Free of charge health care is available to all children who use drugs						
Free health care is available to all young people who use drugs						
Substitution therapy is available and free of charge						
Provision of the substitution therapy is regulated by protocols						
Provision of substitution therapy is regulated by protocols and available to minors						
The treatment of pregnant women who use drugs, and their newborns is regulated						
There are guidelines for health protection of this group						
There are guidelines for collection of data on health protection of this group						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
This category is recognized in the National Response to Drugs						
There is a treatment for children who use drugs						
There is a team of professionals available for treatment of children who use drugs						
Centers for substitution provide free of charge programmes						
Substitution therapy includes methadone or buprenorphine						
Substitution therapy is provided to minors over the age of 16						
Day centers exist (public sector)						
Day centers exist (CSO sector)						
Outreach work exists (CSO sector)						
Therapeutic communities are available within the health care system						
Therapeutic community for provision of support to persons who use drugs exist in the country						
Services are available within the primary health protection for children who use drugs						
Services are available within the primary health protection for young people who use drugs						
"12 steps" programme exists						
"12 steps" programme is not obligatory						

Detox programme exists						
Overdose prevention services are available						
Services for prevention of communicable diseases, such as HIV, are available to this population						
There is a mechanism of outsourcing and paying for health-related services which are provided to this category outside public institutions						
Early intervention program for children who use drugs is in place						
<b>Security</b>						
Law prescribes an obligatory treatment of minors who use drugs and who are in conflict with the law						
Law prescribes an obligatory treatment of adults who use drugs and who are in conflict with the law						
Use of drugs is not defined by law neither as a criminal act nor as a misdemeanor						
There are guidelines for collection of data for people who use drugs and who are in conflict with the law						
They are recognized in the relevant Strategy for Children/Strategy for Young People						
There is a mechanism of outsourcing and paying for security-related services which are provided to this category outside public institutions						

**Table 6.** Children and youth from disadvantaged families (drug use and/or conflict with the law) - Regional overview of legal and institutional framework

Children and youth from disadvantaged families (drug use and/or conflict with the law)	ALB	B&H	KOS	MKD	MNE	RS
<b>Social support</b>						
Children from this category are recognized in the Law on Social Protection as a priority group						
Youth from this category are recognized in the Law on Social Protection as a priority group						
They are recognized in the Law on Social Protection as a priority group						
They are recognized in the Law on Child Protection as a priority group						
They are recognized in the Law on Social and Child Protection as a priority group						
They are recognized in the Strategy for Social Protection						
They are recognized in the Strategy for Child Protection						



They are recognized in the Strategy for Social and Child Protection					
They are recognized as a separate group in the National Strategy for Reduction of Poverty and Social Inclusion					
Children from this category are recognized in the Guidelines for provision of social protection services					
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People					
There are official documents which contain rules of cooperation between CSOs and institutions in this field					
They have a priority in achieving right to social housing					
They are recognized in the National Drug Strategy					
There are guidelines for collection of data in the social protection system for this group					
They are recognized in local strategies for improvement of social inclusion					
Day centers exist (CSO sector)					
Outreach work exists (CSO sector)					
Self-support groups exist					
There are day centers which provide social services to this category					
There are drop-in centers which provide social services for this category					
Services of support for independent living are provided to this category					
Socio-educational services are provided to this category					
Counseling and social therapy services are provided to this category					
Social housing is provided for this category					
Other types of support for housing are available to this category					
Data are collected within the social protection system					
There is a mechanism of coordination among public authorities					
There is a mechanism of coordination between local/municipal and national institutions in this field					
There is a mechanism of outsourcing and paying for social services which are provided to this category outside public institutions					
<b>Employment</b>					
Free of charge programmes for acquiring qualifications are guaranteed to this group					

This category is considered as hard-to-employ						
Subsidies are available for employers which hire young people from this category						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
This category is recognized in the National Employment Strategy						
There are programmes aimed at improving working skills of this group						
Free of charge programmes for acquiring qualifications are offered to this group						
Organizations provide other programmes for supporting employment of this group						
Organizations provide opportunity for employment of this group (within social enterprises, etc.)						
There are mentorship programmes in employment						
There is a mechanism of outsourcing and paying for employment-related services which are provided to this category outside public institutions						
<b>Education</b>						
This group is recognized in laws on education						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
Additional programmes for provision of support to studying exist within schools						
Additional programmes for provision of support for studying exist in the community/CSOs						
There are scholarships for the education of children and young people with difficult family circumstances (e.g. financial support beneficiaries)						
Organizations provide VET services for this group of young people						
Centre for Vocational Education/Centre for Education of Adults provide services for this group						
There is a mechanism of outsourcing and paying for education-related services, which are provided to these categories outside public institutions						
<b>Health</b>						
Free of charge health care is available for all children						
There is a free of charge health care for all people under the age of 26, if they are regular in the school system						

Treatment of pregnant women who use drugs and newborns is regulated						
There are guidelines for health protection of this group						
There are guidelines for collection of data on health protection of this group						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
Children and youth who live in families with history of drug use and conflict with the law are covered by the Law on Health Protection						
Day centers exist (CSO sector)						
Outreach work exists (CSO sector)						
Services for prevention of communicable diseases, such as HIV, are available to this population						
There is a mechanism of outsourcing and paying for health-related services which are provided to this category outside public institutions						
<b>Security</b>						
There are guidelines on collection of data on children and young people who live in families with the history of drug use and conflict with the law						
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Young People						
There are mechanisms of outsourcing and paying for security-related services, which are provided for this category outside public institutions						



## Analyses of the Current Situation

### Albania

#### Children and youth in conflict with the law

A number of children involved in criminal activities in Albania come from troubled families. Other children have permanent antisocial behavior at school and in the family, but their parents were not able to understand it and get some professional assistance. Children in conflict with the law generally commit their first criminal act between 10-14 years old. This is the age when they drop out of school and as the alternative they get involved in street jobs (ambulant vendors or similar). The older they get, the more serious their offences tend to be. It begins with small criminal acts (theft, shoplifting) and it becomes more serious. It is clear that these children later on would try to get involved with serious criminal acts. They usually start by committing robberies, injuring people, getting involved in cases of extortion by bearing arms and later get driven towards acts such as murder but when they get older (this type of crime is not usual at this age, and it is more a matter of exceptions).

Efforts have been made to lower the juvenile crime rate and in bringing Albanian law and practice in line with international standards. Specialized judges and prosecutors have been appointed in six courts but, there is still a long way to go towards a comprehensive child friendly justice system. A positive step in this aspect is the approval of the Order No. 300, date 08.07.2013, of the General Director of State Police, on "Standard Work Procedures for juvenile's treatment during the preliminary "investigation phase", aiming to define and clarify the procedures that shall be followed and implemented by the State Police workers regarding the juvenile's treatment during the preliminary investigations phase<sup>100</sup>. Since 2013, Social Organization for the Support of Youth (ARSIS) based on direct experience in Police Stations on providing psycho-social support during the interview process has identified the following gaps related to the order no. 300:

- » The number of juveniles tackled and identified in contact with the law is increasing every year;
- » As per ARSIS six years' experience in Police Stations, juveniles are not placed in child friendly spaces, in 90% of the cases they are placed in police officers' offices during the interview process;
- » Legal and psychological assistance are not immediately provided in many cases. Very often juveniles are placed at police premises much longer than ten hours, but that is very difficult to be evidenced by the police rosters and other related documents;
- » During the interview process the child is simultaneously interviewed by various police

<sup>100</sup> This protocol was prepared by the Centre of Integrated Legal Services and Practices and Terre des Hommes, with the contribution of UNICEF, European Union and Save the Children Albania

- officers and other third parties; As result the ethical principles, confidentiality and privacy are severally breached during the interview process from the police officers;
- » Often the interviews take place while the parents or custodians/lawyer are absent.

According to the EU Progress Report on Albania's accession from 2014: "...there are still no specific chambers in police stations for children under 14 and the assistance of a psychologist is not provided during interrogations that take place in the evenings, on weekends and public holidays. Juveniles are still being detained longer than provided for in the Criminal Procedure Code's provisions on detention and pretrial detention for minor offences..."<sup>101</sup>.

According to the EU Progress Report on Albania 2015: "...A lack of coordination persists between the justice and protection systems for juveniles coming out of the justice system who need support to reintegrate into society"<sup>102</sup>.

There is only one re-integration institution for children in conflict with the law (in Kavaja). This reeducation institution, serves as one of the most commonly adopted alternative to sentence juvenile up to age of 18. At the same time, it was considered as the only possibility for the treatment of juveniles under age of 14, who do not bear criminal responsibility and who, according to the statistical records, are in considerably large numbers. Although, this institution is more a "moderate" prison intended for juveniles up to 18-20 years<sup>103</sup>old, this could become a problem if they are seated together with children under 14 years old. An alternative in cases when the court deals with children less than 14 who commit serious crimes (murder, serious injury etc.) could imply placing them in a separate section of this prison in Kavaja or building a new institution only for this category of children.

## Youth leaving formal care

Article 263 of the Family Code foresees that all minors are placed in foster care and enjoy the special protection of the state when their parents are unable to exercise parental responsibility, because both parents have died or are unknown, are declared missing, stripped of parental responsibility or deprived of the ability to act, as well as for any other reason accepted by the court. The number of children and young people without parental care is high in state institutions (residential care institutions) directed by the State Social Services. The rules of procedures regarding their care are stated in the law no. 8153 from 1996. In these institutions children and young people without parental care can benefit from services from 0 to 18 years old. When they reach the age of 18, young people have to find their own ways of living even if they grew up without parental care and are not prepared for the new life as adults.

Study conducted in 2009 showed that youth (biological or social orphans) leaving institutional care and beginning independent life without adequate education, jobs or home are at high risk of getting involved in criminal activities or becoming victims of trafficking and similar threats. Many of them continue to live in poverty and are being socially excluded. The data showed that 197 young people over the age of 18 lived in school dormitories. 900 of them have left the dormitories, 356 youth aged 18-25 receive financial assistance, and 217 of them over the age of 25 are unemployed. The same source indicates that the age of leaving residential institutional care is set at 18 years (up to 2014 it was 15 or 17 years old in cases when young people haven't finished secondary school). The legislation mandates that young people should get an individual plan, which defines opportunities for education, scholarship and housing after leaving formal care. For young people who receive orphan status scholarships, dormitory accommodation, health care and free public transport should be a priority for local institutions.

101 ALBANIA 2014 REPORT, European Commission, page 60

[http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-albania-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf)

102 ALBANIA 2015 REPORT, European Commission, page 47 [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_albania.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf)

103 Juvenile Justice in Albania - An analysis of the juvenile justice system and the situation of juvenile in Albania, Published by the CRCA (2007)

Young people without parental care over 18 receive financial assistance of 3,000 Lek per month after high school completion for the period they are unemployed<sup>104</sup>

Social care system for children without parental care consists of formal and informal part. Formal system of care is based on a series of laws, rules and institutions which have originated in the old economic and social system, but are developed and improved in contemporary models. Formal system of care for children without parental care consists of: a) the adoption service; b) care in the "family home" presented and administered by some international organization, including SOS Children's Village in Albania; c) through the conservatorship care (foster care) which is still at its beginning ; d) institutional-type residential care (homes for children 0-6 years old and 6-14 years old); e) daycare centers for children with social problems (beggars, street children); f) repatriation services and re-unification with the family. Care services for children and youth without parental care program is implemented through measures of poverty reduction and social care program. Legislation that enables the implementation of the aforementioned programs is part of social policy, in accordance with international instruments ratified by the Albanian Government and the Convention on the Rights of the Child.

Thorough assessment showed that the public system of social services (education, social protection, healthcare, employment) does not provide sufficient specific support for young people leaving formal care. Law no. 9355 dated 10.03.2005, "On the economic assistance and social care", Law no. 8153, dated 10.31.1996, "On the status of an orphan" and the Law 9382 of 2004, "social housing", stipulated special protection and placed a high priority on dealing with economic aid, scholarships, housing, health services, for young orphans. Although this support exists legally, its implementation in practice is virtually non-viable for housing and employment. With the exception of economic aid, the bulk of aftercare services today is implemented by CSOs, mainly based on the structures and financial means of CSO.

There are several types of structures that care for young people with a history of care between 15 -24 years while they are in the process of exiting formal care. They are: (a) the structure of public and private residential structures, (b) public boarding schools, and (c) youth residential family type structure. This study identified 34 such structures, according to the following division.

- » Residential institutions and public and private structures, family-type homes for children 0-18 years old. The number of these structures identified so far is 17 (Some of them detailed in Table 7). The children stay in these structures up to age of 18. Such structures of public care for children without parental care (children's homes in Durres, Tirana, Shkoder, Saranda, Vlora) and institutional care for children without parental care administered by CSOs (such as SOS Children's Village Albania, "House of Hope" in Elbasan, "Missionaries of Charity", "Ray of Light" and "Pueri Domini in Tirana", "New Beginnings in Berat and" Bethany "in Kruje.
- » Dormitories of public vocational schools, currently 9 of them, offer support for young adolescents with a history of residential care. Young people need to stay in while attending school until the age of 18-19 (depending on years of school). In reality, these structures offer accommodation for most of the young people who leave care. For example: dormitories QFP4, Polytechnic, and Technology Middle School in Tirana; boarding school of Construction, Mechanical School and Middle School of Technology in Shkoder; Trade Middle school dormitories in Vlora; School for agricultural machinery in Durres, the Middle Agricultural School in Berat, Korca school.
- » A significant proportion of young people stay in a hostel when they reach the adult age, as the only alternative accommodation. There are currently 8 family homes for young people (15 -24 years old). Time of stay in these structures varies from 7-9 years and consists mainly of youth houses. Such structures are the SOS Youth Community Children's Villages; Protected apartments and apartments High Autonomy of "Another Vision" and "Home and Hopes" in Elbasan, "Casa -Famiglia" for young people, Maddonina Del Grappa, Project Hope, Pappa Giovanni XXII, Shkodra and TAG Center in Tirana.

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104 For the rights of children without parental care, including children living in residential institutions of social care and the rights of children who used to work, special report, Ombudsman Office, Albania

The situation is more positive in the systems run by CSOs in which the age of being independent is greater and the support is provided for a longer time. In SOS Village Child-Albania, children pass from SOS homes to the community youth SOS at age 15 and remain there until they are 19. They are treated by programs that support independence until the age of 24. Tag Tirana Center attracts young people from orphanages and cares for them until the age of 18 by supporting education, vocational training and increasing their various skills. Several other CSOs have focused their activities on support for children who become competent public after the age of 15 and who cannot continue secondary education, but have to leave public care institutions due to age. Several other CSOs provide support for abandoned children mostly referred by religious institutions, local social service, and child protection CSOs.

**Table 7:** Social centers divided by town and status

		Elderly	Women and girls	Children	Families and communities	Disabilities	Youth with social problems	Total
Tiranë	public	3	2	2	1	1	0	9
	Non - public	8	5	19	28	15	11	86
Durrës	public	2	0	1	0	1	0	4
	Non - public	2	1	9	2	4	0	19
Shkodër	public	1	0	3	0	1	0	5
	Non - public	2	4	16	9	6	3	40
Korcë	public	0	0	1	0	1	1	3
	Non - public	1	1	5	2	3	0	12
Lezhë	public	0	0	0	0	1	0	1
	Non - public	1	4	10	3	6	1	25
Elbasan	public	1	0	0	0	0	0	1
	Non - public	1	0	7	2	0	0	10
Fier	public	1	0	0	0	0	0	1
	Non - public	1	1	9	3	3	1	18
Gjirokastër	public	1	0	1	0	1	0	3
	Non - public	0	0	3	1	0	1	5
Berat	public	1	0	0	0	2	0	3
	Non - public	1	0	3	0	2	1	7
Kukës	public	1	0	0	1	0	0	2
	Non - public	2	2	4	10	0	1	19
Dibër	public	0	0	0	0	1	0	1
	Non - public	1	2	5	3	1	0	12
	Total	31	22	98	65	49	20	286

## Roma children and youth

The main obstacle to the undertaking of effective programmes and policies to support the Roma and Egyptian population is the fact that there is no accurate registration or accurate study with national coverage related to these populations' social and economic living conditions, and no government policy with regard to the Egyptian population. Efforts have been made to promote registration of these populations under the UNDP-supported project Strengthening Vulnerable Communities in Albania: Supporting the Implementation of the National Strategy on the Improvement of the Living Conditions of the Roma Community, implemented from March 2008–March 2010. As a result of this project a considerable number of Roma and Egyptian families have managed to register their children in the civil registration office, increasing their chances of accessing education, health care and other social services.

A high number of Roma/Egyptian children and young people are supported with services in daily centers in Tirana. The biggest number of Roma and Egyptian families is situated in Tirana. Currently, the Municipality of Tirana has a facility for local policy making, implementation and monitoring of social services. This structure is organized in the Department of Social Service and Housing. This Department directly covers 8 types of social services. It is to be noted that none of these services directly addresses the Roma/Egyptian. However, daycare centers for children, community centers for the elderly and day care centers for people with disabilities provide services that address the needs of the Roma and Egyptian communities. Social services in the city of Tirana have taken a wider dimension by expanding the range of services provided in accordance with the needs of the population. Tirana Municipality finances and manages two social centers established in collaboration with the Social Services Delivery Project in Albania, as well as under its established several centers with foreign co-donor.

Planning and management of social services carried out in accordance with the annual and long-term plans of action set in the Medium Term Strategy of Social Services for the city of Tirana. According to this strategy, the municipality of Tirana has this community in its priorities in several ways: education, housing and infrastructure services.

The Ministry of Education and Sport has established a mechanism to reimburse the purchase of books for Roma children in school. On a policy level, even though primary school enrolment is compulsory, there are no sustainable solutions to monitor children's attendance and facilitate the process for these families, while different CSOs and Child Protection Units (CPU) are working closely together to reduce school drop out by providing school items and supporting children's enrolment in school.

During the last few years, families from the Roma and Egyptian communities had the possibility to receive schoolbooks and other school items free of charge, due to a specifically designed government policy for these communities. Still, the process failed in its original purpose by applying a condition that families had to first buy the books and then be reimbursed by the state. Lack of income among the majority of families continues to render the process unsuccessful, affecting in this case, children's school attendance.

