ALBANIA

ALTERNATIVE REPORT


Tirana, January 2012
# CONTENT OF THE REPORT

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>4</td>
</tr>
<tr>
<td>2. General Measures of Implementation</td>
<td>5</td>
</tr>
<tr>
<td>3. Prevention</td>
<td>7</td>
</tr>
<tr>
<td>4. Prohibition and Related Matters</td>
<td>9</td>
</tr>
<tr>
<td>5. Protection of the Rights of Victims</td>
<td>12</td>
</tr>
<tr>
<td>6. International Assistance and Cooperation</td>
<td>22</td>
</tr>
<tr>
<td>7. Other Legal Provision</td>
<td>24</td>
</tr>
<tr>
<td>8. Conclusions and recommendations of the report</td>
<td>26</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
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<td>-------------</td>
</tr>
<tr>
<td>ACEP</td>
<td>Electronic and Postal Communication Authority</td>
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<tr>
<td>ACTSEC</td>
<td>Albanian Coalition Against Trafficking and the Sexual Exploitation of children</td>
</tr>
<tr>
<td>AISEG</td>
<td>Albanian National Agency of Information Society and Electronic</td>
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<tr>
<td>CNS</td>
<td>Children National Strategy</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CRCA</td>
<td>Children’s Human Rights Centre of Albania</td>
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<td>CSEC</td>
<td>Commercial Sexual Exploitation of Children</td>
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<td>CST</td>
<td>Child Sex Tourism</td>
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<td>DCI</td>
<td>Defence of Children International</td>
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<td>D&amp;E</td>
<td>“Different &amp; Equal” Organization</td>
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<td>ECPAT</td>
<td>End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes</td>
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<td>GASS</td>
<td>General Administration of Social Services</td>
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<td>GoA</td>
<td>Government of Albania</td>
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<td>IRCCRA</td>
<td>Information and Research Centre for Children’s Rights in Albania</td>
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<td>INSTAT</td>
<td>Institute of Statistics of Albania</td>
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<td>IOM</td>
<td>International Organization of Migration</td>
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<td>MoLSAEQ</td>
<td>Ministry of Labour, Social Affairs and Equal Opportunities</td>
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<tr>
<td>MoTCYS</td>
<td>Ministry of Tourism, Culture, Youth and Sports</td>
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<tr>
<td>NRCVT</td>
<td>National Reception Centre for Victims of Trafficking</td>
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<td>NSS</td>
<td>National Social Services</td>
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<tr>
<td>NACVT</td>
<td>National Accommodation Centre for Victims of Trafficking</td>
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<td>NPO</td>
<td>Non-Profit Organization</td>
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<td>NGO</td>
<td>Non-governmental organisation</td>
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<td>OSCE</td>
<td>Organisation for Security and Cooperation in Europe</td>
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<td>SEE</td>
<td>South East Europe</td>
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<td>Terre des Hommes</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
</tr>
</tbody>
</table>
1. Introduction


The report has been prepared by the Children’s Human Rights Centre of Albania (CRCA/DCI Albania) in cooperation with the Albanian Coalition Against Child Trafficking and Sexual Exploitation of Children and ALO 116-Albanian National Child Helpline with the assistance and support of ECPAT International.

The Children’s Human Rights Centre of Albania / Defence for Children International – Albanian Section (CRCA/DCI Albania), is one of the major child rights organisations working for the protection of children since 1997 through the implementation of measures on the area of lobby and advocacy, capacity building, research and provisions of child protection services. CRCA/DCI Albania enjoys the United National Special Consultative Status with ECOSOC.

The Albanian Coalition against Trafficking and Sexual Exploitation of Children (ACTSEC), an associate member of ECPAT International, is an advocacy network of organization working to increase public awareness and to improve the legislation and policies for children who have survived economical and sexual commercial exploitation. ACTSEC priority issues for its work include progressive elimination of commercial sexual exploitation of children, child labour, exploitation of street children and child pornography in Internet.

