

Review

Minors in the Criminal Process International Standards and Their Reflection in Albanian Judicial Practice

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Abstract

Minors constitute one of the most vulnerable and at the same time most important categories of a society. This article analyzes an integrated manner, the treatment of juveniles in conflict with the law and the rights of juvenile victims in the criminal process, focusing on the practical legal challenges related to the protection of children and the guarantee of justice.

The article deals with the institute of avoidance of criminal responsibility and the problems that have arisen in practice as well as the suitability of the minimum age for criminal responsibility, analyzing the possible impacts on the rehabilitation of minors and the protection of society, in a current situation that shows an increase in the number of minors involved in serious crimes against life.

Special attention is paid to minors victims of criminal offenses, the guarantees they possess, focusing on minors victims for crimes of a

sexual nature, in order to highlight the risk of re-victimisation during the criminal process and the need for adequate protection mechanisms.

In this paper, the minor in conflict with the law or victim of a criminal offense will be viewed from the perspective of international standards and Albanian legislation, from the moment of first contact with state institutions until the termination of the criminal case.

Keywords: *minor in conflict with the law, minor victim, institute of avoidance, restorative justice, international standards, Albanian legislation.*

"Nothing reveals the soul of a society more profoundly than the way it treats its children."

Nelson Mandela

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Introduction

The justice for juvenile crime constitutes an essential area of the rule of law, where the need for the protection of society is combined with the guarantee of the best interests of the child. The criminal treatment of minors has a special legal, ethical, and social dimension, since the minor is considered a developing subject, with a limited capacity to understand the consequences of his or her actions. The Constitution of the Republic of Albania, in its article 54, provides that children enjoy the right to special protection by the state. With the guiding principle of “the best interests of the child”, in the function of a juvenile-friendly justice, the Albanian legal framework now enjoys a special criminal and procedural law in the field of protecting the rights of juveniles in all phases of criminal proceedings. The Juvenile Criminal Justice Code reflects international standards of restorative and rehabilitative justice.

This Code highlights the most important principles in the field of protection of children's rights, provided by the Constitution of the Republic of Albania, the United Nations Convention on the Rights of the Child and other international acts ratified by the Albanian state. This Code provides special regulations for minors in conflict with the law, minor victims, minor witnesses during their investigation, trial, execution and rehabilitation, and regulates the scope of activity of other entities participating in this process.

The adoption of the Juvenile Criminal Justice Code marked an important step towards harmonization with international standards. However, judicial practice has raised issues that need continuous treatment. This article aims to analyze the main challenges in the treatment of minors in the criminal process, the

implementation of the provisions of the Criminal Procedure Code, the legal omission of issues that have emerged during judicial practice, referring to the minor in the position of one in conflict with the law but also in the capacity of a victim.

Juveniles in conflict with the law

Age of criminal responsibility in the light of domestic and international law.

“For the purposes of this Convention, a child means every human being below the age of 18 years unless, under the law to which he or she is subject, majority is attained earlier.”¹ ; “For the purposes of this Convention: 2 a) “child” means every person below the age of 18 years;”³ ; “A minor means every person below the age of 18 years.” ; “A child means every person below the age of 18 years. Where the age of a person cannot be accurately determined, but there are reasons to believe that the person is a child, he or she shall be considered a child for the purposes of this law until such time as his or her age is determined in accordance with the law in force.”⁴

What is evident from these legal definitions is that, unlike international Conventions that are unified in choosing the term “child” to refer to persons under the age of 18, the Juvenile Criminal Justice Code (hereinafter the JCJC) has chosen a term that is different from the Conventions but also from the special Law on the Protection of Children's Rights. It is estimated that such a stance was taken with the aim of unifying the legal terminology of the JCJC with the Code of Criminal Procedure.

Article 7 of the KDPM provides:

1. For the purposes of criminal liability for crimes, a minor is considered a person who has reached

¹Article 1, CONVENTION ON THE RIGHTS OF THE CHILD, Adopted by the General Assembly of the United Nations on 20 November, 1989.
<https://www.unicef.org/montenegro/media/9291/file/MNE-media-MNEpublication505.pdf>

² Article 3, Lanzarote Convention, Council of Europe Convention on the “Protection of Children against

Sexual Exploitation and Sexual Abuse”.<https://rm.coe.int/168046e1e3>

³ Article 3, point 3, Juvenile Criminal Justice Code.