Higher employment rates for Roma women, girls and other members of this community are made possible thanks to improved access to information on employment policies, vocational training courses and the role of regional employment offices, all of which derive under the main goals of NSSI. In 2011, the number of unemployed job seekers from this community increased by 10% compared to the year before. This figure shows improvement in levels of awareness in applying to the employment offices to benefit from the various services available. However, there is still a need to continue with the information and awareness-raising campaigns to benefit an even larger proportion of the population, for, it should be pointed out, their levels of employment remain far less than the numbers that are unemployed. The current situation is due to a number of reasons: lack of vocational qualifications, poor access to information, discrimination practices, habits, etc. A considerable part of the Roma population lives on financial aid or works in black market and as unqualified labor e.g. can collection, scraps' collection, street cleaning.



Among special groups the Roma and Egyptians made up (as a percentage of the total number of unemployed job seekers) 2.4 percent in 2007 and 1.9 percent in 2008, though the level reached 4.8 percent in 2010 and 5.4 percent in 2011. The Regional Directorates of the National Employment Service have regularly undertaken awareness-raising campaigns to alert the members of these communities to the existence of opportunities for employment and vocational training. Special importance has been paid to vocational training in order to help this community acquire the capabilities to adapt to the labor market. The public Regional Vocational Training Centers provide free-of-charge courses for Roma and Egyptian people. These centers trained 72 Roma people in 2007, 18 in 2008, 144 in 2009, 62 in 2010 and 217 in 2011. Despite this effort, Roma employment figures remain very low compared to those in the rest of the population. The need remains to involve this population in employment policies and vocational sources, and requires primarily increased access of this population to the existing policies. Another problem noted for individuals receiving training in the vocational courses is their difficulty to subsequently find a job. In order to improve the situation, a more deep and systematic analysis of the labor market may help the trainees to integrate quickly into the labor market.

Nevertheless, there are positive developments with regard to Roma children's education. MES and several non-public actors have launched special policies for integration of Roma children into the education system. It should be noted that the levels of education, reading and writing skills among the Roma population are considerably lower than the national averages. The opening of preparatory classes for pre-school children of age 5–6 years was undertaken across the country in 2008. In 2008–2009 alone, 450 children from the Roma community enrolled in these classes. In the same year, 100 preparatory classes were opened in accordance with the objectives of the Pre-university Education Strategy, and this process is a continuing one. Priority has been paid to opening preparatory classes as close as possible to the Roma communities.

According to MES, 659 Roma children were enrolled in pre-school education in 2010. Out of this total, 177 received their textbooks free of charge. Under the project Second Chance, which is designed to return dropout children to school, that same year the number of established classes was 62 and the number of Roma children enrolled in the classes was 310. The proportion of Roma children among the total number was 60 percent. Currently, 560 Roma children attend pre-school education, while 3,435 Roma children of compulsory education age attend the nine-year system. In 2012, the nine-year school Naim Frashëri in Korçë piloted the provision of one meal for its students and the result was a substantial increase in attendance by Roma children.

In Lezha, the Luciano Foundation works to provide support to Roma families. The foundation provides Roma families with food packages and with monthly payments of up to 3,000 ALL. This assistance was made conditional upon securing that Roma children are attending school. Children from very poor families that could not afford school expenses were received in the center established by this foundation. Specialized teachers were hired to teach the children, who also received one meal per day.

## Children and youth with street experience

A child who is found in a street situation, in many aspects is vulnerable for its physical, mental, emotional, social and health risks at any moment. Violation of the rights of children puts them at risk, especially in cases where children are exploited by family members or third parties. There are also some children who do not choose to be in a street situation, but are forced by parents or legal guardians, or other parties on the street. Laws force public institutions, local and central to support every child who for various reasons, can be placed in a situation of risk. The emergence of a street child is not prohibited by the law, but placing a child on the street for profit is a violation. The person or persons who bring a child on the street, no matter what is their relation to the child, do it with the aim of generating profit. According to the children and social workers, and data from CSOs working with them, being in the street brings

children into contact with a variety of street crimes as witnesses, or actually involves them in petty crimes. Children with street experience are used to selling narcotics, doing small robberies, pimping younger siblings or other children, due to their circumstances, but also because under the Criminal Code children under 14 years of age bear no criminal responsibility.

Education is a very difficult for the children with street experience. Families usually accept to register children in schools and support them to attend school at the beginning of the new academic year. Then due to economic difficulty, children are later sent to work during school hours. School social workers/psychologists and education department representatives reported that girls usually drop out of school when they reach 12 years old due to the thinking that girls at this age from the Egyptian and Roma communities should start getting ready for marriage.

The education system is also lacking professional academic staff, such as having one child psychologist per school, which is required by the law. In Gjirokastra, Elbasan and Tirana, key actors mentioned low capacity of the social workers/psychologists; in Tirana only one psychologist is operational for two or three schools. Children could benefit from having targeted counseling, as well as liaising with child protection units, were there is a psychologist to facilitate such a process.

The majority of children with street experience do not live in places with adequate hygiene. Street activities make children more vulnerable to certain health problems. From the observation process and during focus groups, it could be seen that children were not clean, had dirty hair and faces, and were wearing unsuitable clothes and shoes.

Study results indicate that the majority of children with street experience are vaccinated during their childhood period, yet the majority of community members declared that very few of them have health booklets. Lack of health booklets creates great difficulties for children to benefit from free medical examination and support from hospitals. They have a very limited or no access to public health care services, due to internal migration, unemployment, discrimination, low literacy levels etc. The majority of family members from communities consulted described the process of having health insurance certificates as too expensive for their economic situation. On the other hand, key actors that closely work with these families claimed that difficulties in this process are closely related to the lack of all documentation of the family, such as birth certificates and registration certificates in specific municipalities throughout the country. However, all families stated that they faced many problems and difficulties in completing the required documentation for their children due to the strict and long bureaucratic procedures.

Currently, public social services are related only to the social assistance that families benefit from through the state's social care policy. This assistance is seen as unhelpful for the families due to the low amount of money received from this service, compared to the large number of family members that may require it, and the general economic situation in the country. Moreover, due to the lack of legal documentation from the areas where the families actually live, as opposed to where they may have their civil registration, many of them do not benefit from this assistance, thus being families with no possible monthly income from social support.

The majority of children with street experience (initial interviews and focus groups) and also the majority of key actors in Tirana (from the closed questionnaire) mentioned the following services as being available to children with street experience: ARSIS Centre and House of Colors, Children of the World and Albania - Human Rights, Save the Children Drop in Centre for Children with street experience, National Association Education for Life, Child Protection Units, etc. CPUs are more recognized by key actors where they are established for a longer time and are more active, however children know CSO services better as direct service providers.

Currently ARSIS operates a youth center. The Municipality of Tirana provides facility's premises and working appliances. The project ensures: the provision of multi-purpose services towards youth and families in vulnerable situations in the facility and during outreach interventions; advocacy actions to improve child and youth protection legislation and policy papers; support to 100 young persons, their 60 families, 5 Roma/Egyptian communities in Tirana; Daily support to 20 young persons, 5 women and family members.

## Children and youth who use drugs

Up to the end of 2011, no survey on drug use among the general population has been conducted. A general population pilot survey in a national plan for a drug information system was planned for 2013 or 2014. However, the total number of all adults (aged 15 to 64 years) who have ever tried any kind of illegal drug was estimated at around 5.000 (lifetime prevalence of 0.2 %) in 1995 and 20 000 (lifetime prevalence of 1.0 %) in 1998, while the current estimated figures oscillate between 40.000 and 60.000 (lifetime prevalence of between 2.0 % and 2.8 %), which is a substantial increase since 1995. It should be emphasized that these figures are based only on the professional opinion of the country experts.

Data on the lifetime prevalence of selected illicit drugs can be found in the Youth Risky Behavior Survey (YRBS), second round, in 2009, carried out by the Institute of Public Health. The YRBS, a national survey focused on the high school population, had a sample size of 3.878 schoolchildren aged 15 to 18 years. The YRBS variable on lifetime prevalence of people using drugs complies with the EMCDDA case definition. The survey showed that 7.4 % of those aged 15 to 18 years had experimented with cannabis, 4.2 % with ecstasy, 1.2 % with heroin, and 3.2 % with cocaine. Respondents were not asked about drug use last year (last year prevalence – LYP) and last month (last month prevalence – LMP). Lifetime prevalence (defined as used at least once in the lifetime) of persons using illicit drugs was slightly higher in the capital, Tirana, compared to the rest of the country, and was several times higher for males than for females. Illicit drugs have been offered to more than 8 % of the respondents whilst they were in school settings.

The first round of YRBS, conducted in Albania by the Institute of Public Health in 2005, reported the following results: 5.4 % of people aged 14 to 18 years had experimented with cannabis, 4 % with ecstasy, 1.4 % with heroin and 1.6 % with cocaine. Prevalence was again slightly higher in the capital Tirana compared to the rest of the country; usage was reported to be several times higher for males than for females. More than 9 % of the respondents had been offered an illicit drug in school settings.

In 2011, the European School Project on Alcohol and other Drugs (ESPAD) was carried out among a representative sample of 15- to 16-year-old school students. The objective of the survey was to estimate the prevalence of psychoactive substances use in this group, and to obtain information about their knowledge and attitudes towards the use of psychoactive substances. According to the study, more than one in ten (10 %) reported that they had tried at least one psychoactive substance (cannabis, amphetamines, LSD and other hallucinogens, cocaine, crack, heroin, magic mushrooms, GHB, tranquilizers without prescription and alcohol in combination with pills) at least once in their lifetime, while cannabis is the most frequently reported illicit substance. Around 4.4 % reported using cannabis at least once in their lifetime, while 3.7 % reported using it once in the previous 12 months, and 2.2 % at least once in the previous 30 days. The second most often used substance was ecstasy, for which the lifetime prevalence rate was reported at 3.5 %, followed by cocaine at 1.6 %. Boys reported the use of all illicit drugs significantly more often than girls. Thus, 8.6 % of boys and 1.0 % of girls reported that they had ever tried cannabis in past.

Early activities in the drug prevention field started in the late 1990s, supported mostly by foreign donors, including the Council of Europe, the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), the Soros Foundation, etc. The interventions have developed lifestyle skills through providing extracurricular materials for schools, and training for teachers, media representatives and peers. Community awareness about the risks drugs pose for individuals and families has also been raised through TV programmes, adverts, posters, leaflets and other activities.

In principle, the Ministry of Education and Sports is responsible for drug prevention in school settings; however, the Institute of Public Health, and the Ministry of Culture and Tourism also contribute to prevention activities among youth at a national level. In addition, regional educational departments, public health department, local authorities and non-governmental organizations contribute to school-based prevention activities. In 2010 a compulsory curriculum, 'Life skills and career skills', which contained a special section on drugs and alcohol use prevention, was introduced in secondary schools. School psychologists, who are mainly available in schools located in urban areas, were tasked with the early identification of pupils with substance use problems.

Selective prevention activities are mostly carried out by non-governmental organizations (CSOs). Three CSOs (Aksion Plus, Stop AIDS and APRAD) have been providing selective prevention interventions along with harm reduction programmes, targeting high-risk groups such as school dropouts, students who are failing academically, etc. The approaches used include lectures, group discussions, material presentation and presentation of the conclusions of the exercises carried out by a working group. Aksion Plus, Stop AIDS and APRAD reported to the Institute of Public Health that they had enrolled a total of 800–850 participants each year from 2004 onwards.

From 2008 onwards, Stop AIDS CSO, in collaboration with the General Directorate of Prisons and with support from UNICEF, UNFPA, UNDP and the Global Fund to Fight AIDS, Tuberculosis and Malaria, periodically organized a series of awareness-raising and harm-reduction activities (in Tirana, Durrës, Kavaja, Vlora, Peqin, Rrogozhina and Lezha) with prisoners and prisons' social work, health and security staff. A series of leaflets and two brochures on HIV among prisoners were distributed to prisoners and their family members as well as prison staff.

In 2011 the United Nations Office on Drugs and Crime (UNODC) worked closely with Albania's Ministry of Education in implementing the 'Strengthening the family programme'. This project aims to implement evidence-based family skills training programmes to prevent drug use, HIV/AIDS and crime and delinquency among young people, by strengthening and improving the capacity of families to take better care of children.

The project was operational in the cities of Tirana and Shkodra, where a pool of 51 facilitators and 12 trainers was established. The project was piloted in 16 schools (eight per city) where 161 families were trained on family skills programmes (483 parents and children). The 'Family and schools together' (FAST) materials used during the training have been translated into Albanian and culturally adapted. The training was expected to positively change the family environment; it provided opportunities for parent–child bonding in order to modify parenting skills ensure increased awareness and strengthen drug abuse education and prevention programmes in schools.

In 2011 and 2012 Tirana Regional Police, in collaboration with Tirana Regional Education Directorate and with the support of the International Criminal Investigative Training Assistance Program (ICITAP), New Jersey National Guard and the US Embassy in Tirana implemented the project 'Youth education and awareness and reducing drug demand and other harmful substances'. The project was focused on elementary and high schools in Tirana. Programme implemented was a result of a previous evaluation of the drug situation in Tirana. The best police officers were selected and trained to implement the programme. In 2011–12, some 40 joint working groups were established, composed of teachers and police officers (in total 40 teachers and 27 police officers).

This project has attracted special interest and had a great impact on pupils, teachers, parents, media and police officers also. It produced very good results concerning awareness-raising and prevention, and is considered to be a direct implementation of the community policing approach. These activities are contributing to the increase in public trust of the police.

In April 2012 an agreement between the Ministry of Education and Ministry of Interior (Albanian State Police) was signed for the extension of this project in all the cities of Albania in the near future.

## **Children and youth from disadvantaged families (drug use and/or conflict with the law)**

As mentioned earlier, Albanian policy and legislative framework does not recognize the children and youth from disadvantaged families (drug use and/or conflict with the law) as a specific group at risk of social exclusion. For this reason, there is little to no information available on how this country handles cases pertaining to this vulnerable group. This does not imply that there are no services available, social assistance schemes or other provisions for the children and youth from disadvantaged families, but only that there is no systemic tracking of specific data regarding them, just a partial, scarce and scattered relevant pieces of information.

In 2009, within the framework of "Developing the child protection safety net" project, the Swiss organization Terre des hommes set up Child Protection Units (CPUs) in Albania. These units

function as structures within local government units and have assumed the responsibility for funding. The Child Protection Units tackle abuse, neglect, exploitation and trafficking as forms of discrimination. Children identified by CPU staff as children at-risk or in need of protection are assisted by being given supportive services according to their needs. Roma and Egyptian children constitute one of the main target groups of the CPU (but this is not the only one) and make the majority of the beneficiaries of the services provided by these units. The establishment and functioning of Child Protection Units in all the local government units in Albania has proved to be a successful child protection practice. The practice of CPUs in children protection is developed in accordance with the 4<sup>th</sup> Ministerial Guidance: "On the Ways, Forms of Cooperation and Intervention Procedures to Help Children At-Risk"<sup>105</sup> and the Guidelines for Identification Procedures, Immediate Help and Referral of Children in street situation<sup>106</sup>. These guidelines contain a whole set of forms which facilitate the work of the Child Protection Units, other state institutions and the CSOs to identify and provide support to children and youth at-risk.

ARSIS-Social Organization for the Support of Youth in Albania established the 72- hour emergency service for children and youth at-risk (mainly but not exclusively Roma and Egyptian ones), abandoned children, violated and neglected ones, children and youth in conflict with the law, mothers with children facing violence. During their stay in the 72-hour emergency center, the children/youth are given all the needed multi-disciplinary services. Meanwhile, the state structures and other actors interact in providing more sustainable solutions to the cases. The model created by ARSIS is being applied in the public social centers for children and youth in risk care.

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105 Labor Protection Protocol for Children, EU ,UNICEF, Albania 2015

106 Guide to Procedures for Identification, Immediate Help and Referral of Children in Street Situation, OSCE, Tirana 2015.

## Bosnia and Herzegovina

Taking into account the specific political and state structure of Bosnia and Herzegovina, which is unique among other countries that are participating in this study in the Western Balkan region, it was extremely difficult to identify the institutions and organizations which could send requested information.

In accordance with the regulations, two groups of children and youth could be recognized/identified as those at risk: children and young people without parental care and children and youth using drugs. Given the fact that the majority of institutions neither possess, nor collect information for specific groups of young people at risk (classifying most of them under the general term "youth at risk"), the analysis of situation in Bosnia and Herzegovina is presented through services in the domain of health care, education, social protection, employment and security.

### Health care

The current legislation to some extent describes the situation of young people or children (0-14), minors (14-18) and young people (under 30 years of age) in the field of health care.

The intention of the legislator to provide additional protection for children and youth without parental care is reflected in the standard entity **Health Insurance Act**, according to which children and young people provided the legal mandatory health care on several grounds, aiming to avoid a situation in which a child or young person could lose their right to compulsory health insurance. It can be concluded, given the level of regulation, or the quantity of positive legal regulations related to health care of young people that those rules to some extent describe the situation of young people at risk, but there is always room for improvement, particularly in terms of the quality of these regulations.

### Children and young people who use drugs

**The Law on Prevention and Suppression of Drug Abuse** pays special attention on the responsibilities of parents, teachers and other persons who are "obliged and responsible to take measures necessary for the prevention and suppression of drug abuse among children and youth."

### Education

Regarding education in BiH, basic education is compulsory for all children. Compulsory education starts in the calendar year in which a child has completed six years of age until April 1st and continues throughout a period which may not be less than eight years. The institutions do not possess nor collect data on special categories of young people at risk of social exclusion.

Some information could be obtained taking into account number of children that abandon education/leave school early. Leaving high school education (32.2%) in most cases is associated with juvenile delinquency (52.0%), belonging to the Roma population (48.3%), and poverty and material status of the family (37.9%).<sup>107</sup> As for scholarships for specific groups of youth at risk, there are no available data in any of the institutions.

Current legislation in the field of education is related to young people and children aged up to 26, and do not recognize a group of young people at risk. The identification of specific groups of young people at risk in this area should be imperative for legislators in BiH.

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107 The Federal Ministry of Labor and Social Policy, FBiH

## Employment

In the segment relating to employment, the responsible institutions do not have data pertaining to specific population groups of young people at risk of social exclusion. The collected data are generally related to age and gender. A number of young people, who are in the “gray zone”, could only be a matter of assumption.

According to the **Agency for Labor and Employment** there is a plan on guidelines -politics of labor market and active employment measures in BiH for the 2015 defining the programs of active employment measures, programs intended for professional training and development as well as incentives for employment.