The ALO 116 – Albanian National Child Helpline, is the only nation-wide, free of charge, counseling and referral phone service for children. It communicates with children by the following numbers: 116 (National Child Helpline), 116-111 (pan-European Child Helpline) and 116-000 (National Center for Missing Children). We communicate to children in some of their most difficult moments of life. We aim to protect every child and their well-being by counseling, referral and publicly defending their rights.

Albania presented its country report to the Committee on the Rights of the Child thirteen years after the ratification of CRC. Despite the Committee recognised the efforts of Albania, it criticised the Government in several areas of child protection such as trafficking, juvenile justice and commercial sexual exploitation of children (CSEC).

The report has been prepared upon the previous data and information from several national and international NGO reports on the situation of the implementation of the optional protocol to the CRC on the sale of children, child prostitution and pornography. The report relies on a previous joint report of CRCA/DCI Albania, ACTSEC and ECPAT International prepared during 2009, under the title “Commercial Sexual Exploitation of Children in Albania”\(^1\), while the information has been updated with recent developments in the area of legislation, policy developments and practice.

The report has been compiled by Mr. Altin Hazizaj (LLM), a Barrister at Law and General Director of CRCA/DCI Albania and Mrs. Belioza Çoku (MA at Social Work) and General Manager of the ALO 116.

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The report covers the period of 2005-2009, which corresponds with the same period that Albania country reports is being taken into consideration by the Committee on the Rights of the Child. It builds upon the best local expertise, knowledge and information on the situation of the rights of the child in the country.

Albania became an accession country to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Pornography and (OPSC) on 5 February 2008. Consequently the state party will report to OPSC only to the period starting from the time of the accession. Nonetheless many aspects of the OPSC are covered by the CRC, thus there is a pool of information and data related to how the state party has acted to protect children from the sale, child prostitution and pornography.

The Special Rapporteur on the sale of children, child prostitution and child pornography of the United Nations Commission on Human Rights, Juan Miguel Petit, visited Albania from 31 October to 7 November 2005 and consequently produced a country report after his visit. The report examines the trafficking of children for prostitution and other purposes. The Special Rapporteur presented his report at the sixty-second session of the Commission on Human Rights.  

2. General Measures of Implementation

Albania is a state party to the Convention on the Rights of the Child as of February 1992 and of the Optional Protocol on the Sale of Children as of March 2008. However the latest is not widely known in Albania and an official translation it was not able to be found at the time of the preparation of this report.

Concerns remain whether the Convention on the Rights of the Child, legally speaking, it constitutes a legal body of the Albanian legislation. The CRC was never published in the Official Gazette of the Republic of Albania, although many translations and copies of the CRC have been published and distributed widely so far. The law requires that if a law (national or international) has to be implemented within the Albanian territory it shall be published in the Official Gazette. The same can be stated on OPSC.

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<th>Definitions used in this report</th>
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| Commercial sexual exploitation of children refers to a serious children’s rights violation and to those criminal practices that demean and threaten the physical and psychosocial integrity of children. ECPAT International defines CSEC as “the sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons.” The child is treated as a sexual and commercial object.  

Commercial sexual exploitation of children is also one of the most hazardous forms of child labour. |

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4 ILO Convention No 182 on Worst Forms of Child Labour.
The primary, interrelated forms of CSEC are prostitution of children, child pornography and trafficking of children for sexual purposes. Other forms include child sex tourism, and in some cases, child marriage. Children can also be commercially sexually exploited in other, less obvious ways, such as through domestic servitude or bonded labour. In these cases, a child is contracted to provide work but the employer believes that the child can also be used for sexual purposes.\(^5\)

For the purposes of this study, the definitions of the main manifestations of commercial sexual exploitation of children are based on the Optional Protocol to the Convention on the Rights of the Child on the Sale of children, Child prostitution and Child pornography (Optional Protocol), on the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (the UN Trafficking Protocol).