⁴ Article 3, Law No. 18/2017 “On the Rights and Protection of the Child.”

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the age of 14 years, but not 18 years at the time of committing the crime.

2. For the purposes of criminal liability for criminal offenses, a minor is considered a person who has reached the age of 16 years, but not 18 years at the time of committing the criminal offense.

The age of criminal responsibility is considered the age at which a person is considered capable, able to understand the importance and responsibility of his actions and who is subject to criminal proceedings.

The Convention on the Rights of the Child (hereinafter CRC) does not provide for an age limit for criminal responsibility, but requires States Parties to establish a minimum age below which children are presumed incapable of violating the criminal law and to bear criminal responsibility¹. According to our general and special criminal legislation, the age of criminal responsibility for crimes for minors begins with the attainment of the age of 14 to the age of 18 (when considered an adult), while the age of criminal responsibility for criminal misdemeanors for minors begins with the attainment of the age of 16 to the age of 18. Of course, determining the minimum age for criminal responsibility is a specific element for each state based on socio-cultural conditions, balancing the need for state intervention to prevent further criminal activity by the minor, the need for his or her re-education at the earliest possible time, and the protection of society from high crime.

The problem that arises in practice is related to the fact that what will happen to minors under the age of criminal responsibility, who consume the elements of a criminal offense?! The above does not refer to cases when a minor under the age of criminal responsibility commits a criminal

offense by being pushed by adults, since in this case we are in the conditions of Article 129 of the Criminal Code².

In Article 4, point 3, the KDPM states: *"The regulations provided for in this Code do not include minors who commit criminal offenses under the age of criminal responsibility, against whom criminal proceedings are not initiated or, if they have been initiated, are immediately terminated. In this case, child protection structures are put into motion and all measures provided for by the law on the rights and protection of children are implemented, in order to provide them with the same procedural guarantees, assistance and services as for minors in conflict with the law/victim or witness, with regard to the interrogation process and contact with the police and prosecution bodies."*

In reference to the above, the Law "On the Rights and Protection of the Child" (hereinafter LDMF) in Article 55, point 2, letter dh) provides: "Protective measures are imposed on a child who has committed a criminal offense and, due to his/her age, does not have criminal liability." While Article 66 of LDMF provides for "Specialized Supervision" as a protective measure of these children in activities such as going to school regularly; participating in pre-social service activities; following medical treatment or psychological counseling; prohibitions to go to or frequent certain places. But, is "specialized supervision" an effective and proportionate protective measure in cases of serious crimes, such as serious intentional injury, intentional murder, violent theft, sexual relations with minors, recidivists in these offenses.

The Criminal Code, in Article 46, entitled "Medical and Educational Measures", provides that, Educational measures may be given to minors who are exempt from punishment or

¹ Article 40/3 "States Parties shall endeavour to promote the establishment of special laws, procedures, bodies and institutions for children alleged as, accused of, or recognized as having infringed the penal law, and in particular:

(a) Establish a minimum age below which children shall be presumed not to have infringed the penal law;

(b) Take measures, whenever necessary and desirable, to deal with such children without resorting to judicial

proceedings, provided that human rights and legal protection are fully respected.

² Pushing a minor into crime: "Pushing or luring minors under the age of fourteen to commit a crime is punishable by imprisonment for up to five years."

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who, due to their age, do not have criminal responsibility. An educational measure is: 1. Placing the minor in an educational institution. The judicial decision on medical and educational measures is revocable at any time when the circumstances for which it was given disappear, but in any case, the court, in principle, is obliged to review its decision after one year from the date of the decision.”