There is no information on the number of young people at risk who have used any of the active employment measures of the Employment Agency.

## Social protection

There is no analysis of data from the segment that relates to the institution of the social system, and the provision of social protection. **The Federal Ministry of Labor and Social Policy**, in accordance with their methodology of data collection, is not able to show the number of young people who use right to a material support, as well as other forms of material assistance. Also, the Ministry does not have the data on the number of children receiving child allowance, in addition to data on the total number of children receiving compensation for child allowance (57,833 children).<sup>108</sup>

The number of juveniles who have been **in conflict with the law** is 181. Out of that number, 2 persons were sent in a juvenile prison while 179 were given a corrective measure (54 measures of warning, 114 increased surveillance, and 11 institutional measures). There is only 1 case of imposing measures of juvenile prison for the crime of manufacturing and trafficking of psychoactive substances.

Domestic violence was a reason for displacing 22 children from their families, while 155 children were separated from their families due to limitations in the provision of parental rights or termination of parental rights. Sixty-seven (67) **children and youth** are coming from **disadvantaged families** - one or both parents are serving a sentence in prison, while 307 children, were **caught in begging**. These data are available for minors between the ages of 14 and 18.

Regarding the information on young people between the ages of 15 to 30, only a few data were available, related mostly to the number of sanctions imposed to young offenders, the number of young adults who are serving sentence in prison (248), and the number of young people who were given compulsory psychiatric treatment (1255). In relation to the indicators set for this research, there are no other data available for this segment.

In the area of social protection, current legislation primarily relates to children or minors under 18 years old, and to some extent to young people who are full-time students under 26 years of age (in the FBiH, 27 years old).

Scaling up law in this area in BiH is at the entity level and Brcko District. The entity laws that deal with this issue to some extent describe the situation of young people at risk. The group of young people that is recognized in the law as a group of young people at risk relates to children and youth without parental care, educationally neglected children (RS defined them as children with socially unacceptable behavior), children whose development is impaired by family circumstances, children with risk behaviors, children who are victims of violence and children who are victims of child trafficking.

According to the Law on Social Protection, children and youth are guaranteed by: financial and other material assistance, training for life and work, foster care, placement in institutions,

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108 The Federal Ministry of Labor and Social Policy, FBiH

social services and other professional services, home care and help at home, support the equalization of opportunities for children and youth with disabilities, and day care. From the above said it can be concluded that current legislation in the field of social protection in BiH largely defines and describes the situation of young people at risk, primarily minors.

## Children and youth with street experience

In 2016, Bosnia and Herzegovina made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government of the Federation of Bosnia and Herzegovina amended the Criminal Code to criminalize all forms of human trafficking within its jurisdiction, thereby harmonizing the law with the rest of the country. Trainings were also held for Labor inspectors on human trafficking identification and the national referral mechanism. In addition, the Government funded 16 CSOs to implement programs to address human trafficking.

However, children in Bosnia and Herzegovina perform dangerous tasks in street work. Children also engage in the worst forms of child labor, including in commercial sexual exploitation as a result of human trafficking. The Government lacks a mechanism to coordinate its efforts to address child labor, including its worst forms.

In addition, the minimum age protections in the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District Labor codes do not apply to children who are self-employed or working outside formal employment relationships. Although forced begging is a problem in the country, labor inspectors do not have jurisdiction to investigate forced begging cases, and training is needed for law enforcement and the judiciary, particularly on how to properly identify and prosecute cases involving child begging.<sup>109</sup>

## Security

In the field of security, rules relating to criminal proceedings and the treatment of **minors in criminal proceedings** fully define the rights and obligations of persons and thus regulate the position of this group of minors as a group of young people at risk.

## Justice

Also, in the area of juvenile delinquency, the competent authorities in particular at cantonal level in FBiH define and implement specific strategies and action plans affecting the reduction and prevention of juvenile delinquency.

The legislation in BiH recognizes some of the **causes of social exclusion**, primarily poverty, marginalization and discrimination. In order to reduce the social exclusion of young people they adopted many regulations that aim to decrease them.

In connection with the marginalization of certain groups there are **Regulations on the protection of rights of national minorities** to be adopted at all levels of the Government in BiH, which shows the commitment of legislators to solve this problem. Furthermore, regarding discrimination there are the **Anti-Discrimination Law and the Law on Gender Equality**, which aim to reduce the cause of social exclusion of young people and citizens in general.

After collecting data, it is evident that a certain part of a group of young population at risk of social exclusion (for example, children and young people who come from disadvantaged families, children and young people with street experience, and children and young people who use drugs), are not in the focus of interest in terms of data collection by the relevant

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<sup>109</sup> United States DEPARTMENT OF LABOR, Bureau of International Labor Affairs, Child Labor and Forced Labor Reports, Bosnia and Herzegovina, 2016



institutions and organizations, but are classified under either the general population of children and/or young people, or only by gender or are not recorded in any category .

Although the services are highly decentralized, the Association Margina was able to collect at least a portion of data requested for this study. Data are given in accordance with the **Law on Access to Information** at the state level, and through the distribution of questionnaires. The questionnaires were designed by previously established work methodology and the very concept of research, and were intended for government institutions and organizations from civil sector that provide social services and services for children and youth in Bosnia and Herzegovina.

In the course of research and data collection, the process contacted a total of 54 institutions and civil society organizations, out of which only 16 organizations and institutions replied to questionnaires, six organizations declared lack of jurisdiction in terms of data sharing, and 36 institutions and none of the CSOs responded to the letters and questionnaires sent.

## Kosovo

### Institutions and Service Providers

#### Health care

There is a variety of legal documents regulating health in Kosovo, including: **Law on Health** (2004 and 2012), **Law on the Rights and Responsibilities of the Citizens in the Health Care** (2004), **Law on Public Health** (2007), **Law on Narcotic Medicaments, Psycho-tropes and Precursors** (2007). Another important document is the Kosovo **National Strategy against Narcotics** 2012-2017.

**The Ministry of Health** is the primary institution responsible for health in Kosovo. The Ministry of Health, among other responsibilities, develops policies and implements legislation for an accountable health care system in Kosovo, coordinates activities in the health sector, monitors the health situation and implements measures to prevent and control health care problems, promotes community participation and development of civic initiatives related to health, and conducts health education and public information activities.<sup>110</sup>

#### Children and youth who use drugs

With regard to young people at risk of social exclusion, the young people using psychoactive substances are the group of people who would primarily fall within the responsibility of the Ministry of Health. The Law on Narcotic Medicaments provides that the **National Institution of Public Health** within the Ministry of Health is responsible for collecting details about the users of narcotic medicaments and psychotropic substances, conducting epidemiological analysis of the condition, cooperating with health and non-health actors, and conducting health education campaigns to prevent spreading of drug addictions [Art. 32 (3)].

Furthermore, the Law on Narcotic Medicaments established the **Narcotics Committee**, which is a committee composed of representatives of all relevant institutions of Kosovo responsible for, among other things: conducting on public information activities consequences of narcotics, developing a system for gathering information on drug use in Kosovo, and coordinating and supporting the activities of non-government and other organizations in prevention and treatment of narcotics use [Art. 6 (3)].

Articles 33 and 34 of the Law on Narcotic Medicaments provide for treatment and curing of drug addiction. Drug-addiction is treated on the base of free will of the person or the legal custodian, or based on a court decision in Kosovo, and can be treated in all licensed health institution of Kosovo. The institutions that deal with treatment and rehabilitation of drug-addiction are obliged to present data for the cases to the National Institution of Public Health [Art. 33]. Moreover, the law provides that curing and social assistance to persons who use drugs should be organized by the Ministry of Health, Ministry of Labor and Social Welfare, Ministry of Internal Affairs and the Ministry of Culture, Youth, and Sports [Art. 34].

According to the European Monitoring Centre for Drugs and Drug Addictions, treatment in Kosovo is provided primarily by two organizations: **the Psychiatric Clinic of the University Clinical Centre of Kosovo**, and the **CSO Labyrinth**. Drug treatment options provided by these two agencies include detoxification services, psychosocial treatment and pharmacotherapy with methadone.

The Psychiatric Clinic of the University Clinical Centre of Kosovo is a public service for the whole country. It offers detoxification programmes, but does not provide treatment in cases of overdoses, which are managed at the emergency centers of other health institutions. The Psychiatric Clinic provides outpatient and inpatient treatment and represents the main source of information on treatment demand.

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110 Section 17, Law on Health (2004)

In 2008 the Psychiatric Clinic of the University Clinical Centre of Kosovo created a special inpatient ward to treat addiction. A protocol for inpatient treatment was adopted during the same year. According to the 2014 Kosovo national report by the EMCDDA, since 2012, opioid substitution treatment is provided in three public health settings in Prishtina, Gjilan and Gjakova. This report further states that although healthcare is free for all Kosovars and minimum drug treatment options (e.g. detoxification) are provided free of charge, patients have to provide a co-payment towards a detoxification service. The report provides that treatment was solely based on detoxification programs using medicines from the Essential Drug List, funded by the Ministry of Health, and that psychosocial interventions are very rare in the treatment process.

Primary healthcare providers and public social services are not involved in the treatment of problematic drug users. This is mainly due to a lack of appropriate training and understanding of their role in the field of drug treatment.

CSO Labyrinth's multi-disciplinary team provides harm reduction services. **Harm Reduction activities** include voluntary testing and counseling on HIV, Hepatitis B and Hepatitis C, distribution of condoms and provision of information materials. Needle and syringe exchange was initially introduced in 2009 in Labyrinth's drop-in center in Pristina, followed by two other drop-in centers in Prizren and Gjilan. For people who use opiates, and want to get fast treatment and go through as little withdrawals as possible, Labyrinth provides ambulatory detoxification (outpatient). Other treatments include psycho-pharmacotherapy/OST (opioid substitution treatment) with methadone. Labyrinth also provides services such as rapid drug testing, individual, group and family therapy, counseling for parents and interested others, and manages a "Drop in center" which is situated within Labyrinth's premises, where most activities of group therapy take place.

Moreover, the Strategy for Health Promoting Schools in Kosovo 2009-2018, includes a measure (4.4.1) for protection and improvement of pupils' health by organizing educational activities related to current problems of student's health such as those related to drugs, violence, HIV/AIDS, smoking, abuse, and similar and depending on the situation.

According to the Kosovo Strategy against Narcotics<sup>111</sup>, the **Emergency Hospital Centers and Neuropsychiatric Clinics** accept people who require assistance due to their drug induced health problems (overdose and use of precursors). These centers record the data via unique forms for all Centers and inform the responsible institutions (Kosovo Police, IPH, clinics, etc.) about cases related with narcotics.

## Education

Matters pertaining to education are regulated by the **Law on Pre-University Education in the Republic of Kosovo** (2011), **Law on Higher Education** (2011), **Law on Protection and Promotion of Rights of Communities and their Members** (2008), **Law for Vocational Education and Training** (2013), and **Law on Education of Municipalities** (2008). Two strategies are also relevant including **Kosovo Education Strategic Plan 2011 – 2016**, and **Strategy for Education Integration of Roma, Ashkelon and Egyptian communities in Kosovo 2007-2017**.

## Roma children and youth

**The Ministry of Science Education and Technology** (MEST) is the primary institution responsible for education in Kosovo, including education of Roma children and youth. The **Kosovo Education Strategic Plan 2011-2016** recognizes that the inclusion of minority communities, including young Roma children and students, is one of the key challenges of the education sector in Kosovo. Through this Strategy, the Government of Kosovo commits to implementing specific measures for providing equal education opportunities for the Roma population in Kosovo, including: making schools' pedagogic documentation (the class-book,

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111 National Strategy of Republic of Kosovo against Narcotics and Action Plan 2012-2017, page 16.

transcripts, main registry book of students, diplomas, and certificates) available in community languages, conducting awareness-raising and stimulating measures, developing curricula in Romani language with elements of their culture, history as an optional subject.<sup>112</sup>

Specific programs for inclusion of minority communities also exist. MEST cooperates with the **Ministry of Communities and Returns (MCR) and United Nations Development Program (UNDP)** to award 70 scholarships for pre-university and 16 scholarships for university students coming from Roma, Ashkali and Egyptian communities.<sup>113</sup> In addition, the strategy points to the opening of the **International Business College** positioned between North and South Mitrovica, as an institution that provides quality services and skills for youth of all communities living in Kosovo.

The Strategy mentions several donor-driven projects on education of Roma and other communities in Kosovo. These include the Roma Education Fund project implemented by the **Swedish International Development Agency (SIDA)**, which contributed to bridging of the gap in educational outcomes between Roma and majority communities. There are also projects implemented by the **United Nations International Children's Emergency Fund (UNICEF)**, which provide education support to Roma, Ashkali and Egyptian communities in Kosovo in North Mitrovica, and respond to drop-out rates from of these communities through parental involvement in the community. Another project mentioned is implemented by **Save the Children** and it aimed to increase awareness among minority (including Roma) children and enhance their participation and commitment to their children's inclusion in mainstream education.<sup>114</sup>

In addition, the **Strategy for Education Integration of Roma, Ashkali and Egyptian communities in Kosovo 2007-2017** includes four key strategic objectives (1) Significant improvement of access and quality of education for members of Roma, Ashkali and Egyptian communities; (2) Prevention of discrimination and segregation in the system of education; (3) Meaningful and efficient cooperation between relevant institutions and organization serving for improved education of Roma, Ashkali and Egyptian communities; (4) Increasing awareness among involved parties on the need to support the education of members of Roma, Ashkali and Egyptian communities. The strategy envisions activities aimed at achieving these objectives.<sup>115</sup> MEST also cooperate with a variety of other international and local organizations in implementing formal and non-formal educational, fellowship and scholarship activities, which aim to build an inclusive education system in Kosovo.

## Children and youth in conflict with the law

The regulation 31/2013 on the Internal **Organization of the Ministry of Justice** provides, among other things, a framework for dealing with young people and minors who are in conflict with the law. According to this regulation, there are seven Probation Offices in Kosovo, one in each region of Kosovo (Prishtina, Prizren, Mitrovica, Peja, Gjilan, Ferizaj and Gjakova [Art. 117 (3)]. The probation officers have a specific sector for execution of measures and alternative punishments of juveniles, which is responsible among other things for: ensuring implementation of programs and work standards for juveniles, monitoring the work of probation officers in execution of alternative punishments, overseeing the implementation of individual programs on re-socialization and reintegration, providing support in the development of training programs for juveniles [Art. 121].

The **Probation Offices** deal primarily with juveniles against whom the court imposed alternative punishment measures that do not imply imprisonment. Alternative punishments may be educational, community service, counseling or other measures as determined by the court.

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112 Kosovo Education Strategic Plan 2011 – 2016, p. 29

113 Kosovo Education Strategic Plan 2011 – 2016, p. 29

114 Kosovo Education Strategic Plan 2011 – 2016, p. 230

115 Strategy for Education Integration of Roma, Ashkelon and Egyptian communities in Kosovo 2007-2017

According to an interview with one of the Probation Officers at the Regional Probation Centre in Prishtina, the probation officers are responsible for overseeing and executing these measures imposed on juveniles by courts. Probation officers conduct an in-depth analysis of the juvenile background, including family history, participation in schools and community. In accordance with the findings of the analysis, the probation officer develops a plan for re-socialization and re-integration of each juvenile. With regard to education, the probation officers monitor the performance of juveniles in question in schools (including grades, attendance, extra-curricular activities), and ensure that they respect the measure imposed on them by the courts. The Probation Officers may also develop educational and training plans for juveniles, including enrolling them to courses, on subjects that suit the juveniles' needs and interests. The same measures are imposed in all regional probation centers in Kosovo.

## Children and youth who use drugs

There is some **non-formal education conducted by Labyrinth** on youth who use psychoactive substances, or who may be exposed to using such substances in the future. In the prevention sector, the non-governmental organization "Labyrinth" deals with information dissemination and education on risks associated with drug use focused particularly on young people as well as others interested to know more on drugs. In addition, "Labyrinth" implements prevention projects, educational programs for young people and psychosocial training for government and non-government organizations.

According to the report of the European Monitoring Centre for Drugs and Drug Addiction<sup>116</sup>, there are **non-formal education activities organized by institutions, non-governmental organizations and youth organizations** that aim to increase young people's awareness of consequences of drug use, and ways to prevent the use of drugs. There is also some educational initiatives organized at a local level, including a round-table discussion "Together against Drugs" organized by the Directorate of Health in the municipality of Peja.

A specific document or an institution that provides education services for children and young people with street experience, or those who come from disadvantaged families does not exist.

## Social Protection

There are several laws defining social protection issues for children and young people at risk of social exclusion, including: **Law on Family, Law on Social and Family Services, Juvenile Justice Code, and Law on Execution of Penal Sanctions**. The primary institution dealing with social protection is the **Ministry of Labor and Social Welfare**, and a considerable role in protection of these children is also carried by the **Ministry of Justice and Ministry of Internal Affairs**.

**The Law on Local Self-Government**, adopted in 2008 by the Assembly of Kosovo, delegates competencies to municipal government authorities, particularly with regard to provision of family and other social welfare services, such as care for the vulnerable, foster care, child care, elderly care, including registration and licensing of these care centers, recruitment, payment of salaries and training of social welfare professionals [Art. 17 (1.k)]. The municipalities are also responsible for protection and promotion of human rights, provision of public housing and primary public health care.

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<sup>116</sup> European Monitoring Center for Drugs and Drug Addiction (2014) National Report, Kosovo, page 6.

## Children deprived of parental care and youth leaving formal care

The Ministry of Labor and Social Welfare (MLSW) issued an **Administrative Instruction 09/2014 for Regulation of Procedures for Adoption of Children without Parental Care**. This Administrative instruction provides competencies to the Centre for Social Work within each municipality of Kosovo for protection of children without parental care. The Administrative Instruction defines the **Centre for Social Work** as the public institution of municipal professional level competent for protection of citizens in social need [Art. 3 (1.2)], and defines the **Custodian Body** as the municipal body within the Centre for Social Work that is responsible for social protection, for protection of children's interests, which is made up of experts [Art. 3 (1.3)]. This administrative instruction also provides that the basic form of legal and family protection for children without parental care includes: guardianship, foster care, adoption and residential housing [Art. 3 (1.7)]. This administrative instruction also includes procedures regulating adoption procedures for children without parental care.