The improvement of economy and changes in the social structure of Albania did not yield the expected positive impacts on child protection. Although children and young people constitute one of the largest groups of society, public attention and adequate funding have not focused enough for their care, protection, education and child rights related issues. This in itself shows that Albania lacks child-programming and as a consequence children services are poorly funded or rather non-existent.

Albania is a signatory party to all the major UN human rights conventions. Albania ratified the Convention on the Rights of the Child in 1992 and the first CRC state report was presented to the Committee on the Rights of the Child in January 2005. The next report is expected to be presented to the Committee sometime in 2009. However the country has not yet signed the Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol). ILO Convention No. 182 was ratified in 2001 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol) in 2002. At the regional level, Albania ratified the Council of Europe’s Convention on Cybercrime in 2002 and the Convention on Action against Trafficking in Human Beings in 2007. As of February 2008, Albania has not signed the Council of Europe’s Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

The legislation although has changed and has been updated considerably still leaves many gaps in the area of child protection from sale, prostitution and pornography, as explained below in this report.

The Albanian Government, at local and national level, has failed to protect children from sexual exploitation. Albania continues to be a country where children are prostituted, trafficked, used for child pornography and child sex tourism. Although the Government at local and national level has been taking serious measures to fight and eliminate child trafficking, CSEC still thrives because of organised crime networks, corruption of police and lack of child protection services. Poverty, lack of respect for particularly vulnerable groups, insufficient and inadequate governmental social support for children at local level continuously put children at risk of being economically and sexually exploited.

3. Prevention

Albania has taken few successful steps mainly in developing laws and policies to prevent the sale of children, child prostitution and pornography, as required by the Optional Protocol. However a lot remain to be done in order to protect every child from sale, child prostitution and pornography, including building a viable, effective and efficient child protection system.

The changes in the Criminal Code of Albania in early 2008 did not achieve their expected outcome. Although under the new criminal provisions child exploitation, child pornography, child abuse and sale of children were criminalised, the justice system so far has failed to hold responsible or punish those who sexually or economically exploit children.

The new amendments of the Criminal Code did not make the possession of child pornography a criminal offence, thus not criminalising one of the most important elements of the crime of child pornography. This increases the risks for child abuse images being used by offenders without being criminalised for their actions.

Albania has taken positive steps to register unregistered children, as recommended by the Committee on the Rights of the Child in its last concluding observations to the state party, and has establish a more flexible system of new born registration for parents who fail to register their child on time. Many child rights professionals expect the system to get further improved to add further guarantees that the child is electronically registered from the moment of birth at maternity and the information is shared in real time with the local authority responsible for the child registration.

On June 2009, Albanian National Child Helpline (ALO 116) was established and opened as the national free of charge service to children across the country. ALO 16 is supported by UNICEF and CRCA/DCI Albania. The main goal of the helpline is to protect the rights of children at risk and in need, while ensure that they have access to a range of prevention and protection services in the context of a broader child protection system. In its 2 years of work, ALO 116 has received more than 200,000 phone calls from children across Albania.

A positive development was the signing in 2007 of the Memorandum of Understanding between the Ministry of Interior, Ministry of Tourism, Culture, Youth and Sports and OSCE for promoting the Code of Conduct to protect the children from sexual exploitation in tourism, little is known so far on its impact. Neither the Ministry of Interior nor the Ministry of Tourism have ever reported on how many children have been protected from this memorandum. In this memorandum the parties agree to implement the Code of Conduct for Protection of Children in Tourism in their internal regulation and to define procedures for implementing the Code at national Level as a measure of prevention for sexual exploitation of children in tourism.

In late 2010 the Albanian Parliament approved only with the votes of the governing party, the Law for Protection of Children, which translates into legal actions and obligations for all Ministries and Government institutions the main articles of the Convention on the Rights of the Child, including both CRC optional protocols. The Government still needs to approve many bylaws, which if are not enacted make the law almost impossible to be implemented.