Such a legal provision is incomplete in terms of the conditions and criteria for the application of the measure and difficult to implement in practice. Cases of application of this institute in the case of minors under the age of criminal responsibility are extremely rare and in the absence of a uniformly developed practice. However, based on the Beijing Rules, the two main goals of juvenile justice are the promotion of the well-being of the minor and the principle of proportionality. According to this latter principle, the response to minors who commit criminal offenses must be proportionate to the circumstances of the perpetrator and the offense, i.e. it must be based on taking into account not only the gravity of the offense but also personal circumstances¹.

In the case of “*Blokhin v. Russia*”, the European Court of Human Rights stated: “The placement of a minor in an educational institution must be aimed at supervised education within the meaning of Article 5 § 1 (d) of the ECHR; Supervised education must ensure appropriate accommodation, such as a return to the family, as well as the development of educational activities. ...minors, whose cognitive and emotional development in any case requires special considerations, and in particular that of young children below the age of criminal responsibility, deserve support and assistance in protecting their rights when coercive measures are applied to them, even under the guise of educational measures...”²

¹Rregullat Standard minimum të Kombeve të Bashkuara për Administrimin e Drejtësisë për të miturit (Rregullat e Pekinit 1985) <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile>

² HUDOC - European Court of Human Rights

The Institute of Avoidance

One of the innovations of the Code of Criminal Justice for Children (CCJC) is the provision of the institute of avoidance, as a new instrument applicable to minors in conflict with the law. “Avoidance” is an alternative measure for not initiating, suspending or terminating criminal prosecution against a minor in conflict with the law, according to the provisions of this Code³.

Avoidance is the first instrument in the criminal process against a minor in conflict with the law that effectively guarantees the implementation of the best interest of the minor, as it does not allow the continuation of criminal proceedings against the minor with all the effects that it has brought. In addition, the diversity of several types of diversion measures, provided for in the CCJC, enables the institutions involved in this process (Child Protection Unit, Probation Service), to recommend and the prosecution body to evaluate that concrete measure, which offers the most appropriate program according to the circumstances and individual needs, which presents each minor in conflict with the law, and also ensures the reaching of the goal of his/her redirection and awareness of the committed offense.

In view of the above, the measures of diversion from criminal prosecution for minors, when the legal requirements are met, take priority and consequently are of essential importance in the criminal justice process for minor, for the very purpose that they pursue in correcting the minor in conflict with the law, as opposed to the application of criminal responsibility and its criminal punishment⁴.

As a new institute, until its consolidation, problems have initially appeared in its implementation, especially with regard to the conditions and criteria that the law provides for its implementation. Article 55 of the CCJC

<https://hudoc.echr.coe.int/>conversion>docx>pdf>
3 Article 3, point 23, Juvenile Criminal Justice Code.

4 Article 3, point 23, Juvenile Criminal Justice Code.

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provides cumulatively all the conditions and criteria for the implementation of the measure of avoidance of criminal prosecution. We will focus on point 3, letter c) of this article, which defines as one of the conditions and criteria, the fact that the minor has not been reported for committing a criminal offense or is not a repeat offender. The legal discussion in investigative and judicial practice is related to the definition of the deterrent criterion that the minor must not have been reported for committing a criminal offense. Some magistrates link this criterion to the existing legal situation, where a parallel criminal report is registered against the minor, which consequently leads to the futility and impossibility of achieving the goal aimed at through the institute of avoidance.

In my opinion, such a prohibitive criterion contradicts the constitutional principle of the presumption of innocence¹. This is because not every criminal report is followed by the registration of criminal proceedings, but the prosecutor can decide not to initiate criminal proceedings and the minor in conflict with the law to be denied the right to benefit from this institute. Moreover, investigations into criminal proceedings with a minor in conflict with the law and the application of avoidance must be carried out within a legal period of only 3 months.

In the Prosecutor's Office at the Court of First Instance of General Jurisdiction in Gjirokastra for 2025, the institute of avoidance was applied in 15

cases with minors in conflict with the law. Mainly the criminal offenses for which avoidance was applied are "Irregular driving of vehicles", provided for by Article 291 of the Criminal Code; "Theft", provided for by Article 134/1 of the Criminal Code; "Intentional minor injury", and provided for by Article 89 of the Criminal Code. In all these cases, a written warning was applied as an alternative measure for avoiding criminal prosecution. Although according to the Code of Criminal Justice for Children, a total of six different models are provided as alternative measures², there is a practical impossibility for their realization and application.