## Children and youth in conflict with the law

The Ministry of Labor and Social Welfare issued an **Administrative Instruction 08/2013 for Treatment of Children Perpetrators of Criminal Acts, Criminal Responsibility, and those without or with Antisocial Behavior**. This administrative instruction is only applicable for children who are under 14, who are in conflict with the law, but against whom no criminal proceedings can take place. The Custodian Body is responsible for providing protection and treatment for all children who have committed crimes who cannot be held liable for their actions [Art. 4 (1)]. The case manager designs and creates a safety plan for protection of these children [Art. 4(3)], and if a child is without parental care, he/she is assigned a guardian [Art. 4 (4)]. The administrative instruction does not include details on the types of services that the Custodian Body offers for protection of these children.

There are institutions dealing with children and young people in conflict with the law. The **Probation Offices** are responsible for executing psychological counseling sessions for these children, as necessary. The Probation Offices conclude agreements with psychologists, who offer counseling sessions for children and young people who are in conflict with the law.

**The Correction Centre for Juveniles and Women in Lipjan** has the program entitled "EQUIP", which is a group therapy program for minors, the program is 14 weeks long for each group. The program is based on the social-cognitive theory, and aspires to change the method of thinking, create positive skills in minors, deals with anger management and social decision making, which are thought to have positive effects. The meetings are held in a group therapy format, each of the groups consisting of six minors and two trainers. The meetings are held three times a week for one hour. The correction center in Lipjan also offers psychological treatment services for minors in conflict with the law.

## Children and youth who use drugs

**The Law on Narcotics** provides that the Ministry of Labor and Social Welfare (MLSW) makes a log of the narcotic substances' users, who are also users of the social services and social assistance. The MLSW plans for protection of families or individuals who may be at a situation for social assistance and cooperates with other subjects in identifying, advising and refereeing such cases for further treatment [Art. 7.7].

## Security

The **Kosovo Police** is the primary institution responsible for security in Kosovo, particularly with regard to the type of security required for young people at risk of social exclusion. The general powers and responsibilities of the police are defined in the **Law on Police** (adopted in

2010): to protect life, property and offer safety for all people; to protect the human rights and fundamental freedoms of all citizens; to prevent the risk to citizens and maintain the public peace and order; to detect and prevent criminal acts and offenders; to investigate criminal acts and offenders; to supervise and control for traffic safety; to manage and control the state border, and others [Art. 10].

According to a report by Qëndresa Ibra-Zariqi <sup>117</sup>, the Kosovo Police offers assistance and necessary treatment by respecting, protecting, preventing re-victimization, as well as is ensuring that all specific needs of children that are victims as a consequence of any illegal action, are being taken into account with the highest interest and confidentiality. The same report indicates that if a child is a victim of an incriminatory offence, Kosovo Police should immediately undertake some of the following measures: to notify mandated treatment institutions: **Unit for Protection and Assistance to Victims; Centre for Social Work** in the municipality where the child resides; as well as **Primary Investigator**; To secure the parameter and to offer medical assistance to the child in question; to protect the child from the influence of other persons, especially persons, that might have a negative impact on the child in question.

## Justice

**The Law on Execution of Criminal Sanctions**, adopted by the Assembly of Kosovo in 2010 and amended in 2012, provide that the execution of penal sanctions aims to re-socialize and re-integrate convicted persons in the society [Art. 4].

**The Regulation 31/2013 on Internal Organization of the Ministry of Justice** provides that the Correction Centre for Women and Juveniles in Lipjan includes a separate Unit on **Education, Vocational Training and Labor**. This unit is responsible for proposing and developing programs for education, vocational training and the engagement in labor of prisoners and juveniles, monitoring the training process during stages of vocational training and labor of prisoners, ensuring necessary conditions are met for the undisturbed development and flow of the training.

According to the website of the Correction Centre in Lipjan, convicted persons have access to various social activities including exercise in fresh air, library, music programs, sports and other cultural activities during the day. The correction center includes vocational training of juveniles and females in different fields such as computing, hydro installation, electrical installation, construction, hairdressing, tailoring and bakery. One of the obstacles correction centers are facing is the problem of lack of skilled educational staff.

According to the interview with representatives of the **Ministry of Justice**, there are programs implemented by international organizations that bring employment tools into the correction centers, which can be used by those who are imprisoned, to develop their capacities in finding employment in the future. The juveniles are also engaged in working inside the correction center.

The Probation Officers also engage those who are convicted by a court decision into community service work. The amount of work depends on the court decision and disciplinary reports provided by the probation officers. The Probation Offices have agreements with various government and non-government institutions where they can engage minors who are in conflict with the law in community service work. The Probation Services may, for example, designate the minor to conduct 120 hours of work at a Fire Rescue Service, where they have the opportunity to learn and serve their community. The key principle for engaging minors in community service is to protect the dignity of the minor. They are protected from carrying tasks which may be considered as hard labor.

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117 Qëndresa Ibra-Zariqi (2012) Summary of Laws that protect Children's rights in the Republic of Kosovo

## Participation

**The Law on Empowerment of Youth and Participation**, adopted in 2009 by the Assembly of Kosovo, is the primary document addressing the issue of youth participation. The purpose of this law is to promote and reaffirm continued participation of youth in the decision making process, without any difference and exclusion, in the development of a democratic society, in order to improve the quality of life of youth and their social status [Art. 1]. This law defines youth as a group of people between 15 and 24 years old [Art. 3. (1.1)].

This law does not have any particular references for young people who are at risk of social exclusion, but the responsibilities that this law assigned to government authorities at the central and local level, do touch on young people we are referring to.

The institutions of Kosovo ensure that young people have opportunity to influence decision making processes by participating in sectional policies in the following areas: education, jobs, public health, social issues, culture, sports and recreation, civic education and democracy, environment, spatial planning and rural development [Art. 13].

The law provides that the central government bodies, which may be interpreted to mean primarily the **Ministry of Youth Culture and Sports**, is among other things responsible for: developing, adopting and implementing documents relevant to youth; developing youth programs; supporting the integration of a participatory society of marginalized groups through programs and campaigns; and provide information and regular consultations with youth-related policies [Art. 6 (1)].

The law also provides that the municipal governing authorities are responsible for: ensuring provision of financial and human resources for implementation of youth programs; provision of adequate space where young people can meet, manage, and develop activities; supporting the informal education of youth organizations; developing policies in consultation with youth organizations in accordance to local needs. [Art. 7 (1)]. The key strategic document regulating youth participation issues is the **Kosovo Strategy on Youth 2013-2017**.



# Montenegro

## Children and youth in conflict with the law

Each year, about 300 children are registered as offenders of crimes. A functional system of social protection has been sufficiently developed neither for them nor for their family members. Juvenile Justice Reform has brought significant changes, introducing deinstitutionalized, alternative penalties and strengthening the role of professional services in the judicial authorities, as well as social welfare centers.

However, for the purpose of crime prevention, and rehabilitation and re-socialization of children and youth in conflict with law, social work centers, schools, health institutions and non-governmental organizations should take a greater role. In this sense, social work centers should employ more staff. It is noted in the annual reports of the centers, that the problem of children in conflict with the law was significantly addressed, along with the analysis of the situation in the municipalities and provided barriers to advancement<sup>118</sup>. In the structure of criminal acts committed by minors, there is the highest number of property crimes, while the share of minors convicted for the most serious crimes – “against life in relation to the total number of convicted minors amounted to 17,1%”.<sup>119</sup>

**Centre “Ljubovic”** is the only institution of social and child protection in Montenegro dealing with institutional protection of children in conflict with the law. The Centre provides accommodation, education and empowerment of children and youth in conflict with the law, as well as children and youth with behavioral problems, citizens of Montenegro and foreign nationals. Children are provided with health care and constant expert supervision while in the institution.

It provides social protection services for children who were imposed a corrective measure in a non-institutional type of facility, for a period from six months to two years. Also, a measure of “increased supervision of the guardianship body with a daily placement in an educational institution is carried out, as well as a measure of temporary accommodation, until the completion of the preparatory proceedings upon the decision of the competent court”. There is also a daily unit which works as a separate organizational unit, where “reception and short-term accommodation of children in need of social protection, as well as children caught in the commission of crimes, children caught trying to illegally cross the state border, accommodation of juvenile migrants who are found alone, and other types of temporary housing, until the completion of the preparatory proceedings upon the decision of the competent court”<sup>120</sup>.

The time that young people who serve a prison sentence spend in the **Institute for Execution of Criminal Sanctions (IECS/ZIKS)** is not designed in a manner constructive enough. There are few examples of young people who ended formal education during a prison sentence, while the Institute does not offer certified vocational education programs. These results are showing that we are missing the opportunity to reduce the negative effects of prison sentences for functioning of the person in the community and to offer an alternative, especially taking into account the high degree of recidivism.

IECS is facing a number of problems associated with infrastructure and lack of staff, and is still facing overcrowding in one part of the prison.

In the context of support services within the education system, adequate support and assistance are not provided for the purpose of re-education and resocialization, or support in solving educational tasks, particularly in terms of application of disciplinary measure of exclusion of a child from school. On the other hand, providing regular education of children and youth in conflict with the law is a legal obligation of the state<sup>121</sup>. However, the existing legal

118 See annual reports on the website <http://www.csrcg.me>

119 Monstat (2016), Juvenile Crime Offenders 2015, Podgorica, Monstat

120 Centre “Ljubovic”, About us, retrieved in 2016, from <http://centarljubovic.me/>

121 Law on Treatment of Juveniles in Criminal Proceedings, „Official Gazette of Montenegro” 64/2011

and policy framework regulating the field of education does not contain enough provisions involving children and young people in conflict with the law, where expected.

The Law on Education of Children with special educational needs<sup>122</sup> identified some categories of children and youth who are in conflict with the law: children with behavioral disorders and children with learning disabilities and other problems caused by social barriers but not a complete group of children and young people in conflict with the law.

The **Strategy for development of primary education** (2011-2017)<sup>123</sup> emphasized the improvement of support by increasing the volume and quality of services for children with special educational needs, without specifying the need for revising the existing special education programs in the area of specific categories of children to whom they are intended, or the content of programs tailored to the specific needs of children at risk of social exclusion.

For children in conflict with the law who are placed in an institution or a small community group, the **Rulebook** which regulates this area<sup>124</sup> prescribes an obligation to be enrolled into educational institutions, regularly attend classes, provide financial means, books, school supplies and other equipment necessary for adequate assistance for studying. It is necessary to stress the opinion of CSOs (Union of High School Students, Juventas) that there is a lack of prevention programmes related to bullying in secondary schools (Union of High School Students, 2016, May).

With regard to legal and institutional dimension which regulates health care of people serving prison sentences and using drugs, the necessary measures to ensure the availability and quality of health services for children and youth who are serving prison sentences are not envisaged. Despite numerous announcements, the prison hospital has not yet been built, and the conditions for addiction treatment in prison are inadequate.

The centers for mental health, centers for social welfare and educational institutions are not sufficiently networked. According to the Law on Health Care<sup>125</sup>, health care of children and young people in conflict with the law is equally provided as for other citizens, regardless of whether they are in custody, serving a prison sentence or serving another criminal sanction. The treatment costs during detention or serving a prison sentence are also free of charge, except for those costs to be recovered from the Health Insurance Fund.

**The Law on execution of prison sentences, fines and security measures**<sup>126</sup> states that prisoners can have additional health out of the prison in case he/she/they cannot get it in the prison. For children in conflict with the law it is stipulated that health protection is guaranteed when they are in the institution. Thus, the main problems are related to: shared management of medical care of prisoners between the Ministry of Health and Ministry of Justice, and the lack of adequate support for the promotion of mental health and substance use treatment, which often occur with children and youth in conflict with the law.

Legislation in the field of social protection recognizes children in conflict with the law as a category that is particularly protected, which guarantees access to social services for them. In the **Strategy for Development of Social and Child Protection 2013-2017**<sup>127</sup>, children and young people in conflict with the law are not explicitly mentioned, i.e. models of assistance and support to this category are not highlighted, regardless of the legal provision on special protection of this category.

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122 Law on Upbringing and Education of Children with Special Educational Needs, „Official Gazette of Montenegro“ 45/2010

123 Ministry of Education (2011), Strategy for development of primary education for the period 2011-2017 with action plan, Podgorica, Ministry of Education

124 Rulebook on detailed conditions for provision and use of services, norm and minimum standards of services for placement of children and youth in an institution and a small group community, „Official Gazette of Montenegro“ 27/13

125 Law on Health Care, „Official Gazette of Montenegro“ 3/2016

126 Law on execution of prison sentence, fines and security measures, „Official Gazette of Montenegro“ 36/2015

127 Ministry of Labor and Social Welfare (2013), Strategy for development of social and child protection for the period 2013-2017 with the Action plan for the period 2013-2014, Podgorica, Ministry of Labor and Social Welfare

Although most of the Rulebooks in the field of social protection regulate the provision of services, the executive framework governing the conditions for use and provision of services selectively identifies children and young people in conflict with the law. Thus, youth in conflict with the law is not covered by a norm as a category which is entitled to the use of services of a day care center and supported housing, but they are entitled to the use of advisory-therapeutic and socio-educational services (support services in psychosocial development, acceptance of change, empowerment of skills to identify and solve problems, strengthening of communication skills), as well as having the right to accommodation in an institution and a small group community.

Extremely small number of CSOs provides support to these children and young people. Systems to cover the costs of support services that are provided outside state institutions are not developed, although the Law on Social and Child Protection positions service pluralism among basic principles<sup>128</sup>.

Despite the progress that resulted from the use of alternative sanctions for juvenile perpetrators of criminal acts, the problem of lack of network among institutions and lack of support after serving a sentence remains one of the key deficiencies in the system of social support for this group. A conclusion can be drawn that the problem of unemployment, as one of the biggest challenges for young people in conflict with the law, did not catch the necessary attention of system institutions.

Children and youth in conflict with the law are not recognized as hard-to-employ category nor does active employment policy contain affirmative measures for supporting this category of children and youth at risk of social exclusion. The national strategic document prescribes the inclusion of long-term unemployed and vulnerable social groups in the labor market, through improvement of cooperation between Centers for Social Work and Employment Agency in terms of more intensive implementation of the individual activation plan, all with the aim of employing working-age persons who are beneficiaries of material support, and defined as a priority group according to this objective.

In addition to treatment, resocialization and reintegration programs for all offenders, the criminal legislation lays down specific provisions to protect minors in criminal proceedings which are contained in the considerate treatment of minors, the inability to cope with the defendant, the reference to witnessing and refusing to testify. Treatment and reintegration programs consist of providing social protection and health care, which are consumed under the same conditions as for free persons who have a compulsory health insurance.

In addition to criminal sanctions, the **Law on the treatment of juveniles in criminal proceedings** also defines alternative measures aimed at not initiating criminal proceedings against a minor, and they consist of a warning and attendance order. Although children who are victims of domestic violence enjoy special protection in the sphere of psychological, social and legal assistance, the relevant Law does not contain norms that specifically regulate the protection of children in conflict with the law who are victims of domestic violence.

## Youth leaving formal care

Children without parental care are protected by numerous national and international regulations with the basic principles of security, until reaching a legal age, the best social, emotional, health and legal protection, with secured access to education, sports and cultural activities and other social contents, in an environment that reminds of a family surrounding.

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<sup>128</sup> Law on Social and Child Protection (Art. 7) lists the following principles as the fundamental ones: 8) pluralism of services and service providers of social and child protection provided by both CSOs and other legal entities and natural persons, under conditions and in the manner prescribed by the law; 9) partnership and association of different holders of activities and programmes, in particular on the local level, aiming at availability of services in the least restrictive environment, as well as prevention of institutionalization

In addition to safety and security, the state has pledged to provide every child with a gradual preparation for independent living.

Taking into account the socio-economic situation of young people in the region, their financial independence is prolonged, but young people who were children without parental care are expected to achieve independence when reaching the legal age. **Law on Child and Social Protection** provides financial support to young people after leaving the formal care, but the lack of services that are supposed to be provided to children without parental care who were in the system of institutional accommodation poses an additional challenge for them in comparison to other categories of young people.<sup>129</sup>

The number of children placed in an institution has constantly changed due to various circumstances, such as the legal age, returning to their natural family, adoption, foster care, etc.

In the field of educational legislation, in line with the **Law on Primary Upbringing and Education**<sup>130</sup>, children and youth without parental care are entitled to free textbooks during the period of primary education; in line with the **Law on Preschool Education**<sup>131</sup>, they have the right to free services of preschool upbringing and education, while the **Rulebook on detailed conditions for the provision and use of services, norms and the minimum standards of services for children and youth placed in an institution and a small group community**<sup>132</sup> standardized the obligation of institutions to provide: enrolment in educational institutions in accordance with their interests and potentials.

In addition to provisions which guarantee equal health care, health legislation in the **Law on Health Care**<sup>133</sup> also sets provisions which refer to children and young people without parental care throughout priority health care measures, ensure all rights to health insurance, free health care services at secondary and tertiary levels of health protection as well as free dental care. According to the **Law on Health Insurance**<sup>134</sup>, children and young people without parental care have the same rights regarding the compulsory health insurance, regardless of its length.

**Legal documents** in the field of social protection<sup>135</sup> classify children without parental care in the category of persons who are particularly protected; however, young people who were children without parental care or who have left institutional accommodation are not listed, so services in the field of social protection are not guaranteed to this category of young people at risk of social exclusion.

**Strategy for Development of Social and Child Protection 2013-2017**<sup>136</sup> prescribed the reform of protection system for children without parental care, through the development of services that support life in the community, in order to meet international standards and reduce the number of children living in institutions. However, the specific forms of support and assistance for children and youth without parental care who have left institutional accommodation are left out. Service providing is defined within bylaws and provides the following services targeting this group of children and young people at risk of social exclusion: support services for community living<sup>137</sup>, counseling, therapy and social and educational services<sup>138</sup>, services of

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129 Kovačević & Vujović, 2015.

130 Law on Primary Education and Upbringing, „Official Gazette of Montenegro“ 64/2002, 49/2007, 45/2010, 40/2011 and 39/2013.

