



# EXECUTIVE SUMMARY

## Albania\*



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## Introduction

The Republic of Albania is slowly emerging from a long and difficult transition to democracy after a long-standing period of authoritarian rule. The political and economical changes and ethnic violence resulted in a period of political isolation and poverty, which gravely affected the population. The country's GDP per capita is one of the lowest in Europe and its Human Development Index (HDI) ranks Albania 70th amongst 187 countries with data.<sup>1</sup>

Albania is a very 'young' nation, with 40 percent of its population below the age of 25,<sup>2</sup> and approximately 750,000 children under the age of 14 out of a population of 3.2 million. Lack of education, late or no birth registration, discrimination of minorities (despite the constitutional recognition of their rights), domestic violence, traditional social norms that regard women as subordinate to men, practice of child marriage, etc. are key contributing factors, which increase the vulnerability of children to commercial sexual exploitation. Furthermore, Albania continues to remain a country where children are domestically and internationally trafficked, and used for prostitution and pornography.

It is difficult to provide a valid and current estimate of the number of Albanian **children involved in prostitution**, as many cases are not reported. Whilst it is generally accepted that more girls are commercially sexually exploited than boys in Albania, many Albanian boys are trafficked for labour, begging, petty crime and are frequently subsequently sexually exploited.<sup>3</sup> Trafficking and prostitution networks are strong and well established in the country;

furthermore, in the absence of social and psychological support, children involved in prostitution are in danger of being re-victimised, and either fall back into prostitution or start exploiting other children.<sup>4</sup> Albanian street children may sometimes be coerced into child prostitution and risk being captured or kidnapped for sex or labour trafficking.

Albania is still regarded as a source country for international human trafficking of women and children for sexual exploitation, forced labour and begging to destination countries such as Greece, Italy, Macedonia, Kosovo, and other Western Europe countries.<sup>5</sup> The scale of **child trafficking** remains unknown due to the covert nature of the crime and the lack of reliable and accurate data/statistics. Police corruption plays a part in Albanian trafficking. Trafficking for sexual purposes also occurs inside Albania.<sup>6</sup> The children at greatest risk are those belonging to certain ethnic communities, especially the Roma, who are working in the streets.

The medium of **child pornography** in Albania is mobile phones rather than the internet, and distribution of pornographic materials via Bluetooth has become a commonplace occurrence. There has also been a significant increase in Internet usage in the country, combined with no safe Internet use measures or polices in place. Moreover, Albania has failed to adopt any laws or acts to prevent the publishing, manufacturing, accessing, dissemination, and expansion of child pornography.<sup>7</sup>

Albania is an emerging tourist destination, which exposes children to sex tourism and

exploitation. However, there is no specific provision relating to **child sex tourism** (CST) in the criminal legislation,<sup>8</sup> as well as in national policies regarding children protection.<sup>9</sup> Media and NGOs have reported a number of cases, acknowledged by representatives of public institutions, although not fully investigated

or prosecuted.<sup>10</sup> Additional progress on CST issues came in the form of 22 Albanian tour and hotel operators signing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (the Code) in November 2007.<sup>11</sup>

## National Plan of Action (NPA)

Despite having several plans of action, there is no policy document which deals explicitly with CSEC. In 2004, the National Strategy for Children was adopted for the period 2005 – 2010, together with the comprehensive National Plan of Action for the Implementation of the Strategy (NSC) (although it pays limited attention to CSEC). With its conclusion, the government has developed and approved another Action Plan covering the period 2012-2015. Albania has also implemented several

plans of action addressing vulnerable groups, such as Roma children.<sup>12</sup>

In 2008, the National Strategy on Combating Trafficking in Persons 2008-2010 was launched,<sup>13</sup> highlighting the fight against trafficking of children through the creation of a separate National Strategy and Action Plan for the Fight against Child Trafficking and the Protection of Child Victims of Trafficking 2008-2010.<sup>14</sup>

## Coordination and Cooperation

The Albanian government has been active in combating human trafficking at the national and international level; however, it needs to increase its cooperation and coordination in combating other manifestations of CSEC. At the local and national levels, the most significant development has been the establishment of Child Protection Units (CPUs) across the country; as well as the Office of the National Coordinator on Combating Trafficking in Persons and the Anti-Trafficking Unit (2005); and the creation of an Inter-Ministerial Committee to monitor and coordinate the implementation of the National Strategy for Children (2007). The State Police, several Ministries, the National Reception Centre for Victims of Trafficking in Tirana, and different NGOs all participate.<sup>15</sup> Civil Society organizations play an important role in creating networks of collaboration and participation. The “Albanian Coalition against Child Trafficking and Sexual Exploitation of Children” (ACTSEC),<sup>16</sup> the ECPAT group in the county, is the only network working on all of the different manifestations of CSEC. Moreover, since 2002, the coalition “All together against Child Trafficking” (BKTF) has coordinated the national NGOs’ efforts to combat trafficking.<sup>17</sup>