The minor, victim of a criminal offense.

Application of international standards in the protection of minors who are victims of a criminal offense in the KDPM.

Until the adoption of the Code of Criminal Justice for Children, there was no definition of the term "Victim of a criminal offence" in Albanian legislation. In the absence of such a definition, Albanian judicial practice has referred to international acts ratified by Albania, defining the victim as a person harmed by a criminal offence. Specifically, for the definition of the term victim of crime, it refers to Directive 2012/29/EU in its article 2³.

¹ Constitution of the Republic of Albania, Article 30, "Everyone is presumed innocent until proven guilty by a final court decision."

²Juvenile Criminal Justice Code, Article 62:

1. Alternative measures for avoiding criminal responsibility may include:

- a. Restorative justice programs and mediation;
- b. Counseling for the minor and the family;
- c. Oral warning;
- d. Written warning;
- e. Coercive measures;
- f. Placement in care.

³ Article 2 of Directive 2012/29/EU, entitled 'definitions', provides: 1. For the purposes of this Directive, the following definitions shall apply: (a) 'victim' means: a natural person who has suffered harm, including physical, mental or spiritual harm, or economic loss directly caused by a criminal offence; family members of a person whose death

was directly caused by a criminal offence and who have suffered harm as a result of that person's death; 'family members' means the spouse, the person who cohabits with the victim in a committed intimate relationship, in the same household on a stable and continuous basis, the direct lineal relative, the siblings and the dependants of the victim; 'child' means any person under the age of 18; "restorative justice" means any process which enables the victim and the offender, with their free consent, to participate actively in the resolution of matters arising from criminal offences with the assistance of an impartial third party; 2. Member States may introduce procedures: to limit the number of family members who may benefit from the rights set out in this Directive taking into account the individual circumstances of each case; and, in relation to paragraph (1) (a) (ii), to determine which family members have priority in relation to the exercise of the rights set out in this Directive.

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With the adoption of the Code of Criminal Justice for Children, in article 3, point 5 it is determined that, "a minor victim" is any person under the age of 18 who has suffered verbal, physical or material harm as a result of a criminal offence." The protection of minor victims constitutes one of the main pillars of the contemporary system of criminal justice and human rights. Due to their age, incomplete maturity and increased vulnerability, minor victims enjoy special standards of procedural and material protection. Regarding Albanian legislation, the rights of the minor victim of a criminal offense are provided for in Article 58/a of the Code of Criminal Procedure (CCP), which, given its content, constitutes a fundamental article for the rights of minor victims, including the rights of the victim provided for in Article 58 of the CCP, the special law and the Code of Criminal Justice for Minors, especially in Chapter V thereof.

While Article 58 of the CCP, provides for the rights of the victim of sexual abuse and the victim of trafficking in human beings. The European Court of Human Rights (hereinafter the ECHR), through its jurisprudence, has developed a series of fundamental principles that oblige the member states of the Convention to build friendly and protective criminal procedures for child victims. Specifically:

- The principle of the best interests of the child, consistently emphasizing that the best interests of the child must be a paramount consideration in any proceedings involving a minor victim¹.

¹ M. dhe M. kundër Kroacisë (2015), HUDOC - European Court of Human Rights [https://hudoc.echr.coe.int > conversion > docx > pdf](https://hudoc.echr.coe.int/>conversion>docx>pdf).

The Court found a violation of Article 8 of the ECHR due to the lack of effective protection of the personal integrity of the minor. The Court noted that the national authorities failed to take sufficient measures to protect a child victim from sexual abuse, by failing to properly assess the best interests of the child during the proceedings. The best interests of the child are not declaratory, but a decision-making criterion with practical effect.

² O'Keefe kundër Irlandës (2014), <https://euro-centre.org/wp-content/uploads/2023/08/Jurisprudenca-e-Strasburgut-Botimi-IV.pdf>. The Court found a violation of Article 3 of the ECHR due to the lack of preventive and investigative mechanisms, as the state had failed to establish an effective system of protection for children against abuse in schools. When the victim is a child, the

- The positive obligation of the state to provide effective protection, which includes the prevention of violence against children, the effective and priority investigation of criminal offences involving minors².