Although Albania has approved several public policies in the area of child protection and development, as reported by the state party in its Country Report, so far, only few provisions of them have been implemented. The National Strategy for Children, the Anti-trafficking Strategy and relevant Action Plans remain more of a wish-list of the Governmental institutions rather than a set of measures to eliminate sexual exploitation of children. None of the above-mentioned policies have been provided with a respected amount of budget, while the national implementation mechanisms consist of few offices or few people without any power to implement the policies and action plans.

The approval in 2010 of the Law for Child Protection envisaged the establishment of a national child protection mechanism, a national child referral mechanism and the National Agency for Child Protection. As of the end of year 2011, either the national referral mechanism or the child protection mechanisms were not yet established. The National Child Protection Agency was established but with very limited powers to deal with cases of children at national level.

The law requires only the municipal / commune Child Protection Units to be established in every region, municipality and commune of Albania as local institutions with the mandate to provide social services to children in need. At the time of the preparation of this report, more than 25 Child Protection Units (CPU) were established in Albania, none so far fully funded by the local government. CPU’s rely heavily on funding from the NGO’s although they are part of the local government structures.

The office of the National Coordinator of the Fight against Human Trafficking was founded in November 2005. This office is the key point for the coordination of anti-trafficking efforts at the inter-ministerial level, both nationally and internationally. It enjoys a wide political mandate and a high level of independence in undertaking the necessary initiatives in the fight against human trafficking. Its autonomy is mandated through a prime ministerial decree.

National Referral Mechanism on Trafficking in Human Beings has been established. This authority has been created through a common special order of the Minister of Interior, Minister of Foreign Affairs, Minister of Labor, Social Affairs and Equal Opportunities with the purpose of strengthening cooperation and creating a functional and consolidated network of cooperation. This authority coordinates the referral process for initial aid and protection and long-term rehabilitation of the trafficking victims, cooperating closely with the above mentioned ministries and other institutions and shelters for trafficking victims. All the actors included in this Authority play a decisive role and equal responsibilities in the auxiliary functions they provide.

Regional Committees for Fighting Human Trafficking have been established in each of 12 regions of Albania. At the local level, following an Order of the Prime Minister, Regional Committees for the Fight against Human Trafficking have been created. These bodies are headed by the prefects and include the mayors, directors of the Social Services Units, Employment Office, Police, National Information Service, Education and Public Service. These committees have been created to assist the agencies in implementing laws to identify victims and potential victims of trafficking in order to ensure them protection and immediate support. Besides identification, referral and protection for trafficking victims, the Regional Committees monitor trafficking situation in their region and identify the measures to be taken to fight against this kind of crime.

National Reception Centre of Victims of Trafficking (NRCVT) is an institution supervised by the Ministry of Labor, Social Affairs and Equal Opportunities (MoLSAE). It is the only state sponsored centre for the reception of trafficking victims. The target group of this center comprises: Trafficked women and girls or those at risk of trafficking; unaccompanied children at risk of being trafficked; and sexually exploited young
women who have returned to Albania. All the services in the center are offered by a multi-disciplinary team. The center also assists the trafficked people that have testified against their traffickers with services related to their protection in accordance with the Law for the Protection of Witnesses and Justice Collaborators.

**Albania has not taken any measures to protect children from entering into child sex tourism, at a time when tourism in Albania is increasing considerably.** Furthermore, law enforcement agencies and tourism operators have very limited information on child sex tourism and on how to protect children from being exploited. Without appropriate policies and mechanisms in place, Albania risks becoming a “safe” destination in Europe for child sex tourism. The “David Brown” Case is a typical case of failure of the Government institutions to guarantee and implement legal and administrative procedures that protect the children from sexual abuse, exploitation and sex tourism.

The fight against child trafficking has had some positive effects on protecting children from cross-border trafficking, but the same cannot be said on internal trafficking. Although there are no official data on internal trafficking, many children are exploited for domestic child labour, begging, prostitution and other forms of exploitation. Children who have experienced commercial sexual exploitation are turning into recruiters or pimps for exploiting younger children. Most of the sexually exploited children consider it very hard to get out of the exploitative circle, part of which they have become. This factor, combined with others, forces them to remain within this circle and even to become involved in the recruitment of other children.