131 Law on Preschool Upbringing and Education, „Official Gazette of Montenegro“ 49/07 and 40/11

132 Rulebook on detailed conditions for provision and use of services, norms and minimum standards of services for placement of children in an institution or a small group community, „Official Gazette of Montenegro 27/13

133 Law on Health Protection, „Official Gazette of Montenegro“ 3/2016

134 Law on Health Insurance, „Official Gazette of Montenegro“ 6/2016

135 Law on Social and Child Protection, „Official Gazette of Montenegro“ 27/2013, 1/2015, 42/2015 and 47/2015

136 Ministry of Labor and Social Welfare (2013), Strategy for development of social and child protection for the period 2013-2017 with action plan for the period 2013-2014, Podgorica, Ministry of Labor and Social Welfare

137 Rulebook on detailed conditions for provision and use, norms and minimum standards of support services for life in community, „Official Gazette of Montenegro“, 27/13 and 1/15

138 Rulebook on detailed conditions for provision and use, norms and minimum standards of advisory-therapeutic and socio-educational services, „Official Gazette of Montenegro“ 27/13 and 1/15

accommodation of children as well as youth in an institution and a small group community<sup>139</sup>. Apart from the supported housing services, no other service was specifically designed for young people who were children without parental care, and access to any other service is not guaranteed to them.

The legislation in the field of labor<sup>140</sup> and employment<sup>141</sup> do not highlight children and young people without parental care in its provisions and they are not even recognized as a category of hard-to-employ persons<sup>142</sup>. **The National Strategy for employment and human resources development 2016-2020**<sup>143</sup>, did not recognize this category as socially vulnerable and at risk of social exclusion, especially when speaking about children and young people who start independent life outside the institution for the first time

In the area of criminal legislation, children without parental care can benefit from the free legal aid. The same goes for beneficiaries of family material support<sup>144</sup>, or young people who were children without parental care and who are unemployed for more than 6 months, five years, at the longest, after leaving formal care.

**Law on Treatment of Juveniles in Criminal Proceeding**<sup>145</sup> prescribes that after serving a sentence in the institution for execution of criminal sanctions, a child without parental care enjoys care by welfare authorities in relation to accommodation, food, purchase of clothing, medical treatment, assistance in resolving family circumstances, ending vocational training and employment of minors. This provision has not been envisaged for youth who were children without parental care, especially if they are not provided with accommodation and job after serving a prison sentence. **Law on Protection from Domestic Violence**<sup>146</sup> prescribes that a child who is a victim of domestic violence may be relocated from the family and placed in a social protection institution, which is regulated by the social and child protection legislation.

## Roma children and youth

In regard to the education, Roma children and youth are identified through categories of the most vulnerable population groups<sup>147</sup> for which the adjustment of educational programs in pre-school education and accommodation in student dormitories<sup>148</sup> is provided or category of children with difficulties caused by linguistic, cultural, social and emotional barriers<sup>149</sup>, which represents a category of children with special educational needs to whom educational programs are adjusted.

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139 Rulebook on detailed conditions for provision and use of services, norms and minimum standards of services for placement of children in an institution and a small group community, „Official Gazette of Montenegro” 27/13

140 Labor Law, „Official Gazette of Montenegro” 49/2008, 26/2009, 88/2009, 26/2010, 59/2011, 66/2012, 31/2014 and 53/2014

141 Law on Employment and Unemployment Insurance, „Official Gazette of Montenegro” 45/2012, 39/2011, 61/2013 and 20/2015

142 Decree on subsidies for employment of some categories of unemployed persons, „Official Gazette of Montenegro” 80/2015

143 Ministry of Labor and Social Welfare (2015), National strategy for employment and human resource development for the period 2016-2020 with action plan for 2016, Podgorica, Ministry of Labor and Social Welfare

144 Law on Free Legal Aid, „Official Gazette of Montenegro” 20/2011 and 20/2015, Articles 13 and 14

145 Law on Treatment of Juveniles in a Criminal Proceedings, „Official Gazette of Montenegro” 64/2011

146 Law on Protection from Domestic Violence, „Official Gazette of Montenegro”, 46/2010 and 40/2011

147 Law on Preschool Upbringing and Education, „Official Gazette of Montenegro” 49/07 and 40/11

148 Rulebook on criteria, method, conditions and amount of fees for achieving rights to accommodation and food in a dormitory, students loan, scholarship and transport participation „Official Gazette of Montenegro” 12/2007 and 16/2007 and „Official Gazette of Montenegro” 25/2011, 54/2011, 39/2015, 64/2015 and 42/2016

149 Law on Education and Upbringing of Children with Special Educational Needs, „Official Gazette of Montenegro” 45/2010

The specific provision is contained in the **Law on Primary Education and Upbringing**<sup>150</sup>, envisaging the obligation of distribution of free textbooks for children who are members of the Roma community. The strategic framework is more comprehensive, so the **Strategy for Early and Preschool Upbringing and Education in Montenegro 2016-2020**<sup>151</sup> defines Roma and Egyptian children as a particularly vulnerable category, which should have an increased availability of pre-school educational programs for the purpose of integration and support for early development.

The Roma community in Montenegro is facing multiple problems in terms of awareness of rights to health care and access to medical care. The most important legal documents, i.e. **Law on Health Care**<sup>152</sup> and **Law on Health Insurance**<sup>153</sup>, guarantee an equal access to health care and prohibit discrimination. In order to increase access to health care, the **Strategy for social inclusion of Roma and Egyptians in Montenegro** for the period 2016-2020<sup>154</sup> provides for the introduction of a position of an assistant in the social inclusion of Roma and Egyptians in the health care system.

Although the **Law on Social and Child Protection**<sup>155</sup> states that the special protection will be granted to a child who requires an appropriate form of social protection, due to special circumstances and social risk, which may include children and young Roma, their specific enumeration as a group which is specifically protected is missing.

**Strategy for the Development of Social and Child Protection 2013-2017**<sup>156</sup> does not contain objectives that are specifically targeting children and young Roma. However, the **Strategy for Social Inclusion of Roma and Egyptians in Montenegro** for the period 2016-2020<sup>157</sup>, contains a plan of development and the provision of social protection for children and young Roma.

In the **National Strategy for Employment and Human Resources Development 2016-2020**<sup>158</sup>, children and Roma are not mentioned, while the **Strategy for Social Inclusion of Roma and Egyptians in Montenegro**<sup>159</sup> sets out specific objectives referring to this particular area. Programs to increase awareness of the rights, opportunities and procedures in the areas of employment are not recognized, taking into account the fact that children and young Roma are rather excluded from the labor market partly due to lack of information about the opportunities available on the market. **Law on Employment and Unemployment Insurance**<sup>160</sup> and **Labor Law**<sup>161</sup>, do not recognize Roma as a category which should enjoy special protection at work. According to the **Decree on subsidies for the employment of certain categories of unemployed** Roma are recognized as hard-to-employ persons<sup>162</sup>, which in practice means

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150 Law on Primary Education and Upbringing, „Official Gazette of Montenegro“ 64/2002, 49/2007, 45/2010, 40/2011 and 39/2013

151 Ministry of Education (2016), Strategy for early and preschool education in Montenegro for the period 2016-2020, Podgorica, Ministry of Education

152 Law on Health Care, „Official Gazette of Montenegro“ 3/2016

153 Law on Health Insurance, „Official Gazette of Montenegro“ 6/2016

154 Ministry for Human and Minority Rights (2016), Strategy for improvement of position of Roma and Egyptians in Montenegro for the period 2016-2020, Podgorica, Ministry for Human and Minority Rights

155 Law on Social and Child Protection, „Official Gazette of Montenegro“ 27/2013, 1/2015, 42/2015 and 47/2015

156 Ministry of Labor and Social Welfare (2013), Strategy for development of social and child protection 2013-2017 with Action Plan for the period 2013-2014, Podgorica, Ministry of Labor and Social Welfare

157 Ministry for Human and Minority Rights (2016), Strategy for improvement of position of Roma and Egyptians in Montenegro for the period 2016-2020, Podgorica, Ministry for Human and Minority Rights

158 Ministry of Labor and Social Welfare (2015), National strategy for employment and human resources development for the period 2016-2020 with action plan for 2016, Podgorica, Ministry of Labor and Social Welfare

159 Ministry for Human and Minority Rights (2016), Strategy for improvement of position of Roma and Egyptians in Montenegro for the period 2016-2020, Podgorica, Ministry of Labor and Social Welfare

160 Law on Employment and Unemployment Insurance, „Official Gazette of Montenegro“ 45/2012, 39/2011, 61/2013 and 20/2015

161 Labor Law, „Official Gazette of Montenegro“ 49/2008, 26/2009, 88/2009, 26/2010, 59/2011, 66/2012, 31/2014 and 53/2014

162 Decree on subsidies for employment of some categories of unemployed persons, „Official Gazette of Montenegro“ 80/2015

that if an employer hires a young Roma, they have the right to subsidies, which amounts to 50% of eligible costs, or of total earnings of Roma employees.

Children and young Roma can use free legal aid if their stay in Montenegro is legal, and if, in addition, they are: beneficiaries of material support to a family, victims of domestic violence or human trafficking, persons with disabilities, and indigent persons<sup>163</sup>.

## Children and youth with street experience

In accordance with Montenegrin laws, street children and youth include homeless children and youth, children and youth caught in vagrancy, begging and without parental supervision. Services almost do not exist for street children who do not have legal residence in Montenegro. Institutional responsibility, according to representatives of institutions has not been clearly defined.<sup>164</sup>

Although street children often originate from countries of the region, a better regional connection is lacking.<sup>165</sup> Education and health care are not sufficiently available to this category of children and youth. Collection of data is not sufficiently regulated; system institutions are not sufficiently networked. Social welfare centers do not have a uniform approach to providing services to these children and young people. The problem of large numbers of registered children who beg is particularly visible, as well as lack of services of day and night reception for the homeless - despite strong advocacy by CSOs for the adoption of a systemic approach to the problem of homelessness.

Legal framework of the social and child protection system<sup>166</sup> does not specify street children and youth under this term, but it provides special protection for children who find themselves outside their place of residence without the supervision of their parents, as well as the protection of an adult who is homeless.

The **Development Strategy of Social and Child protection 2013-2017**<sup>167</sup> did not introduce in its content the goals aiming at children and young people from the streets. Bylaws in the area of service delivery provide that support services for community living<sup>168</sup> within a drop-in, counseling and therapy and social and educational services<sup>169</sup>, as well as accommodation in a shelter<sup>170</sup>, will be provided for a child that is caught outside their place of residence without parental supervision.

As a separate organizational unit of the Centre for children and youth "Ljubovic", there is a daily unit, "intended to provide emergency social assistance in terms of temporary short-term accommodation and care for children and young people caught in vagrancy, begging, committing a crime or in other forms of social need, children without parental supervision or other adults, until a more permanent solution is established, so it is designed for as short stay as possible", as well as care of minor migrants<sup>171</sup>.

Within legal and strategic documents referring to education there are no provisions directly related to street children, and no recognition of special education and educational programs as well as measures to help and support this category of children and youth.

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163 Law on Free Legal Aid, „Official Gazette of Montenegro“ 20/2011 and 20/2015

164 Perović & Radomirović, 2013

165 Perović & Radomirović, 2013

166 Law on Social and Child Protection, „Official Gazette of Montenegro“ 27/2013, 1/2015, 42/2015 and 47/2015

167 Ministry of Labor and Social Welfare (2013), Strategy for development of social and child protection for the period 2013-2017 with action plan for the period 2013-2014, Podgorica, Ministry of Labor and Social Welfare

168 Rulebook on detailed conditions for provision and use, norms and minimum standards of support service for a life in community, „Official Gazette of Montenegro“ 27/13 and 1/15

169 Rulebook on detailed conditions for provision and use, norms and minimum standards of advisory-therapeutic and socio-educational services, „Official Gazette of Montenegro“ 27/13 and 1/15

170 Rulebook on detailed conditions for provision and use of support, norms and minimum standards of accommodation in a shelter, „Official Gazette of Montenegro“ 27/13

171 Report on work for 2015, 2016, January

In terms of health care, special preventive programs of health care are not emphasized as adequate programs for provision of health services to street children and youth. The Rulebook on detailed conditions for provision and use of support, norms and the minimum standards of accommodation in a shelter prescribes that children who use the services of shelters have health services delivered by the provider through the control of health and care during illness, while the Rulebook on detailed conditions for the provision of and use of services, norms and the minimum standards of services for children and youth in an institution and a small group community states as one of the standards of services the obligation of providers to make access to health services, including: health control and care during illness available.

In the field of labor and employment, street children and youth are not recognized as a hard to employ category, to whom active employment measures should be adapted and to which customized training programs should be provided.

Criminal law legal framework does not explicitly contain provisions regulating street children and youth, although it emphasizes the importance of training and specialization through a multidisciplinary approach and institutional cooperation, which would imply active participation, cooperation and work of all the bodies responsible for provision of protection and assistance to this category of children and young people to timely access prevention of vagrancy and begging. Begging, as well as the organization of begging, incitement or forced begging is an offense punishable by a fine<sup>172</sup>. Street children and youth can use free legal aid if their stay in Montenegro is legal, and if they are users of material support to a family, if they are victims of domestic violence and trafficking; persons with disabilities, and indigent persons<sup>173</sup>.

## Children and youth who use drugs

Children and youth who use drugs do not have enough support programmes, especially if they are under the age of 18. A majority of persons under the age of 30 who inject drugs, and who are at the same time clients of Juventas' harm reduction programme, stated that they started injecting when they were younger than 20 years old. Almost every third person started to inject drugs before legal age, and 3% even before the age of 15 years.

There is no adequate assessment of population who use or inject drug users. Furthermore, data on people who use drugs and seek treatment in health care institutions are not complete and reliable, although the register of demand for drug dependence treatment was established in 2013.

Children and youth who use drugs are priority groups of social welfare centers. On the other hand, centers do not report on services provided to this category.<sup>174</sup>

Children and youth who use drugs are not sufficiently presented in the legal framework in the field of education. In the category of children with special educational needs, the Rulebook on the manner, conditions and procedures for orientation of children with special educational needs<sup>175</sup>, has recognized this category within the group of children with behavioral disorders, granting them the right to education in special educational programs. The strategic framework left out potential measures and activities that would include development and improvement of existing special education programs consisting of specific methods in working with this category of children in terms of identifying personal potentials, strengthening motivation and adopting of healthy lifestyles.

The right to treatment and rehabilitation of people who use drugs is guaranteed to children and youth who use drugs. In the framework of the **Law on the Prevention of Drug Abuse**<sup>176</sup>, the

172 Law on public Peace and Order „Official Gazette of Montenegro“ 64/2011, Articles 30 and 31

173 Law on Free Legal Aid, „Official Gazette of Montenegro“, 20/2011 and 20/2015

174 See the website [www.csrcg.me](http://www.csrcg.me)

175 Rulebook on manner, conditions and procedures for orientation of children with special educational needs, „Official Gazette of Montenegro“ 57/2011

176 Law on Prevention of Drug Abuse, „Official Gazette of Montenegro“ 28/2011 and 35/2013



provision of treatment and rehabilitation, this includes psychopharmacological and prolonged treatment, measures of social rehabilitation and social reintegration, through counseling, prevention and remediation of harmful effects of drug use. It also stipulates that the treatment and rehabilitation will be done in a special institution intended for this purpose.

A proclaimed protection of groups that are specifically treated by the social and legal framework includes children and young people who use alcohol, drugs or other intoxicating substances. On the other hand, social (financial) aid referring to this particularly protected group is absent. They are also not directly recognized by strategic documents as a group at risk of social exclusion for which specific protection mechanisms should be created. The dimension of social protection services includes children and young users of drugs as a category to which counseling and therapy and social and educational services<sup>177</sup> are provided, without specifying this category as one of the beneficiary groups in by-laws regulating the conditions and manners of providing other support services in the social and child protection system, but also without excluding them.

Although the legal framework regulating the area of labor<sup>178</sup> and employment<sup>179</sup> prescribes in principle the protection against discrimination based on any ground, it has not classified children and youth who use drugs in the category of hard-to-employ persons. Models of active employment policy do not provide for a program that is tailored for this category. For the success of social reintegration of children and young people who use drugs, the existence of a program that will allow their quality and sustainable inclusion in the labor market is necessary.

The criminal legislation contains certain criminal sanctions or security measures, such as measures of mandatory treatment of people who use drugs and measures of mandatory treatment of alcoholics and drug addicts which stipulate that the person will be referred to an institution for the execution of the sentence or in an appropriate medical or other specialized institution, for the purpose of treatment. This measure may be imposed to a juvenile offender, but the provisions of additional protection for those children and youth who use drugs in their treatment, rehabilitation and resocialization are not specified. Children and youth who are victims of domestic violence are provided with legal, psychological and social protection, but there are no specific measures to help and support children and young people who use drugs. Children and youth with a history of drug use are not specifically singled out in the Law on Free Legal Aid, but they can benefit from it if they belong to a group referred to in the law, e.g. indigents<sup>180</sup>.

## Children and youth from disadvantaged families

Montenegrin legal framework does not recognize this category under this term, but through the existing groups of children and young people at risk of social exclusion who are in fact recognized by the legislation, they can be included in line with their personal features. It is not surprising that there are no statistics, or support services specifically targeted this group. Only the local action plans for social inclusion of some of municipalities recognize them as a group in social need, and in this regard prescribe specific activities.

**Law on Pre-School Upbringing and Education**<sup>181</sup> has included "a program to strengthen parental skills", which includes support to parents provided by educational and professional staff through education, and encourages the use of parents' potential through the library of toys and books, involving age-appropriate toys and books, literature for parents and other learning materials for children's development. The **Law on education of children with**

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177 Rulebook on detailed conditions for provision and use, norms and minimum standards of counseling and therapeutic and socio-educational services, „Official Gazette of Montenegro“ 27/13 and 1/15

178 Labor Law, „Official Gazette of Montenegro“ 49/2008, 26/2009, 88/2009, 26/2010, 59/2011, 66/2012, 31/2014 and 53/2014

179 Law on Employment and Unemployment Insurance, „Official Gazette of Montenegro“ 45/2012, 39/2011, 61/2013 and 20/2015

180 Law on Free Legal Aid, „Official Gazette of Montenegro“ 20/2011 and 20/2015

181 -----

**special educational needs**<sup>182</sup>, includes a provision on children with difficulties caused by social, linguistic and cultural barriers, without specifying particular groups or stating that these children have all the rights under this Law.

The right to full health care prescribed by primary legislation in this area provides for the provision of regular health care to prisoners. This includes both reproductive health care and providing care for pregnant women after childbirth. The law also prescribes special conditions for a female prisoner with a newborn, in order to provide the necessary care and conditions for raising a child.