- The principle of child-friendly procedures, according to which criminal proceedings should be adapted to the age and development of the child victim, ensuring that testimony is taken in appropriate settings, avoiding direct confrontation with the perpetrator and limiting the repetition of questioning³.

- The principle of protection of private life and dignity, paying particular attention to the confidentiality and anonymity of the child victim⁴.

- The right to effective participation in the process under Article 6 of the ECHR, including being truly heard, understanding the procedure and treating the child victim as a subject of rights and not simply as a means of seeking evidence⁵.

Article 24 of the Code of Criminal Procedure stipulates: "The minor victim and/or witness of a criminal offense shall enjoy, to the extent possible, the same rights provided for a minor in conflict with the law, as provided for in this chapter, as well as the rights provided for in Chapter V of this Code."

Regarding the above provided by the legislator, in judicial practice, I consider it appropriate to dwell on the cases of the Individual Assessment

standard of investigation must be more rigorous and protective.

³Ibid., Y. v. Slovenia (2015), the Court found a violation of Articles 3 and 8 of the ECHR, as a child victim of sexual violence was questioned repeatedly, without psychological support and without procedural sensitivity. The unnecessary repetition of questioning constituted degrading treatment for the child victim.

⁴ B.V. kundër Belgjikës (2017) https://ahc.org.al/wp-content/uploads/2020/05/27-Maj_2020_Raport-Studimor_Per-Paraburgimin-dhe-masat-e-sigurimit-personal_KShH.pdf The Court stressed that the authorities must ensure the anonymity and protection of the personal data of the child victim, particularly in cases of sexual violence. Any disclosure of identity violates Article 8 of the ECHR.

⁵ N. Ç. v. Turkey (2009), the Court found a violation of Article 6 in conjunction with Article 8 of the ECHR, as the authorities failed to meaningfully include a child victim of sexual violence in the criminal proceedings.

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Report for the Minor ¹ (hereinafter IAR), where an erroneous practice, followed during preliminary investigations by the prosecutor, is found, which consists in drafting the IAR only for the minor in conflict with the law and not for the minor victim of the criminal offense. The purpose of administering the IAR is to present to the proceeding body a complete overview of the individual, health, family and social circumstances of the minor. Through this act, the personality of the minor is understood and the factual legal situation of the minor is assessed in the application or not of the institute of avoidance or the finding and implementation of a proportional measure with the aim of his rehabilitation and re-socialization. However, the administration of the IAR constitutes a very important element also for the minor victim of the criminal offense, since in its presence, the prosecutor is oriented towards addressing the minor victim to provide the necessary assistance which may consist of psychological, social, or medical assistance. In this perspective, a criminal process cannot be considered complete without the administration of the RVI, both for the minor in conflict with the law and for the minor victim.

The principle prohibiting the second/repeated victimization of a minor victim of a criminal offense.

The Code of Criminal Justice for Children provides that second/repeated victimization is considered the situation when a minor victim of a criminal offense may be harmed as a result of participating in the criminal justice process. In my opinion, the principle of preventing the second victimization of the victim of a criminal offense constitutes one of the most important principles in the sphere of principles for the protection of minor victims of a criminal offense. This is because this factual situation in the minor

victim is caused only as a result of the procedural activity in the investigative and judicial activity by the procedural authorities (police, prosecutor's office, court, experts) who must show increased care so that the actions are carried out completely and exhaustively, without the need for the repeated presence of the minor victim, which may bring back to the victim episodes of the same event in the form of painful experiences that affect him emotionally by reminding him of the pain caused by the criminal offense, causing new damage.