4. **Prohibition and Related Matters**

Although Albania has improved its laws and policies related to children, still sale of children, child prostitution and pornography remain largely unregulated by public policies. Albania yet hasn’t developed a specific national plan of action against the commercial sexual exploitation of children (CSEC). The Government has focused efforts on combating trafficking, while other forms of commercial sexual exploitation of children remain largely unaddressed.

**The Criminal Code** provides unequal protection to children under the age of 14 and those between the ages of 14 and 18. It also differentiates between boys and girls. For example, having sexual relations with a minor is considered an offence but when the victim is a boy, he is protected up to the age of 14. When the victim is a girl, she is protected until the age of 14 or until she has attained ‘sexual maturity’. In its observations on the implementation of the Convention on the Rights of the Child made in 2005, the Committee on the Rights of the Child took note of this lack of clarity and recommended that the Albanian Government clarify the definition of a child and that existing legislation be reviewed to ensure that all children under 18 years of age receive the protection they are entitled to.⁷

**Child Prostitution.** Under the Criminal Code, the exercise of prostitution is a crime punishable by a fine or up to three years of imprisonment. Although in practice minors are not prosecuted, legally they could be. The Criminal Code further prohibits the exploitation of prostitution by criminalising the acts of soliciting, mediating or gaining from prostitution, and violators are subject to a fine or up to five years’ imprisonment.

The exploitation of prostitution offences are subject to stricter punishment when minors are involved, namely seven to 15 years’ imprisonment along with the confiscation of proceeds from the offence.

**Overall, Albanian law on child prostitution requires strengthening in order to meet international standards.** The definition of ‘minor’ is not clear and should be amended to include all children, boys and girls, up of the age of 18. The law could also be strengthened by including a definition of child prostitution as the use of a child in sexual activities for remuneration or any other form of consideration. The clients/offenders of prostituted children should also be subject to criminal penalties. Finally, it is imperative that Albania ratify the *Optional Protocol*, as urged by the Committee on the Rights of the Child back in 2005.

**Child trafficking.** In theory, the Criminal Code definition of child trafficking meets the international legal standards as set forth in the Trafficking Protocol. It states that the recruitment, sale, transportation, harbouring or receipt of minors (children under the age of 18) for the purpose of exploitation for prostitution or other forms of sexual exploitation, work or compelled services, slavery or other forms similar to slavery, making use of or transplanting organs, as well as other forms of exploitation, carry penalties of between seven and 15 years’ imprisonment, plus a fine of between 4 and 6 million lek (approximately US$ 52,000 to 78,000). As per the requirement of the Trafficking Protocol, when the victim is a child, the use of fraud or coercive means is not an element of the offence as it is when adults are victims.

The organisation, management and financing of trafficking of minors are punished with 10 to 20 years’ imprisonment, plus a fine of 6 to 8 million lek (approximately US$ 78,000 to 104,000). When this offence is committed in collusion with others, or repeatedly, or accompanied by mistreatment, making the victim commit various actions through the use of physical or psychological force, or causing serious harm to the health of the victim, it is punishable by not less than 15 years’ imprisonment, plus a fine of 6 to 8 million lek. When the offence results in the death of the afflicted person, it is punished by not less than 20 years’ imprisonment or life imprisonment, as well as by a fine ranging from 8 to 10 million lek (US$ 104,000 to 130,000).