In an effort to combat CSEC in tourism, a Memorandum of Understanding (MoU) between the Ministry of Interior, the Ministry of Tourism, Culture, Youth and Sports and the Organization for Security and Co-operation in Europe (OSCE) in Albania was signed, implementing a Code of Conduct for Protection of Children from Sexual Exploitation in Tourism (“The Code”), as part of an effort to support and strengthen the role of the private sector in the protection of children from sexual exploitation.<sup>18</sup>

At the regional and international levels, human trafficking for sexual purposes is the form of exploitation that receives the most attention in cooperation agreements; cooperation to address with other forms of commercial sexual exploitation in children is still needed. Between 2005 and 2007, the government of Albania signed and ratified 14 agreements and conventions with surrounding countries such as Kosovo and Macedonia, which included discussions of mutual aid to ensure child protection, border control, parental responsibility, victim protection, drug control, and justice and police policies.<sup>19</sup>

Until 2011, police cooperation with neighbouring countries took place.<sup>20</sup> Albania also takes part in a number of projects under the International Centre for Migration Policy Development (ICMPD); and is also a member of the “Transnational Action against Child Trafficking” promoted by Terre des Hommes.<sup>21</sup> From the period of 2005-2007 Albania signed a MoU, in cooperation with UNHCR, IOM, OSCE and ICMC, to develop a pre-screening mechanism for asylum seekers, economic

migrants and trafficking victims.<sup>22</sup>

With regard to cybercrime, some efforts have been made in the region. The Nordic Mule Software, was introduced by OSCE to the Western Balkan countries. The programme aims to assist local police in tackling with cybercrime, particularly child pornography and online child sexual abuse.<sup>23</sup>

## Prevention

Different actors, from government and NGOs, are making a concerted effort in the fight against trafficking in children. Measures also focus on the root causes of trafficking, such as poverty and lack of education. However, less attention is allocated to combating other manifestations of CSEC, although new initiatives are emerging to fight ICT related child sex offences and child sex tourism.

NGOs are very much involved in the organization of preventive programs against child trafficking, specially offering educational, psychosocial, cultural and sport activities, and self-esteem training, as an alternative to street work and begging.

Albania has hosted some initiatives addressing the problem of abusive use of internet leading to sexual offences against minors.

## Protection

Albania is party to a number of international legal instruments combating sexual exploitation of children. The government has ratified both the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of children, child prostitution and child pornography (OPSC); as well as ILO Convention on the Worst Forms of Child Labour; UN Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children; Council of Europe Convention on Cybercrime, Council of Europe Convention on Action against Trafficking in Human Beings, and Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

The Albanian Criminal Code criminalises “exploitation of prostitution”, and aggravated circumstances, and the maintenance of premises for prostitution.<sup>24</sup> “Exploiting prostitution” is defined as “soliciting prostitution, mediating or

gaining from it”;<sup>25</sup> however the definition does not comprise the act of recruiting individuals for prostitution work, (as required by OPSC Article 3(b)), nor does it sanction the attempt to. Additionally, the engaging or soliciting of child prostitution is not penalized as a separate offence from adult prostitution and there is no definition of “**child prostitution**” in the Criminal Code, although, child prostitution is considered an aggravating element.

There are two provisions in the Albanian Criminal Code addressing **trafficking of children**: Trafficking of People and Trafficking of Children. There are also other crimes identified in the Code, which contribute or are related to trafficking, such as the provision that punishes parents and guardians who abandon children below the age of 16 who are entrusted in their care;<sup>26</sup> and penalizing the assisting of individuals in crossing borders illegally, removing passports and other identification documents, assisting traffickers, and harbouring persons.<sup>27</sup> There exist increased sanctions on

crimes committed within the governmental sector, which demonstrates the Albanian government's awareness and concern of power imbalances related to the crime of CSEC. However, the existing Albanian legal scheme does not adequately handle the phenomena of domestic trafficking, which is steadily on the rise in Albania.