This prohibition principle takes on added importance in cases of minors who are victims of sexual violence. Sexual violence against children constitutes one of the most serious violations of their fundamental rights and a profound violation of their physical, emotional and psychological integrity. It has manifested itself in various forms, including sexual abuse, sexual harassment, rape, sexual exploitation for economic gain, as well as exposing children to inappropriate content or behavior. During 2024, child protection workers have handled a total of 59 cases of sexual violence, a number that, although not representing the real scale of the problem – due to the sensitive and hidden nature of these cases – remains worrying. Statistics and field experience show that in most cases, sexual abuse occurs within the child's close circle of trust, by people close to them, known and often with moral or emotional authority in the child's life. This includes family members, relatives, neighbors, and society. This situation makes it even more difficult to detect and report cases, as the child may feel afraid, ashamed, or engulfed in feelings of guilt².

The ECHR has recognized the specific features of proceedings concerning criminal offences of a sexual nature.

1. In the case of *S.N. v. Sweden*³, the ECHR stated: "Such proceedings are often conceived as a test

¹ Article 22 of the Juvenile Criminal Justice Code.

² <https://femijet.gov.al/al/wp-content/uploads/2025/07/Raport-vjetor-i-punes-se-Agencise-Shteterore-per-te-Drejtat-dhe-Mbrojtjen-e-Femijes-Viti-2024.pdf>

³*S.N. v. SWEDEN – HUDOC. (ECHR, 2 korrik 2002)* In this case, the applicant S. N. was convicted in Sweden of sexual acts with a minor. The child victim, aged 10, was interviewed by the police and the recorded interview was used as evidence in the trial. S.N. alleged that the national court had violated his right to a fair trial under Article 6 of the ECHR because he

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by the victims, particularly where the latter has been confronted unwillingly by the defendant. These features are even more prominent in a case involving a minor. In assessing the question whether or not in such proceedings an accused has received a fair trial, the right to respect for the private life of the perceived victim must be taken into account. The Court therefore accepts that in criminal proceedings concerning sexual abuse certain measures may be taken with a view to protecting the victim, provided that such measures can be reconciled with the adequate and effective exercise of the rights of the defense.” This case constitutes a benchmark for the prohibition of repeated victimization of minor victims of sexual crimes, although the Court does not mention the term “repeat victimization”, but it is understood as the risk of exposing the child victim to stress or trauma from the direct testimony/questioning in the courtroom by avoiding the direct confrontation of the victim with the defendant, perceiving it as a form of protection of the victim from excessive procedural exposure.

2. In the case of *Y. v. Slovenia*¹, the ECHR found violations of Articles 3 and 8 of the Convention. Article 3 guarantees that no one shall be subjected to torture, inhuman or degrading treatment. In the case of the child victim Y., the national authorities failed to ensure an effective and prompt investigation, prolonging the trauma and psychological damage to the child victim. The Court found a violation of Article 3 of the Convention due to the failure of the state authorities to ensure a prompt investigation and prosecution of the complaint against the applicant’s sexual abuser. The Court also found a violation of Article 8 of the ECHR, which guarantees the right to respect for private and

family life, as the investigation and trial of the minor victim were inadequate and emotionally burdensome, exposing the victim to repeated trauma, failing to protect the identity and privacy of the victim. The principle of prohibiting second/repeated victimization of the minor victim is reflected in the provisions of Chapter V of the Code of Criminal Procedure, focusing on the provision of Article 41 of the Code of Criminal Procedure, which provides for special rules for the questioning of the minor victim and/or witness of sexual exploitation or sexual violence, determining that for these minors, audio and video recording during the questioning is mandatory and the audio and video testimony given by the minor may be shown during the court session. Thus, through this legal provision, the Code of Criminal Procedure for Minors who are victims of crimes of a sexual nature has reflected international standards for the prevention of secondary victimization of minors by defining an instrument that “resembles” the provision of evidence.

In conditions where this audio-video recording can be heard in the hearing without the presence of the minor, as long as the mandatory accompaniment of the minor in conflict with the law/victim of the criminal offense is categorically prohibited. In practice, questioning the minor victim of crimes of a sexual nature as quickly as possible, exhaustively and in the appropriate form in the presence of all procedural actors avoids the possibility of re-questioning the minor victim. Special attention should be paid to the issue of repeated victimization of the minor even by courts of general jurisdiction, specifically the judge of the preliminary hearing, when declaring the uselessness of the audio-video interview of

was not given the opportunity to directly question the child victim during the trial. The Court noted that the child victim’s testimony had been used in the proceedings and that, although the child did not physically appear at the trial, he was considered a witness for the purposes of Article 6 of the Convention. The ECtHR held that there had been no violation of Article 6 of the Convention on the right to a fair trial, as the national system had provided adequate mechanisms to protect the defendant’s right to a defence and at the same time to protect the interests of the child victim.