**Until early 2008, Albanian law was limited to criminalising “producing, delivering, advertising, importing, selling, publishing pornographic material in minors’ premises”** [emphasis added]. These acts are considered criminal contraventions and are punishable by a fine or up to two years’ imprisonment”. Apart from being restricted to acts committed in ‘minors’ premises’, which is rather unclear and restrictive, this provision failed to define child pornography and to criminalise all the acts contemplated by the *Optional Protocol*.8

**Child pornography.** In January 2008, the Criminal Code provisions were expanded to criminalise the “use of a child for production of pornographic materials and its distribution or publication on the Internet or in any other form”. The applicable penalties range from one to five years’ imprisonment and a fine between 1 and 5 million lek (US$ 13,000 to 65,000). While these changes constitute good progress in strengthening the legal framework, Albanian law still lacks a definition of child pornography as any representation of a child involved in sexual activities or any representation of the sexual parts of a child for sexual purposes. It also fails to criminalise the possession of child pornography.

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**Child exploitation.** In January 2008 the existing Article 124 of the Criminal Code\(^9\) was amended in order to include the criminalisation of child abuse. The new paragraph (b.) of the Article states that “Physical or psychological abuse of the child by the person who by law is obliged to care for him/her it is sentenced from 2 months to 2 years imprisonment”. Further on the article regulates also for the first time child exploitation for economical activities. The law stipulates that the enforcement of a child to work, to bring income, to beh or carry out actions that can damage his/her development could be sentenced to 4 years of imprisonment and a fine between 50 thousand to 1 million Lek (US$ 500 to 10,000). When this has caused severe damage to the child health or his/her death it is sentenced between 10-20 years of imprisonment.

Under the Criminal Code, sexual or homosexual intercourse with minor children under the age of 14 is punishable by seven to 15 years’ imprisonment. If committed in collusion with others, or repeatedly, or by force, or if serious consequences to health have been caused to the injured child, it is punishable by 15 to 25 years’ imprisonment. If the offence has caused, as a consequence, the death or suicide of the minor child, it is punishable by no less than 20 years’ imprisonment.

The Criminal Code also punishes ‘sexual or homosexual intercourse by force’ with minors between the ages of 14-18 and those who have reached sexual maturity. Sentences range from five to 15 years’ imprisonment. When committed in collusion with others, or repeatedly, or if serious consequences to health have been caused to the injured child, the punishment is 10 to 20 years’ imprisonment. If the offence has caused, as a consequence, the death or suicide of the minor child, it is punishable by not less than 20 years’ imprisonment. The Criminal Code also punishes the commission of ‘obscene acts’ against persons under the age of 14 with five years’ imprisonment.

**In late 2010 the Albanian Parliament approved only with the votes of the governing party, the Law for Protection of Children,** which translates into legal actions and obligations for all Ministries and Government institutions the main articles of the Convention on the Rights of the Child, including both CRC optional protocols. The Government still needs to approve many bylaws, which if are not enacted make the law almost impossible to be implemented.

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\(^9\) Law No.9859, of 21.1.2008 “For some changes and ammendaments to the Criminal Code of the Republic of Albania”.
5. Protection of the Rights of Victims

Child trafficking, sale of children, child prostitution and pornography in Albania became apparent after 1990 as a result of political, economic and social changes occurred over the same period in the country. Despite that child trafficking for sexual purposes and child prostitution remain the two main manifestations of sexual exploitation, the production of child abuse images and the sexual exploitation of children in tourism have also emerged in recent years, posing new challenges to children lives.

In 2006, municipal-level child protection units were established with support from the Transnational Action against Child Trafficking (TACT) programme, Save the Children and UNICEF. The overall goal of this initiative was to fully engage municipal social services in a Child Rights Protection System, working in a network of multi-disciplinary actors to provide coordinated child protection solutions and family services. The Child Protection Units (CPUs) thus monitor the situation of vulnerable children and families and provide protection services accordingly. There are currently at least 25 CPUs in the country. Moreover, since the beginning of 2008, the National Police Authority has established units against family violence in all 12 counties of Albania, each with at least one specialised police staff to handle children’s cases. These units mostly handle cases of juvenile justice and child abuse, rather than cases of CSEC. There are also specialised anti-trafficking and organised crime units in all 12 regional police departments, with special premises for victims and with a staff member responsible for children. However, these police units have no specialist knowledge on how to combat CSEC and support child victims.\[10\]

5.1 Child Prostitution

Statistics on the number of children involved in prostitution in Albania are difficult to provide. According to the data of the National Police Authority and those of Tirana Magistrate Court, during the first five months of 2008 there was an increase of 50 percent of the criminal proceedings for prostitution related offences, compared with the previous year\[11\]. To note that under the Criminal Code, the exercise of prostitution is a crime punishable by a fine or up to three years of imprisonment; as such, number of prosecutions started by authorities also include this offence.