The Criminal Code has a specific provision on **child pornography**, which criminalizes the production, delivery, advertising, importing, selling and publication of pornographic materials in minors' premises, and the engagement of minors in the production of pornographic materials and in the distribution or publication of these materials via internet or other forms of communication.<sup>28</sup> However, it does not comply with all elements of OPSC Section 2(c). Specifically, the definition of child pornography does not include representations of children in pornographic situations by whatever means, and does not penalize for depicting a child engaging in real or simulated sexual activities or any representation of the sexual parts of a child for sexual purpose. Additionally, Article 117 lacks a definition of child pornography itself and does not specify the criminalization of all the possible forms of child pornography, for example audio, video or written pornography or possession of child pornography; and there is no mention of virtual child pornography. The lack of a clear definition leads to confusion.

According to art. 6 of the Albanian Criminal Code, it fully applies to Albanians who commit crimes within Albania; however, Albanians can be punished for crimes committed abroad only if the alleged crime is recognized by the jurisdictions of both states (double criminality).<sup>29</sup> Furthermore, extradition of Albanian nationals is possible only when the offence is recognized by both states involved and there is a stipulated provision regarding extradition in a corresponding bilateral agreement.<sup>30</sup>

The 2008-2010 Child Trafficking NPA, provides for the establishment of child

protection units (CPUs) in all Albanian municipalities.<sup>31</sup> The aim of the CPUs is to monitor the implementation and fulfilment of children's rights, allocating special attention to the children of at-risk families and vulnerable groups; to establish and coordinate protection activities, victim/at-risk referral systems at the local level, services for children and one-on-one assistance provisions.<sup>32</sup>

It is the National Police's responsibility to address child protection issues. Within the Police Directorates, the "Section for the Protection of Children and Domestic Violence" have been established to provide protection for children from physical and sexual violence.<sup>33</sup>

Until recently, the services in place in Albania to assist child victims of commercial sexual exploitation were lacking. The 2008-2010 Child Trafficking NPA outlines governmental support for child trafficking victims and specifies fundamental measures for working with children, as well as emphasizes the need to provide adequate temporary shelter and capacity building of social care workers.<sup>34</sup> It also seeks to establish cooperation amongst different NGOs and governmental bodies involved in the prevention of child trafficking.<sup>35</sup> Despite government efforts, civil society organizations continue to be the major implementers of care services. In 2010, the Albanian government extended NGOs funding and provided direct financial assistance to trafficked victims for their reintegration into society; and appointed a victim-witness coordinator and two specialized anti-trafficking prosecutors.<sup>36</sup>

In order to ensure the effective implementation and enforcement of CSEC protections further efforts need to be made to enhance capacity of relevant law enforcement agencies at all levels. In 2007-2008, the General Police Directorate (in cooperation with UNICEF and UNDP) held training on children's rights protection for law enforcement officers. In 2010, the government conducted anti-trafficking training, which included the training of 113 judicial officers.<sup>37</sup>

Albanian youth are involved in promoting their rights in various forms. Several international and local NGOs have been active in organizing instances of participation, lobbying, and the involvement of children across the country

in the preparation of an Alternative Report on the CRC.<sup>38</sup> In addition, there are youth organisations that actively cultivate youth political participation, and good examples of participatory media work.

## Priority Actions Required

### National plans and policies

The Albanian government must implement a national plan of action addressing all forms of commercial sexual exploitation of children, and adopt a national plan against child labour and exploitation of children; and establish a central monitoring mechanism to oversee the different governmental and non-governmental initiatives surrounding the suppression of CSEC.

Furthermore, it should financially support the child protection services provided by NGOs.

### Coordination and cooperation

Albania needs to identify a Ministry responsible for collecting data and monitoring programmes combating CSEC, and improve cooperation among the Ministries of Tourism, Interior, and the tourism sector to coordinate efforts to identify, report and prevent child sex tourism. Collaboration with the ICT industry should be promoted, with the purpose of eradicating complex internet servers disseminating child pornography.

### Prevention

As unaccompanied and unregistered children from Albania are easy targets for CSEC, it is essential that the government ensure the registration of these births, and offers more

extensive social services to street children and impoverished families. Initiatives already in place (such as CPUs) must be geographically positioned so as to target the social groups most vulnerable to CSEC. More public awareness is needed. Additionally, the government should develop specific programs targeting the demand for child prostitution and child pornography.

### Protection

Albanian criminal law should be amended to include the grooming of children, the mere possession of child pornography for personal use. Moreover, legislation should develop a clear definition of the 'child', ensuring that all children below the age of 18 are protected. CSEC victims should be consistently treated as victims and not offenders, and witness protection should be extended. Albania should eradicate the principle of dual criminality when dealing with the extradition of offenders involved in CSEC.

### Child participation

The Albanian government should increase its efforts to involve children in the development and implementation of laws that have bearing on their well-being, and also allocate funding to organizations involved in youth self-esteem and leadership skills building.

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