¹*Y. v. SLOVENIA* - HUDOC - The Council of Europe. In this case, the applicant Y., a minor girl from Ukraine, after settling in Slovenia, at the age of 14 is suspected of having been sexually abused by a friend of the family of X. After the complaint, the investigations continued until 2007, when criminal charges were brought against citizen X. In 2009, after 12 court hearings, the domestic courts dismissed the case against citizen X, as the charges were not proven beyond reasonable doubt.

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the minor victim, ordering its redoing¹. International standards that judges must to be known during the trial of criminal offenses involving minors who are victims of crimes of a sexual nature and which require that in the trial of these criminal offenses, the victims be protected and treated in accordance with the principles of humanity, of protecting and guaranteeing life, health and personality with the aim of their rehabilitation.

Conclusions and recommendations

From the analysis of this paper, as a general conclusion, we can underline that the current legislation of the Republic of Albania on minors in the criminal process generally reflects international standards.

However, I assess that referring to the current situation in the referral of juvenile delinquency, the growing trend, the increasingly serious criminal offenses committed by them, the consequences in society, perhaps reality dictates changes in criminal legislation regarding the age of criminal responsibility, always in compliance with European and international standards. In this perspective, criminal legislation should be supplemented with regard to minors who have not reached the age of criminal responsibility, by regulating and disciplining the implementation and variety of educational measures, depending on the seriousness of the criminal offense and the personality of the minor, considering that the provisions in the special law "On the Protection of Children's Rights" do not fit the reality and needs of society. The Prosecutor's Office and the Court are two institutions that contact the minor post factum, after the criminal act has occurred.

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Practical case. A.B. is accused of the criminal offense of "Sexual harassment", provided for by Article 108/a/2 of the Criminal Code with a minor victim citizen E.D. In the child-friendly premises of the Police Station, the minor victim is interviewed by audio-video regarding the circumstances of the reported fact. Present in the special room is the officer of the same gender, the psychologist, and the representative of the child protection unit, while In the special office for recording the interview, the mother of the minor victim was present, who at the end of the transcript of the material signed the minutes together with the other

The prevention of criminal activity by minors is important and this requires coordination of all actors such as the family, school and society. The first contact of the minor in conflict with the law/victim with a state institution is the state police, at the moment of questioning the minor in conflict with the law and the report of the minor victim. Police officers specialized in juvenile-friendly justice are needed, who have the necessary legal knowledge and special training for interaction with children.

Albanian legislation guarantees support for juvenile victims of crime, both before, during and for a period of time after the conclusion of criminal prosecution or regardless of their cooperation with justice, having dictated the need for a more precise implementation in practice of the principle of prohibition of repeated victimization. In general, the legislative approach aims to be comprehensive and to ensure the protection and reintegration of juvenile victims of crimes of a sexual nature.

References

1. *Constitution of the Republic of Albania (Kushtetuta e Republikës së Shqipërisë).*
2. *United Nations Convention on the Rights of the Child (1989).*
3. *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).*
4. *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of*

actors present according to the provisions of the KDPM. At the end of the investigations, the prosecution addresses the court with a request to send the case to trial. The judge of the preliminary hearing declares the audio-video interview of the minor victim unusable with the justification that the legal representative of the victim, who had duly signed the minutes of the statements, is not found in the video, ordering the repetition of the questioning of the minor victim.

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- crime, and replacing Council Framework Decision 2001/220/JHA.*
5. *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules, 1985).*
 6. *Criminal Code of the Republic of Albania (Kodi Penal).*
 7. *Code of Criminal Procedure of the Republic of Albania (Kodi i Procedurës Penale).*
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