Positive social law did not include a special protection of this category of children and young people, but it specifically envisages protection of persons who use drugs, thus the parents, and children whose parents are unable to take care of them. This also applies to services, which means that, even if they are not listed under this name as the service beneficiaries, it does not mean that they are not entitled to use them.

Laws and by-laws which regulate employment<sup>183</sup>, work<sup>184</sup> and protection from unemployment, guarantee a protection from discrimination on any grounds and do not recognize a group of children and youth from families with history of drug use or conflict with the law as a separate category.

Laws and by-laws which regulate security do not recognize the group of children and youth from families with history of drug use or conflict with the law as a separate category, but guarantee an equal access to justice and protection from discrimination. Children and youth from the families with history of drug use or conflict with the law can use free legal aid if they are indigents, persons with disabilities, victims of domestic violence or trafficking in human beings<sup>185</sup>.

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182 Law on Upbringing and Education of Children with special educational needs, „Official Gazette of Montenegro“ 45/2010

183 Law on Employment and Unemployment Insurance, „Official Gazette of Montenegro“ 45/2012, 39/2011, 61/2013 and 20/2015

184 Labor Law, „Official Gazette of Montenegro“ 49/2008, 26/2009, 88/2009, 26/2010, 59/2011, 66/2012, 31/2014 and 53/2014

185 Law on Free Legal Aid, „Official Gazette of Montenegro“ 20/2011 and 20/2015

## Republic of Macedonia

In the following section we shall present the analysis on the research data (gathered through the requests for free access to public information and the questionnaires for mapping the services the institutions and organizations offer), and refer to the available services on specific groups of children and youth at risk. Detailed data is available in the national report on Macedonia.

### Children and youth in conflict with the law

Youth in conflict with the law are protected by the Centers for Social Work, Public Institution for Children with Educational and Social Problems – Skopje, the Educational – Correctional Home and a Juvenile Prison.

Data for this category is available at the Inter-municipal Centers for Social Work, the Bureau for Social Affairs, the Ministry of Justice and the State Council for Prevention of Juvenile Delinquency. The Centers for Social Work offer support for independent living services, social-educational services, counseling, while this group of youth at risk is provided with housing by the institutions for social protection. Data received by the Bureau for Social Affairs is presented in Table 8.

**Table 8:** Types and reach of services available in the Centers for Social Work<sup>186</sup>

Group of children and youth at risk of social exclusion	Types of services	Number of users in 2015 according to sex	
		Male	Female
Children and youth in conflict with the law	Day Centre	0	0
	Drop In Centre	0	0
	Support for independent living services	32	6
	Social-educational services *	/	/
	Counseling	510	25
	Housing	51	8

\* There is no such service in MLSP's e-database<sup>187</sup>

The State Council points that it bases its work on the Law on Justice for Children<sup>188</sup> and prepares annual reports with all the data kept on the activities, data of importance to the system for justice for children. The response<sup>189</sup> from the State Council informs that the data kept is gathered from 63 institutions in the system of justice for children, which are: 8 Sectors for Internal Affairs, 30 Centers for Social Work, 12 Primary Prosecutor's Offices in the Republic of Macedonia and 1 Primary Prosecutor's Office for prosecuting crimes in the field of organized crimes and corruption. The annual reports for 2014 and 2015 on the State Council's activities in the domain of children's' rights and juvenile delinquency were delivered to HOPS in written and electronic form. The reports shows that 5 out of 32 indicators refer to children at risk (pursuant the definition from the Law on Justice for Children). The first indicator in the report refers to the number of children sent to the Centre for Social Work and the number of notifications from the Ministry of Interior sent to the Centre for Social Work, according to sex. The following indicator, significant for the report, is the indicator number 3 – children in conflict with the law. Indicator no. 3 measures the number of children called to the police station for inquiry, and

<sup>186</sup> Data gathered with the mapping of services for youth at risk

<sup>187</sup> Data gathered with the mapping of services for youth at risk

<sup>188</sup> Official Gazette of RM 148/2013

<sup>189</sup> Written correspondence with the State Council for Prevention of Juvenile Delinquency, no. 14-190/89 from 23.09.2016

for which there were reasonable doubts they have committed acts prescribed as criminal offences by the law. Another measured indicator is no. 7 – children at risk who are recipients of help and protection measures at the Centre for Social Work, indicator no. 8 – help and protection measures for children at risk at the Centre for Social Work and indicator no. 10 – children at risk involved in mediation procedures at the Centre for Social Work. The State Council is among the institutions which offer easy access to its data and annual reports on the activities.

Out of all organizations included in the research, only one offers services for children and youth in conflict with the law, namely social-educational and counseling-therapeutic services.<sup>190</sup>

## Youth leaving formal care

The support and care system for children and youth without parental care is somewhat well organized in Macedonia. A range of services are available, including, housing, support for independent living and counseling. Yet, data is not systematically kept across institutions. For instance, the Ministry of Labor and Social Policy keeps only partial records for children without parents and parental care regarding the level of their education (Table 9), whereas for vast majority of cases there is no record on the level of education. Similarly, the Agency for employment does not have data on unemployment segregated by group affiliation, therefore this particular group as well.

**Table 9**<sup>191</sup> Active files, daily: 31.12.2014 and 31.12.2015. Category: Risk – child without parental care. Children in CSW, cross section according to level of education, filter (age): between 0 and 18.

Year	No record on the level of education is kept	No education	Primary school	Special primary school	High School	Special high school	Total
2014	1105	3	5	4	23	1	1141
2015	1156	3	3	5	14	2	1183

Regarding the use of state scholarships for secondary education, in its database, the Ministry of Education has records of children and youth without parents or parental care divided in six categories of students-recipients of scholarships. In 2014, 20 scholarships were awarded to students without parents or parental care, while in 2015 this number increased to 30. In its electronic database, the Bureau for Social Affairs keeps the following numbers:

**Table 10:** Types and reach of services for children and youth without parental care in the state social care system<sup>192</sup>

Group of children and youth at risk of social exclusion	Types of service	Number of users in 2015 according to sex	
		Male	Female
Children and youth without parental care	Day Centre	0	0
	Drop In Centre	0	0
	Support for independent living services*	149	135
	Social-educational services	0	0
	Counseling services	19	20
	Housing**	118	99

\* Support for independent living services consist of accommodation in foster care families

190 Data gathered from the mapping of services for youth at risk

191 Written correspondence with MLSP, archive no. 14 – 5990/4 from 02.10.2016

192 Data gathered from the mapping of services for youth at risk

\*\* Housing services involve housing in:

- » PI Home for Babies and Little Children - Bitola
- » PI for Children with Educational and Social Problems - Skopje
- » PI Institute for Care and Education of Children and Youth – Ranka Milanovic
- » PI Specialized Institute – Demir Kapija
- » PI for Rehabilitation of Children and Youth - Skopje
- » PI for Protection and Rehabilitation Banja BANSKO - Strumica
- » SOS Children’s Village
- » Small group home

Few organizations offer support for children and youth without parental care. Table 11 shows an overview of the types of services these organizations offer to this particular group of youth at risk.

**Table 11:** Types of services available for children and youth without parental care in 6 responding organizations<sup>193</sup>

Children and youth at risk of social exclusion	Types of services	Number of organization offering these services
Children and youth without parental care	Day Centre	1
	Drop In Centre	0
	Support for independent living services	1
	Social-educational services	2
	Counseling-therapeutic services	1
	Housing	1

## Roma children and youth

Unlike for the other groups of interest for this research, many of the Macedonian institutions collect segregated data for Roma children and youth, based on ethnicity. Assessing whether the collected data influences the design of official policies is beyond the scope of this research.

The documents on the needs and problems of Roma children and youth resulted from the implementation of the activities planned for the Decade of Roma Inclusion 2005-2015 as a part of an international initiative. Within the implementation activities, the Strategy for Roma in the Republic of Macedonia 2005 – 2015 prescribed the opening of Roma Information Centers. The centers started working in 2007, 12 centers in total being established by 2013 throughout the country. The main purpose of the centers was to provide information link among Roma communities and institutions on the local level, aiming towards faster integration in the society.

The following data is available on Roma children and youth in the field of education, divided in the categories as presented in the Table 12.

<sup>193</sup> Data gathered from the mapping of services for youth at risk

**Table 12:** Roma children and youth engaged in formal education<sup>194</sup>

Year	Total number of Roma in primary education	Total number of Roma who graduated from primary school	Total number of Roma who graduated from a three-year vocational secondary school	Total number of Roma who graduated from a four-year vocational secondary school	Total number of Roma who left secondary education	Total number of Roma who are users of state scholarships during the course of their education
2014	9506	700	18	118	13	603
2015	8737	614	35	110	3	582

Roma students are also provided with state scholarships for secondary education, as a part of special stimulation measures (MLSP 2015) in education within the Strategy for Roma in the Republic of Macedonia 2014 – 2020. Interestingly, 97% of the total scholarships awarded to secondary school students in 2014 were for young Roma, while in 2015 this proportion was 93%. However, the Annual report from the Ombudsman (2016) has noted some discriminatory practices in the process of awarding scholarships. The Strategy for Roma further covers the problems and challenges Roma people face with regard to living and housing, education, employment, health, social help and protection, protection of human rights and protection against discrimination, culture, media, Roma women and their specific needs and political participation, as well as recommendations on each of the areas mentioned.

According to the data from the Employment Agency, out of the total 30611 unemployed young persons in the country in 2014, 5,2% (1.607) were Roma, while the proportion in 2015 was 4,8% (1.336 out of 28.006)<sup>195</sup>.

Several organizations work with Roma and Roma organizations, but only one organization working with Roma was included in the methodology prepared for the necessities of the research. Services for Roma children and youth are also offered by other organizations whose activities do not exclusively aim at Roma. From the six organizations that delivered information on the services they offer to youth at risk, below (Table 13) you can see the frequency of distribution of services according to type. The mapping of the services helped determine that they are offered by different organizations, while some organizations offer the same type of services.

**Table 13:** Types of services available for Roma children and youth in 6 responding organizations<sup>196</sup>

Children and youth at risk of social exclusion	Types of services	Number of organization offering these services
Roma children and youth	Day Centre	1
	Drop In Centre	1
	Support for independent living services	1
	Social –educational services	5
	Counseling –therapeutic services	3
	Housing	1

194 Written correspondence with MLSP, archive no. 14 – 5990/4 from 02.10.2016

195 Written correspondence with AE from 03.08.2016

196 Data gathered with the mapping of services for youth at risk

## Children and youth with street experience

According to the data from the Ministry of Labor and Social Policy, there were 92 children living on the streets in Macedonia in 2014, and 125 in 2015<sup>197</sup>. Two functional day centers have been established for children on the streets in Skopje and housing, independent living and counseling services are available to this group. The situation is less clear for the remaining parts of the country.

The Bureau for Social Affairs reports on the contacts made with this group via the Centers for Social Work (Table 14).

**Table 14:** Types and reach of services available for children and youth on the street in the state social care system<sup>198</sup>

Groups of children and youth at risk of social exclusion	Types of services	Number of users in 2015 according to sex	
		Male	Female
Children and youth with street experience	Day Centre	33	30
	Drop In Centre	0	0
	Support for independent living services	6	11
	Social-educational services*	/	/
	Counseling services	8	4
	Housing	10	15

\* There is no such service in MLSP's e-database<sup>199</sup>

Table 15 offers an overview of the types of services these organizations offer to this group of youth at risk.

**Table 15:** Types of services available for children and youth on the streets in 6 responding organizations<sup>200</sup>

Children and youth at risk from social exclusion	Types of services	Number of organizations offering these services
Children and youth with street experience	Day Centre	1
	Drop In Centre	0
	Support for independent living services	0
	Social-educational services	2
	Counseling-therapeutic services	1
	Accommodation	0

<sup>197</sup> Data gathered from the mapping of services for youth at risk

<sup>198</sup> Data gathered from the mapping of services for youth at risk

<sup>199</sup> Data gathered from the mapping of services for youth at risk

<sup>200</sup> Data gathered from the mapping of services for youth at risk

## Children and youth who use drugs

Aside from the number of children reached through counseling, there is very few information, let alone services provided for children and youth who use drugs by the state institutions. The Bureau for Social Affairs holds records on the number of children from this group (Table 16)

**Table 16:** Types and reach of services available for children and youth who use drugs in the state social care system<sup>201</sup>

Group of children and youth at risk of social exclusion	Types of services	Number of users in 2015 according to sex	
		Male	Female
Children and youth who use drugs	Day Centre	/	/
	Drop In Centre	/	/
	Support for independent living services	/	/
	Social-educational services*	/	/
	Counseling services	12	1
	Housing	/	/

\* There is no such service in MLSP's e-database<sup>202</sup>

The table 16 shows that there is lack of services for this group of youth at risk, services available through the system of social protection (lack of data as well, social protection institutions rarely keep records on the fact that children and youth in contact with the social protection system use drugs). Moreover, the annual report of HOPS (2015) notes that their field social workers have reached 25 different minors who use drugs, including opiates, only in Skopje, which is much more than the official records of the MLSP for the entire country. Only few organizations offer services for children and youth who use psychoactive substances, shown in Table 17.

**Table 17:** Types of services available for children and youth who use drugs in 6 responding organizations<sup>203</sup>

Children and youth at risk of social exclusion	Types of services	Number of organization offering these services
Children and youth who use psychoactive substances	Day Centre	1
	Drop In Centre	1
	Support for independent living services	0
	Social-educational services	2
	Counseling – therapeutic services	2
	Housing	0

201 Data gathered from the mapping of services for youth at risk

202 Data gathered from the mapping of services for youth at risk

203 Data gathered from the mapping of services for youth at risk



## Children and youth from disadvantaged families (drug use and/or conflict with the law)

There is a lack of records on this group of youth at risk in official documentation issued by the state institutions. The Bureau for Social Affairs pointed that records are not kept in the electronic databases on the number of services offered by the centers for social work because this category is not recognized as youth at risk. It can be assumed that there are no specific state-run services designed to address the needs of these children and youth.

Very few organizations offer services for this group as well. Table 18 contains an overview of the types of services these organizations offer to this group of youth at risk.

**Table 18:** Type of services available for children and youth from disadvantaged families (drug use and/or conflict with the law) in 6 responding organizations<sup>204</sup>

Children and youth at risk of social exclusion	Types of services	Number of organization offering these services
Children and youth from disadvantaged families (drug use and/or conflict with the law)	Day Centre	1
	Drop In Centre	1
	Support for independent living services	0
	Social-educational services	3
	Counseling-therapeutic services	3
	Housing	0

<sup>204</sup> Data gathered from the mapping of services for youth at risk

## Serbia

### Children and youth in conflict with the law

According to the Ministry of Justice of the Republic of Serbia there were 50 criminal sanctions issued to minors in 2014 (aging from 14 to 18 years, 49 males and 1 female). All 50 of them were admitted to execution of the educational measure of committal to a home. Not a single person was sentenced to juvenile prison in this period of time. For the crime of manufacturing and marketing of psychoactive substances young men were sentenced to execution of educational measure of committal to a home. In 2015, the number of minors who were sentenced to educational measure of committal to a home, aged 14 to 18 years, was 42 (41 males and 1 female). Serving the juvenile prison sentence was imposed to 1 young man during this particular year. The number of minors admitted to the execution of the educational measure of committal to a home for the crime of manufacturing and marketing of psychoactive substances was 2, both men. The Ministry of Internal Affairs of the Republic of Serbia in its records for 2014 show 24 violations of Article 12 of the Law on Public Peace and Order (begging, vagrancy, or rude, impertinent and arrogant behavior) which involved minor offenders and 25 violations where only minor offenders participated, while in 2015 that number was much lower, only 9 (nine).

In Serbia, children and young people under 18 are covered by health protection by the law, but within the preventive health care they are required to do preventive medical examinations and immunization. In 2014 health care services were provided 677,548 times for children of preschool and school age including the development counseling, services of medical educational work and counseling for young people in primary health care institutions of the Republic of Serbia. That is 22% more services than in 2013, according to analysis of planned and actual volume of generated content rights of insured persons to primary health care, published by the Institute of Public Health of Serbia "Dr Milan Jovanovic Batut". As for the number of young people who were given a measure of compulsory psychiatric observation and treatment, Ministry of Health keeps this information confidential due to sensitivity of the topic.

Questionnaires for mapping services and social support to children and young people were collected from 20 institutions and 7 CSOs. According to data collected, 17 of them provide some of the services to children and young people in conflict with the law. Half of the institutions and CSOs keep records on services provided. Those who keep records had 1208 users in 2015.

**Table 19.** Types of services and number of users in 2015.

Group of children and youth at risk of social exclusion	Types of services	Number of users in 2015 according to sex	
		Male	Female
Children and youth in conflict with the law	Day Centre	192	31
	Drop In Centre	1	/
	Support for independent living services	23	1
	Social-educational services	297	54
	Counseling services	337	168
	Housing	99	5

It is obvious that there were more male than female users and counseling services were the most frequently provided ones. Most frequently listed reasons why services to this group of children and young people were not provided are the lack of finances and the lack of professional staff. Also, some municipalities do not have enough users to establish services for this category.

## Youth leaving formal care

The number of services provided by surveyed institutions and organizations in 2015 to youth without parental care at risk of social exclusion was 981 (520 for men and 461 for women). The number of children and young people who were leaving residential care and foster care was 978 in 2015 and 956 in 2014. The number of young people who were referred by the CSW to use the services of supported housing for young people who have become adult was 54 in 2015 and 73 in 2014 (The Republic Institute for Social Protection does not have the data for all the users of this service Serbia). The number of children and young people using dormitory accommodation was 1430 in 2015 and 1531 in 2014. The number of children and young people using foster care was 6243 in 2015 and 6080 in 2014.

For this group of children and youth at risk of social exclusion 19 of surveyed institutions and CSOs provide some of the services and social support and most of them have records about it. Only 4 don't have them.

**Table 20.** Types of services and number of users in 2015.

Group of children and youth at risk of social exclusion	Types of services	Number of users in 2015 according to sex	
		Male	Female
Children and youth leaving formal care	Day Centre	7	1
	Drop In Centre	1	1
	Support for independent living services	39	29
	Social-educational services	124	94
	Counseling services	147	106
	Housing	203	230

Besides dormitory accommodation and foster care there are few Children's Villages in Serbia where children and youth are cared for on a daily basis by educators, caregivers and experts of various profiles (social workers, pedagogues, psychologists, special educators and therapists). Those Villages are in the system of social protection of the Republic of Serbia.