The table below shows court data on sentencing of people charged on running prostitution rings during the period 2005-2008. However, the court data on article 114/a does not show specifically mention how many of these sentences were for exploitation of children for prostitution. On the other hand, according to the Ministry of Interior, during the period 2006-07 twenty two cases of “sexual exploitation” following article 114/a of the Penal Code of Albania have been identified, with only one of them involving a minor\[12\].

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\[11\] Newspaper “Korrieri”, 1 June 2008.

\[12\] Information provided by the National Directorate of Severe Crimes of the Department of Investigation of Severe Crimes, at the General Directorate of Albanian Police.
Taking these figures into consideration, it becomes clear that there is a discrepancy between the reported cases and the phenomenon itself. This discrepancy may be explained as follows: 1) the networks operating the trafficking and prostitution of children are very well organized and act in complete hiding, making the job of the police to combat this crime very difficult; 2) it rarely happens that children victims of CSEC denounce their exploiters as they are afraid of their tutors and especially believe they would endanger their lives and their families’ safety if they were to come out of this exploitation; this process is further made difficult by stigma and prejudices attached to prostitution.

Several interviews with NGO representatives and young girls victims of trafficking have also revealed that children involved in prostitution are continuously in danger of being re-victimised, even when rescued. Some of the victims may continue to exercise prostitution also when they are freed from their pimps or may even turn into recruiters or pimps. This may happen for a number of reasons. Often these children feel hopeless and are under the impression that prostitution is the only form of survival. Combined with a lack of social and psychological support, this may lead the victims to fall in prostitution again or even to start exploiting other children.

**YOUNG GIRL ARRESTED FOR EXPLOITING A CHILD FOR PROSTITUTION**

Durrës, January 2007 – J. Caka, a 18-year old girl, born in Korça and living in Tirana, was arrested in January 2007 by the Police Authority. The police sources of Police Directorate said that they had arrested J.C. because she had exploited for prostitution another young girl. The victim is E.S., a 14-year old girl from Durrës.

The young exploiter had tricked the 14-year old girl by promising to find her a job in Tirana that would change the victim’s life and that of her family. The young girl believed in this promise and followed J.C to Tirana, who arranged a hotel room for the victim. Later on the exploiter presented E.S. to several guys, who exploited the girl sexually. The 18-years old girl had also found a job as a waitress for the victim, who was working there while also being sexually exploited.

Being worried for their daughter, the parents of the victim called the police, which after few days of searching found the young victim in a pub in Tirana.

The Police interviewed the girl and it was her who told the police the name of her exploiter and of other people involved in this criminal activity. After the arrest of the 18-years old J. Caka, the police started further investigation to discover any prostitution networks that use motels and hotels between Tirana and Durres for illicit activities.

There is no information or data on boys involved in prostitution in Albania. However, contrary to the general opinion stating that boys are not commercially sexually exploited, many child rights experts believe that boys prostitution is yet a hidden phenomenon.

5.2 Child pornography

Based on the data and interviews conducted, it appears that the institutions are not aware of cases of child abuse images in Albania. Statistical data of the Ministry of Interior indicate that there are no child victims of “pornography” as defined in the article 117 of the Penal Code. Nonetheless, this doesn’t mean that this manifestation of CSEC does not exist. Several media sources show that there have been some instances where children have been victimized in the production of pornography. The main tool for distributing child abuse images has been the mobile phone, rather than the internet.