SOS Children's Village in Sremska Kamenica (near Novi Sad) also has program "Half -way House". This program is one of the most important alternative programs for youth protection, which the Children's Village has devised since 1995 in response to the issue of where to go after the completion of professional training and leaving the formal care. This program helps and allows young people who have stayed in the village for a long time and have completed high school or continued their education to gradually become independent and take full responsibility for their independent life. The concept of the program implies existential and psychological support to the independent organization of life based on the values of one's own work.

Through the work of centers for family accommodation and adoption, the protection of children without parental care is carried out through the development of foster care as a form of protection and through the work of assessing the candidates for foster care, training and preparation, choice and support for children and foster families, so that the family environment for the upbringing of children is in line with their current and future needs.

## Roma children and youth

The number of services provided by surveyed institutions and organizations in 2015 to Roma children and youth was 680 (326 for males and 354 for females). Out of all institutions and organizations surveyed 16 provide support services for Roma children and youth and keep track of them. The facilities and services provided are: 1 day care center, 1 shelter, 4 support services for independent living, 13 social and educational services, 8 advisory and therapeutic services, and 10 accommodation services. The total number of Roma children and young people who have used these services in 2015 was 680; 326 male, and 354 females. The majority of respondents completely agree that the scope of support services should expand according to the actual needs of Roma children and youth<sup>205</sup>.

**Table 21.** Types of services and number of users in 2015.

Group of children and youth at risk of social exclusion	Types of services	Number of users in 2015 according to sex	
		Male	Female
Roma children and youth	Day Centre	/	/
	Drop In Centre	1	2
	Support for independent living services	1	/
	Social-educational services	260	283
	Counseling services	54	60
	Housing	10	9

For Roma children and youth as a group at risk of social exclusion there are measures for increasing the number of those who finish primary school and benefits for enrollment in high schools and faculties. Schools and Centers for Social Work also cooperate, so whenever children and young people don't come to school for a certain period of time, the school is obligated to send official statement and CSW is obligated to investigate the case. This measure is not designed for Roma only, but in most cases it is used for them.

## Children and youth with street experience

The number of services provided in 2015 to children and youth with street experience by institutions and organizations surveyed involved 50 children and young persons. The number of children who are caught in the street and sent to the institution of reception/accommodation is unknown. The number of youth who are users of daily centers was 1282 in 2015 and 940 in 2014. There were 652 Roma children and youth in shelters in 2015 and 516 in 2014.

205 \Downloads\Analiza-primene-afirmativnih-mera-u-oblasti-obrazovanja-Roma-i-Romkinja-i-preporuke-za-unapredjenje-mera.docx

**Table 22.** Types of services and number of users in 2015.

Group of children and youth at risk of social exclusion	Types of services	Number of users in 2015 according to sex	
		Male	Female
Children and youth with street experience	Day Centre	/	/
	Drop-In Centre	1	3
	Support for independent living services	/	1
	Social-educational services	4	/
	Counseling services	5	3
	Housing	13	20

In accordance with the Article 40 of the Law on Social Protection, the drop-in center for children and youth living on streets is defined as a social service from a group of daily services in the local community that support the stay of family members in the immediate environment. The aim of the drop-ins is to prevent the negative consequences which children experience because of the way they are forced to live. In Novi Sad, drop-in for children and youth with street experience became a part of the Social Protection Promotion Program of the City of Novi Sad and thus became a part of the Center for Social Work of the City of Novi Sad.

## Children and youth who use drugs

Types of support services provided by institutions and organizations surveyed to children and youth who use drugs included: living rooms, home, soup kitchen, supported housing, counseling, social-educational services, shelters and drop-in centers. The number of services provided by the institutions and organizations surveyed in 2015 to youth and children who use drugs was 351 for male and 81 for female users<sup>206</sup>. Services are provided by 10 institutions and CSOs surveyed.

**Table 23.** Types of services and number of users in 2015

Group of children and youth at risk of social exclusion	Types of services	Number of users in 2015 according to sex	
		Male	Female
Children and youth who use drugs	Day Centre	/	/
	Drop-In Centre	262	81
	Support for independent living services	/	/
	Social-educational services	38	12
	Counseling services	51	6
	Housing	/	/

Until October 2014 there were four drop-in centers in Serbia for people who use drugs and the total number of users was much higher. After GFATM<sup>207</sup> left Serbia only the drop in center in Novi Sad lead by Association Prevent continued to work. Services in the drop-in center are anonymous, free of charge and confidential. Each user can get one or more services and can come every working day as many times as he/she/they needs. Users of drop-in center can get:

206 ..\Downloads\2013HIVIstrazivanja.pdf

207 Global Fund to Fight AIDS, Tuberculosis and Malaria

counseling, testing on HCV and HIV, needle exchange, social worker assistance, educational material about safe injecting, HIV, HCV and sexually transmitted infections.

Substitution therapy is available in methadone centers which are a part of health care institutions.

### Children and youth from disadvantaged families (drug use and/or conflict with the law)

The number of services provided by the institutions and organizations surveyed in 2015 to children and youth from disadvantaged families at risk of social exclusion was 182 (90 for males and 92 for females). The number of children who were relocated from primary families due to domestic violence was 645 in 2015 and 437 in 2014. The number of children where one or both parents were executing prison sentences is unknown.

**Table 24.** Types of services and number of users in 2015.

Group of children and youth at risk of social exclusion	Types of services	Number of users in 2015 according to sex	
		Male	Female
Children and youth from disadvantaged families (drug use and/or conflict with the law)	Day Centre	5	/
	Drop-In Centre	1	3
	Support for independent living services	/	1
	Social-educational services	46	40
	Counseling services	40	43
	Housing	/	3



## CONCLUSION AND RECOMMENDATIONS

Western Balkan Countries, belonging to a World Bank group of Middle Income countries, are facing limited resources. Reforms of systems of social protection, health protection, inclusive education, criminal proceeding for minors and execution of criminal sanctions are ongoing in all six countries. Obligations of enabling support for targeted groups are arising from constitutions, laws, international standards and conventions. Investments in services for these groups are cost-benefiting for these countries in the long run, and most of all, necessary.

Current resources are not properly used. Children and young people at risk of social exclusion are lacking needed support. There are few identified reasons for that. There is no adequate surveillance of the situation, no data on the populations' size, their needs and challenges. In the vast absent of data and its analyzing, interventions are not always tailored to the real circumstances and needs. This situation is particularly visible in the population of children and youth with street experience and children and youth who use drugs. Lack of additional support in education, lack of affirmative measures in employment and lack of psycho-social support for families are common determinates for all groups at risk of social exclusion.

In almost all areas there is no adequate and transparent mechanism of social contracting between CSOs and the governments, but also in many countries in Western Balkan, there are no protocols of cooperation between CSOs and GOs in areas relevant to youth at risk. There is also a visible problem of lacking networking between state actors.

The project team has developed a set of recommendations for improvement of quality of support to each group at risk of social exclusion. This set is only representing main and joint recommendations drawn from the process of preparation of this study. References to international standards were added after recommendations were developed.

## Youth at Risk in Western Balkan – Creating sustainable system of support

Problem	Consequences	Goal	Measures
<b>Youth and children in conflict with law</b>			
Insufficient system of <b>data collection and analytical reports</b> on children and youth in conflict with law	Population is <b>invisible to policy makers and some</b> services which leads to the lack of policies, planned interventions and implemented activities, which further causes a reduced access to services and, finally, not meeting the specific needs of these children and youth.	<b>Improving the system of data collection, integration and analyses of data</b>	<p>Ministry of Justice and Ministry of Labor and Social Welfare should create a <b>unique or linked national electronic database(s)</b> which will include data on social records, personal records, criminal records, treatment and re-socialization measures, including those provided by probation services and through other alternative sanctions.</p> <p>Ministry of Justice/Ministry of Labor and Social Welfare/National statistical agency in all Western Balkans countries should <b>create statistical and analytical reports</b> from this/these database(s) and publish them at least on an annual basis, when possible; research among children and young people in conflict with law should be implemented in order to ensure monitoring and evaluation of the policies and practices of the institutions in relation to the needs of children and youth in conflict with the law.<sup>208</sup></p>

208 Article 30. Research as a basis for planning, policy formulation and evaluation: 30.1 Efforts shall be made to organize and promote necessary research as a basis for effective planning and policy formulation. 30.2 Efforts shall be made to review and appraise periodically the trends, problems and causes of juvenile delinquency and crime as well as the varying particular needs of juveniles in custody. 30.3 Efforts shall be made to establish a regular evaluative research mechanism built into the system of juvenile justice administration and to collect and analyze relevant data and information for appropriate assessment and future improvement and reform of the administration. 30.4 The delivery of services in juvenile justice administration shall be systematically planned and implemented as an integral part of national development efforts. (UN Minimum Rules for the Administration of Juvenile Justice: the 'Beijing Rules')



<p><b>Limited support</b> for psycho-social and legal problems management, as well as behavioral problems management <b>during police detention, court investigation and penalization</b></p>	<p><b>Higher rate of recidivism</b></p> <p><b>Lower trust in system institutions</b></p> <p><b>Higher level of social exclusion and marginalization</b></p>	<p><b>Strengthening supportive mechanisms</b> during police detention, court investigation and penalization in order to prevent recidivism and enhance positive behavioral change</p>	<p>Ministry of Justice, Ministry of Labor and Social Welfare, Ministry of Education, Ministry of Interior should develop more <b>comprehensive support mechanism for minors and their parents/care givers</b> during and after detention, investigation, treatment, sanctions, probation and other alternative measures (psycho-social<sup>209</sup> support, free legal aid, behavioral problem management, health protection<sup>210</sup> and treatment of addictions if relevant<sup>211</sup>, parenting skills<sup>212</sup>, etc.)<sup>213</sup></p> <p>Ministry of Justice should strengthen <b>more comprehensive support mechanism for young adults and members of their families</b> during and after detention, investigation, treatment, sanctions, probation and other alternative measures (psycho-social support, free legal aid, behavioral problem management, etc.)</p> <p>Governments and CSOs should ensure that the voice of these children and youth is heard and that they are participating in decision making processes with the full respect of their dignity and integrity.</p>
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209 Article 26 - Social security: The child has the right to benefit from social security including social insurance. and Article 27 - Standard of living: Every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral, and social development. Parents have the primary responsibility to ensure that the child has an adequate standard of living. The State's duty is to ensure that this responsibility can be fulfilled, and is State's responsibility to include material assistance to parents and their children. (Convention on the Rights of the Child - Unofficial Summary, Save the children)

210 Article 24 - Health and health services: The child has a right to the highest standard of health and medical care attainable. States shall place special emphasis on the provision of primary and preventive health care, public health education, and the reduction of infant mortality. They shall encourage international cooperation in this regard and strive to see that no child is deprived of access to effective health services. (Convention on the Rights of the Child - Unofficial Summary, Save the children)

211 Article 33 - Drug abuse Children have the right to protection from the use of narcotic and psychotropic drugs, and from being involved in their production or distribution. (Convention on the Rights of the Child - Unofficial Summary, Save the children)

212 Article 18 - Parental responsibilities: Parents have a joint primary responsibility for raising a child, and the State shall support them in this. The State shall provide appropriate assistance to parents in child-raising. (Convention on the Rights of the Child - Unofficial Summary, Save the children)

213 1.3 Sufficient attention shall be given to positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the wellbeing of the juvenile, with a view to reducing the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile in conflict with the law. (UN Minimum Rules for the Administration of Juvenile Justice: the 'Beijing Rules')

<p><b>Inadequate or lack of programs for rehabilitation and social integration</b></p>	<p><b>Higher rate of recidivism, Higher level of social exclusion, Higher rate of drop outs from school</b></p>	<p><b>Improvement of programs for rehabilitation and social integration</b></p>	<p>Ministry of Education and Ministry of Justice in cooperation with other relevant public institutions should secure <b>compulsory education and full access to variety of secondary education</b> for all children and youth in conflict with the law.<sup>214</sup></p> <p>Ministry of Education, Centre for Vocational Education and Training and Ministry of Justice and/or other relevant public institutions should ensure the <b>provision of vocational trainings as a part of rehabilitation and re-socialization of all children<sup>215</sup> and youth</b> in conflict with the law where CSOs, art, sports and other originations are encouraged to take part, following the best interest of a child<sup>216</sup>;</p> <p>Ministry of Justice and Ministry of Labor and Social Welfare should ensure <b>implementation of adequate rehabilitation programs for children and young people in conflict with the law<sup>217</sup></b>;</p> <p>Ministry of Labor and Social Welfare should ensure implementation of <b>programs for social integration<sup>218</sup></b>.</p> <p>Every child, regardless of their religion, nationality, race, language, disability, health conditions, sexual orientation, gender identity, family background, or other personal characteristics, should be treated equally and <b>without discrimination</b> when in conflict or contact with the law.<sup>219</sup></p> <p><b>In work with children, the best interest of child and highest national and international standards should be respected.</b></p> <p>Relevant ministries should ensure <b>enough trained professionals</b> from different institutions on rights and needs of children and young people in conflict with the law<sup>220</sup></p> <p>Relevant ministries should develop policies on prevention of juvenile delinquency, at least following UN Guidelines for the Prevention of Juvenile Delinquency: the 'Riyadh Guidelines'</p>
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214 Article 30. Research as a basis for planning, policy formulation and evaluation: 30.1 Efforts shall be made to organize and promote necessary research as a basis for effective planning and policy formulation. 30.2 Efforts shall be made to review and appraise periodically the trends, problems and causes of juvenile delinquency and crime as well as the varying particular needs of juveniles in custody. 30.3 Efforts shall be made to establish a regular evaluative research mechanism built into the system of juvenile justice administration and to collect and analyze relevant data and information for appropriate assessment and future improvement and reform of the administration. 30.4 The delivery of services in juvenile justice administration shall be systematically planned and implemented as an integral part of national development efforts. (UN Minimum Rules for the Administration of Juvenile Justice: the 'Beijing Rules')

Children and youth who use drugs			
<p><b>Insufficient system of data collection</b> on minors who use drugs</p>	<p><b>Population is invisible</b> which leads to the lack of policies, planned interventions and implemented activities, which further causes a reduced access to services and, finally, not meeting the specific needs of the population.</p>	<p><b>Improvement of the system of data collection</b> and integration and analyses of data</p>	<p>Ministry of Health and Ministry of Labor and Social Welfare should <b>create unique or linked national electronic database(s)</b> which will include data on social records, personal records, health records, criminal records and treatment.</p> <p>Ministry of Health/Ministry of Labor and Social Welfare/National statistical agency in all Western Balkans countries should <b>create statistical and analytical reports</b> from this/these database(s) and publish them on an annual basis, at least. When possible, research among children and young people who use drugs should be implemented in order to ensure monitoring and evaluation of the policies and practice of the institutions in relation to the need of children and youth who use drugs.</p>

215 Article 28 – Education: The child has a right to education, and the State’s duty is to ensure that primary education is free and compulsory, to encourage different forms of secondary education accessible to every child, and to make higher education available to all on the basis of capacity. School discipline shall be consistent with the child’s rights and dignity. The State shall be consistent with the child’s rights and dignity. The State shall engage in international cooperation to implement this right. And Article 29 - Aims of education: Education shall aim at developing the child’s personality, talents and mental and physical abilities to the fullest extent... (Convention on the Rights of the Child - Unofficial Summary, Save the children)

216 1.2 Member States shall endeavor to develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period in life when she or he is most susceptible to deviant behavior, will foster a process of personal development and education that is as free from crime and delinquency as possible. (UN Minimum Rules for the Administration of Juvenile Justice: the ‘Beijing Rules’)

217 25.1 Volunteers, voluntary organizations, local institutions and other community resources shall be called upon to contribute effectively to the rehabilitation of the juvenile in a community setting and, as far as possible, within the family unit. (UN Minimum Rules for the Administration of Juvenile Justice: the ‘Beijing Rules’)

218 24.1 Efforts shall be made to provide juveniles, at all stages of the proceedings, with necessary assistance such as lodging, education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process. (UN Minimum Rules for the Administration of Juvenile Justice: the ‘Beijing Rules’)

219 Article 31 - Leisure, recreation, and cultural activities The child has the right to leisure, play, and participation in cultural and artistic activities.

220 In accordance with Article 20, 22, 23 and 30. Convention on the Rights of the Child - Unofficial Summary, Save the children

22.1 Professional education, in-service training, refresher courses and other appropriate modes of instruction shall be utilized to establish and maintain the necessary professional competence of all personnel dealing with juvenile cases. 22.2 Juvenile justice personnel shall reflect the diversity of juveniles who come into contact with the juvenile justice system. Efforts shall be made to ensure the fair representation of women and minorities in juvenile justice agencies. (UN Minimum Rules for the Administration of Juvenile Justice: the ‘Beijing Rules’)

<p>Lack of treatment and supportive services in public sector for minors who use drugs</p>	<p>Increasing rate of minors who use drugs,</p> <p>Low rate of successfully treated minors,</p> <p>Higher rate of social exclusion and marginalization.</p>	<p>Introduction of medical treatment for addictions linked with psycho-social support in order to improve well-being of minors who use drugs and prevent further social exclusion.</p>	<p>Ministry of Health <b>should improve legal framework</b> in order to allow needed medical treatment and psycho-social support for minors who use drugs following the interest of a child.</p> <p>Ministry of Health should introduce <b>adequate medical treatment</b> of minors, including Opioid Substitution Therapy (OST) when needed.</p> <p>Ministry of Health in partnership with Ministry of Labor and Social Welfare should <b>introduce adequate treatment, first of all psycho-social support</b> for minors who use drugs and their families, in accordance with international standards (such as UNODC-WHO International Standards for the Treatment of Drug Use Disorders).</p> <p>Ministry of Health and other relevant institutions should <b>ensure proper infrastructure and capacities for implementation</b> of above mention measures, including human resources and annual budget for implementation of policies.</p> <p>Institutions should be better networked; role of primary health institutions, including pediatrics, centers for social work, institutions for education and CSOs should be strengthened.</p> <p>Ministry of Health and other relevant institutions should <b>ensure capacities for early interventions</b>.</p> <p>Governments should ensure implementation of <b>prevention measures</b> in accordance with International Standards on Drug Use Prevention published by UNODC 2015.</p>
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<p><b>Lack of support programs</b> (harm reduction, psycho-social support, rehabilitation, social integration) for minors, as well as inadequate programmes for youth in both public and CSO sector</p>	<p><b>Higher rate of drug demand and supply,</b></p> <p><b>Higher risk of endangering individual and public health,</b></p> <p><b>Higher level of social exclusion</b></p>	<p><b>Development</b> of supportive programs for minors and strengthening ones for adults.</p>	<p>Ministry of Health should <b>ensure scaling up sustainable and continuous harm reduction service provision.</b></p> <p>Ministry of Health in collaboration with Ministry of Labor and Social Welfare should <b>secure scaling up and continuous implementation of treatment, rehabilitation and integration programs</b> in accordance with international standards (such as UNODC-WHO International Standards for the Treatment of Drug Use Disorders).</p> <p>National bodies should be <b>accountable for coordination and implementation of national strategic documents including for ensuring the necessary budget.</b></p>
<p><b>Lack of political will</b> for addressing needs of children and youth who use drugs</p>	<p><b>Limited opportunities for policy development,</b></p> <p><b>Limited funding</b> for service providers</p> <p><b>Limited service provision</b> (treatment, harm reduction, psycho-social support, rehabilitation and integration)</p>	<p><b>Increase of the political will for support</b> among key-decision makers</p>	<p>CSOs and other interested actors should <b>raise awareness</b> about problems and needs of children and youth who use drugs;</p> <p>CSOs and other interested actors should <b>support affected population in becoming more visible.</b></p> <p>Governments and CSOs should ensure that the <b>voice of these children and youth is heard and that they are participating in decision making processes</b> with the full respect of their dignity and integrity;</p> <p>CSOs and other interested actors should <b>raise capacities</b> (study visits, trainings, etc.) <b>of key-decision makers</b> in order to achieve sensitization.</p> <p>Line Ministries should <b>increase financial support to service provision,</b> including both GOs and CSOs service providers;</p>

Children and youth from disadvantaged families (drug use and/or conflict with the law)			
<p><b>Insufficient system of data collection</b></p>	<p><b>Population is invisible</b> which leads to the lack of policies, planned interventions and implemented activities, which further causes a reduced access to services and, finally, not meeting the specific needs of the population</p>	<p><b>Improvement of the system of data collection</b> and integration and analyses of data</p>	<p>Ministry of Justice and Ministry of Labor and Social Welfare should <b>create unique or linked national electronic database(s)</b> which will include data on social records and other records following the highest privacy and ethical standards.</p> <p><b>Research among children and youth from disadvantaged families should be implemented</b> in order to ensure monitoring and evaluation of the policies and practices of the institutions in relation to the needs of these children and youth.</p>
<p><b>This category of children and youth is not recognized</b> by laws, and these families are not supported by public institutions</p>	<p><b>Lower access to and coverage with social care,</b></p> <p><b>Invisibility of problems and needs,</b></p> <p><b>Increased risk of drug use, criminal behaviors, homelessness, etc.</b></p>	<p><b>Amending the existing and developing new legal framework regarding this population</b></p>	<p>Ministry of Labor and Social Welfare should <b>assess problems and needs of this population.</b></p> <p>Ministry of Labor and Social Welfare should <b>plan and implement interventions and activities</b> in order to increase social care and support of this population.</p> <p>Ministry of Education, with support of Ministry of Justice, Ministry of Labor and Social Welfare and Ministry of Health, should <b>develop preventive mechanism in order to prevent risks of drug use, criminal behavior, homelessness, etc.;</b></p> <p>Ministry of Labor and Social Welfare <b>should embrace approach of supporting these families</b> rather than punishing them (such as automatic forced separation of family).</p>
<p><b>Lack of supportive programs</b> (psycho-social support, rehabilitation, social integration) in both CSO and public sector</p>	<p><b>Higher level of social exclusion,</b></p> <p><b>Higher rate of school drop outs,</b></p>	<p><b>Development of supportive programs.</b></p>	<p>Ministry of Education should provide <b>incentives for continuing education and mentoring programmes</b> for primary and secondary educational level.</p> <p>Ministry of Labor and Social Welfare in cooperation with Ministry of Education should <b>secure social inclusion</b> by developing curriculum and implement programs of psycho-social support, rehabilitation, social integration.</p>

<p><b>Lack of expertise among service providers</b> from CSO and public sector</p>	<p><b>Poor quality of service provision,</b></p> <p><b>Lack of training programs</b></p>	<p><b>Increasing expertise</b> among service providers from CSO and public sector.</p>	<p>Ministry of Education and Ministry of Labor and Social Welfare should ensure proper <b>capacity building</b> of current and future professionals in their fields of work;</p> <p>Ministry of Education and Ministry of Labor and Social Welfare should ensure <b>development of contemporary curricula for the training of service providers</b> in line with best practices and local environment;</p> <p>Ministry of Education and Ministry of Labor and Social Welfare in collaboration with CSOs should ensure <b>development of quality tailored programs.</b></p>
<p><b>Children<sup>221</sup> and youth with street experience</b></p>			
<p><b>Insufficient system of data collection</b></p>	<p><b>Population is invisible</b> which leads to the lack of policies, planned interventions and implemented activities, which further causes a reduced access to services and, finally, not meeting the specific needs of the population, etc.</p>	<p><b>Improvement of the system of data collection</b> and integration and analyses of data;</p> <p><b>Empowerment of state mechanism,</b> raising the awareness of the policy-making and decision-taking bodies for this target group.</p>	<p>Ministry of Justice and Ministry of Labor and Social Welfare should <b>create unique or linked national electronic database(s) that would ensure data collection and analyzing for all categories of children and youth with street experience.</b></p> <p><b>Research among children and youth with street experience</b> should be implemented in order to ensure monitoring and evaluation of the policies and practice of the institutions in relation to the need of these children and youth.</p> <p>In process of data collection and analyzing, findings and <b>recommendations of UNHCR Protection and promotion of the rights of children working and/or living on the street, should be followed.</b></p>

221 UNHCR, 2006: „The term “street child,” used by the Commission on Human Rights in 1994, was developed in the 1980s to describe “any girl or boy [...] for whom the street (in the broadest sense of the word, including unoccupied dwellings, wasteland, etc.) has become his or her habitual abode and/or source of livelihood, and who is inadequately protected, supervised or directed by responsible adults.” At that time, “street children” were categorized as either children on the street, who worked on the street and went home to their families at night; children of the street, who lived on the street, were functionally without family support but maintained family links; or abandoned children who lived completely on their own.”

<p><b>Lack of legal and institutional framework:</b> public institution, laws, regulations or strategies, dealing with or focusing on the problem of children and youth with street experience in the region, with the exception of Albania</p>	<p><b>Exposure of children and youth to immediate risks and harmful situations.</b></p> <p><b>Long term social exclusion.</b></p> <p><b>Extremely unfavorable living conditions.</b></p>	<p><b>Improvement of state mechanism for direct assistance and deployment/ improvement of policies</b></p>	<p>Relevant ministries in cooperation with CSOs <b>should implement social and other services mapping and evaluation of current state capacities in supporting children and youth with street experience.</b></p> <p>Ministry of Labor and Social Welfare should <b>develop and implement strategies which address the issue of children and youth with street experience and guarantee a budget for its implementation.</b><sup>222</sup>.</p> <p>Legal framework should be improved so as to ensure decriminalization of street situation<sup>223</sup> and <b>envisage the coordination and division of responsibilities of public institutions working with the children and youth with street experience</b><sup>224</sup>.</p>
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222 69(a) Introduce laws requiring the design and implementation of municipal policies, with adequate budgets, that are aimed at ensuring positive law enforcement, coordinating referrals and providing support for specialized interventions for children with street connections. These policies should be firmly linked to the national Child Protection System and be based on local multi-stakeholder participation, including children themselves.

223 73. As a minimum, States should decriminalize survival behaviors such as begging, loitering, vagrancy, running away and other acts, and ensure that children with street-connections are not forcibly rounded-up or treated like criminals or delinquents for survival activities.

224 66 (a) Ensure responsibilities are clearly delegated, roles are clearly defined and obligations are met, so that children's rights can be respected and fulfilled. When obligations are not met and violations occur, the State must be able to hold accountable those responsible and guarantee children access to legal redress. (b) Ensure secondary duty bearers have the capacity to carry out their specific obligations. This means developing capacity-building and/or training initiatives to strengthen the capacity of law enforcement officers, judges, social workers, teachers, doctors and others responsible for protecting children's rights . (c) Guarantee adequate budget allocations so that the CPS can safeguard children's rights. Budgetary information should be made public to encourage research into costs and benefits, so as to help States to invest wisely in safeguarding children's rights. (d) Take a coordinated approach across all government departments, including those with responsibilities for finance, trade, employment, security, tourism, housing and urban planning, so as to ensure that government policies are coherent in protecting children's rights. (e) Foster a collaborative approach in which the interests, inter-connections and expertise of non-State actors – children and families, civil society, academia, the private sector, human rights institutions and intergovernmental organizations – are recognized and brought together in partnerships that ensure children are afforded effective protection. (UNHCR Protection and promotion of the rights of children working and/or living on the street)



<p><b>Lack of services:</b> shelters, psychosocial support, education, social integration, etc..</p>	<p><b>Long term social exclusion.</b></p> <p><b>Extremely unfavorable living conditions.</b></p> <p><b>Higher risk of human and sexual trafficking, violence and other forms of abuse, exploitation, neglect, drug use, etc.</b></p>	<p><b>Empowerment of state mechanism</b></p> <p><b>Building the proper services.</b></p>	<p><b>A comprehensive program of support should be set, including the following supporting services:</b></p> <ul style="list-style-type: none"> <li>- Educational programmes – literacy and reinforcement classes provided by Ministry of Education in coordination with social services;</li> <li>- Social incentives and social housing provided by the social services at local level in cooperation with the related local actors;</li> <li>- Drop-in services provided by the civil sector;</li> <li>- Employment programmes, vocational training provided by Ministry of Labor and Social Welfare, Regional Employment Offices and local public institutions.</li> </ul> <p>Ministry of Labor and Social Welfare should ensure data collection from all services.</p> <p><b>Public and CSO services should be linked.</b></p> <p>Public and CSO sector should conduct a <b>survey on needs assessment.</b></p> <p>Governments and CSOs should ensure that the <b>voice of these children and youth is heard and that they are participating in decision making processes</b> with the full respect of their dignity and integrity.</p>
<p><b>Lack of sustainable solutions for services provided for homeless youth</b></p>	<p><b>Increased rate of consequences related to homelessness,</b></p> <p><b>Higher risk of violence, human trafficking and other forms of abuse</b></p> <p><b>High risk of drug use and/or involvement in crimes.</b></p>	<p><b>Enhanced public budget for housing programs of homeless people</b> and people at high risk of homelessness which also provide services of enhancement of life skills.</p>	<p>Ministry of Labor and Social Welfare should <b>develop and implement social policies aimed at reducing homelessness.</b></p> <p><b>Shelters for homeless that provide free meals</b> should be opened in countries where they don't exist.</p> <p><b>Data on homelessness</b> should be collected and published annually.</p>

Children and young Roma			
<p><b>Insufficient system of data collection</b></p>	<p><b>Difficulty in improving social programs for Roma youth</b></p>	<p><b>Enhancing coherent system</b> of data collection for better understanding of the needs of Roma youth.</p>	<p>Ministry of Labor and Social Welfare in cooperation with other responsible ministries <b>should ensure data collection</b> on health protection, education, employment and social protection of children and young Roma.</p> <p>Ministry of Labor and Social Welfare should <b>conduct surveys</b> on the needs assessment of this category, in cooperation with CSOs.</p>
<p><b>Limited success of programs to prevent early marriages</b></p>	<p><b>Teenage pregnancy.</b></p> <p><b>School drop-out.</b></p> <p><b>Lack of parental responsibility or competencies</b> may lead to street situation or abuse of their children.</p>	<p><b>Improved programs of prevention</b> of early marriages and support programs for Roma youth.</p>	<p>Ministry of Labor and Social Welfare, Ministry of Health and Ministry of Education should conduct <b>awareness-raising and capacity-building campaigns</b> for social workers, health and education professionals.</p> <p><b>Clear coordination and division of responsibilities</b> of public institutions should be set in place.</p> <p><b>Local and national budget should plan costs of outreach and community work to prevent early marriages.</b></p>
<p><b>Limited access to services:</b> health, employment, social protection, etc.</p>	<p><b>Lack of opportunities</b> for personal development, education, VET, employment housing.</p> <p><b>More prevalent health problems.</b></p> <p><b>More prevalent early marriages,</b> drug use, poverty, unemployment, lack of formal education....</p>	<p><b>Improved access to services related to health, employment, social protection, etc.</b></p>	<p>Ministry of Labor and Social Welfare should carry out a <b>continuous monitoring and evaluation</b> of the implementation of the programs aimed at provision of the necessary services.</p> <p><b>Budget should be allocated for implementation of National Roma Strategies.</b></p>

<p><b>Lack of preventive programs</b> related to drug use and promotion of healthy lifestyles</p>	<p>Increasing numbers of <b>drug-users and STD prevalence</b> among young Roma.</p>	<p><b>Improved access to information and successful programs</b> of direct assistance related to healthy lifestyles and harm reduction.</p>	<p>Ministry of Health and Ministry of Education and Ministry of Labor and Social Welfare should carry out <b>awareness-raising and capacity building campaigns for health and education professionals</b></p> <p><b>Programs should be implemented</b> in cooperation of Ministry of Education, Ministry of Labor and Social Welfare, Ministry of Justice, Prosecution, Police department and CSOs.</p>
<p><b>Youth leaving formal care</b></p>			
<p><b>Lack of data</b>, especially in two post-conflict societies (B&amp;H and KS)</p>	<p><b>Lack of supportive services and policies.</b></p> <p><b>Exposure to immediate risks and harmful situations.</b></p> <p><b>Lack of opportunities for the personal development and sustainable future.</b></p>	<p><b>Empowerment of state mechanism on data collection,</b></p> <p><b>Raising the awareness of the policy-creating and decision-making bodies</b> for this target group.</p>	<p>Ministry of Labor and Social Welfare from all Western Balkans counters should ensure data collection and surveys on needs assessment, in cooperation with CSOs.</p> <p><b>Cooperation of national and local government authorities should be improved.</b></p>
<p><b>Insufficient support programs</b> tailored to the needs of youth who were children without parental care; limited allocation of resources.</p>	<p>Youth are without or <b>with limited support programs</b> after leaving institutional care.</p> <p><b>Higher risk of abuse, street situation, conflict with law, discrimination, etc.</b></p>	<p><b>Supporting programs for youth without parental care in institutions and after leaving institutions</b> (especially ensuring transitional programs of a high quality).</p>	<p>Ministry of Labor and Social Welfare in cooperation with related national agencies should develop a program for support of youth who were children without parental care <b>and transpose it on the local level.</b></p> <p><b>Cooperation among national and local public institutions</b> should be improved.</p> <p>Government should ensure that youth who were children without parental care <b>have access to adequate and free education</b> (including the university level), <b>support in education, health including oral and mental health protection, employment, student's dormitories, housing programs, other types of psycho-social support including access to psychotherapy when needed and social subsidies</b> when needed.</p> <p>Ministry of Labor and Social Welfare should ensure <b>capacity building for professionals</b> working with children and youth in centers for social work.</p> <p>Ministry of Labor and Social Welfare should <b>allocate budget to support implementation of programs</b> aimed at social inclusion of young people who left formal care.</p> <p>Ministry of Labor and Social Welfare should <b>continuously monitor and carry out evaluation</b> of the process of strengthening human resources' capacities.</p>

<p><b>Limited alternatives to institutional care.</b></p>	<p><b>Higher demand</b> for support after leaving institutional care in situation of limited capacities for social services</p>	<p><b>Improvement of programs</b> for family strengthening and deinstitutionalization</p>	<p><b>Family support programs and mechanism, including financial support, should be continuously improved and developed,</b> with the aim of preventing separation of children from their families.<sup>225</sup></p> <p>Ministry of Labor and Social Welfare should support the <b>strengthening of capacities of professionals</b> working with children and youth in formal care.<sup>226</sup></p> <p>Ministry of Labor and Social Welfare should continue to put efforts in improvement and implementation of policies related to <b>deinstitutionalization</b> (such as foster care) <b>and transformation of residential care facilities</b> (institutions)<sup>227</sup> (e.g. small group homes)</p> <p>Monitoring and evaluation of the formal care and its impact on child's development should be improved<sup>228</sup></p> <p><b>Children/young people should be more included in decision-making process in the matters of their concern,</b> in accordance with their age and maturity<sup>229</sup>.</p>
<p>Protective environment that <b>doesn't prepare enough for independent life after reaching maturity</b></p>	<p><b>Higher demand for support</b> after leaving institutional care.</p> <p><b>Risk of unemployment and social exclusion</b></p>	<p><b>Improving transition support</b></p>	<p><b>Programs which are aimed at acquiring skills and knowledge necessary for a self-reliant life</b> should be developed, accredited and implemented.<sup>230</sup></p> <p>Ministry of Labor and Social Welfare should ensure involvement of private sector, CSOs, peer educators, sports clubs, education system and other relevant institutions in <b>supporting transition of children living in residential care facilities to adulthood.</b></p> <p>Ministry of Labor and Social Welfare should ensure extension <b>of transition plans to the period after leaving residential care facilities,</b> with the participation of a child in its creation.</p> <p>Ministry of Labor and Social Welfare should <b>increase number of professionals in formal care for children without parental support and in providing direct assistance or social support</b> for young people after leaving institutional care.</p>

225 In accordance with paragraph 3 of the UN Guidelines for the Alternative Care of Children

226 In accordance with paragraph 126 of the UN Guidelines for the Alternative Care of Children

227 In accordance with paragraphs 20-23 of the UN Guidelines for the Alternative Care of Children

228 In accordance with paragraph 5 of the UN Guidelines for the Alternative Care of Children

229 In accordance with paragraphs 6, 130 and 131 of the UN Guidelines for the Alternative Care of Children

230 In accordance with paragraph 69 of the UN Guidelines for the Alternative Care of Children



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Institute of Statistics RS

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SOS Children's Village

FBiH Ministry of Health

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RS Employment Bureau

RS Ministry of Interior

Judiciary of Brcko District

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