As in many countries of the world children in Albania have in fact their own mobile phones and distribution of pornographic materials through Bluetooth technology has become quite a trend for young people. Cases of self-victimization whereby teenagers engage in the process of both creating and distributing inappropriate materials are increasingly occurring.

Internet is not anymore a new thing for Albania. Data from International Telecommunication Union (ITU) show that only 2.42 percent of general population was using internet. In the end of 2010 more that 45 percent of population had access to internet.

At the present, there is a governmental policy in place to support the establishment of computer centres and internet in every school of Albania. This large project is making internet available not only to schools in urban centres but also in rural areas. Although this is a positive measure, the lack of safe internet measures could potentially result in offenders getting easily in contact with children.

The Albanian Government has also established the Albanian National Agency of Information Society and Electronic Government (AISEG), whose role is to design public policies for the improvement of public telecommunication in Albania, including the internet. Alongside with this body, an independent authority for electronic and postal communications – ACEP – has been set up. ACEP is the sole authority and market regulator and the members of its Board are elected by the Parliament. ACEP supervises and provides operating licenses to all the companies or business to work in the Albanian market of telephony, internet and postal communications.

According to ACEP, Albania doesn’t have any structure in place that monitors the internet content or access to internet websites from private individuals through Albanian registered ISPs. The ACEP supervises and administrates only the technical conditions and specifications for ISPs, but its mandate

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15 Information provided by the National Directorate of Severe Crimes of the Department of Investigation of Severe Crimes, at the General Directorate of Albanian Police.
doesn’t foresee the content checking of internet services providers in Albania. This means that every person in Albania can easily access child pornography on the internet without fearing any legal prosecution. Despite the criminal law prohibits the distribution of child pornography on the internet, it does not criminalize the downloading or possession of such materials. On the other hand, pornographic website can be easily accessed by every child or young person in Albania, despite their age.

A recent unpublished Report on internet safety and child pornography in Albania has confirmed that “although Albania ratified the Convention on Cyber Crimes (2002), unfortunately it has not yet adopted any laws or normative act by which the ISP are obliged by law to contribute on the prevention of the publishing and expansion of the child pornography materials notwithstanding by blocking them automatically.” This represents a big challenge which requires attention and immediate targeted action.

Ex-boyfriend shares via mobile phone Bluetooth the intimate video of his young girlfriend

Lushnje, October 2007 – A 16 years old girl from Lushnja has been facing immense trauma because a video of her and her boyfriend engaged in intimate moments has been widely distributed throughout Albania from the ex-boyfriend’s mobile phone.

The sharing of the video appears to be revenge of the ex-boyfriend, 19 years old, against his girlfriend and her family. It seems that the boyfriend, upset after the breakup of the relationship, threatened the girl to take revenge if they didn’t keep their relationship. When the girl didn’t give up to his requests, their intimate video began to be distributed. He first shared the video to his closest friends. Then it was circulated via Bluetooth from one mobile to another and became quickly widely shared among adolescents and adults throughout Albania.

The girl said that she didn’t have any idea of how the video was registered, but most probably it was taken while the boy was pretending he was calling someone.

This is not an isolated case and it is believed that there are at least two other intimate videos of students from high schools that are circulating at the moment in Albania.

5.3 Child Sex Tourism

The Ministry of Tourism, Youth and Sports of Albania reported that more than 1.2 million tourists visited Albania in 2006, with an increase of 22 percent compared to the previous year. Data for 2007-2010 show a similar trend. Some more than 1 million tourists visit the country every year, mainly Albanians from Kosovo, Macedonia and Montenegro.

The sexual exploitation of children in tourism is not a well studied phenomenon. However several cases have been reported by media and NGO’s, even though very few of them have ended up in investigation and prosecution. The raise in tourism in Albania, whether national or international, and the existence of internal trafficking, it increases the risk for children in becoming victims of child sex tourism.

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17 http://www.mtkrs.gov.al/web/Treguesit_statistikore_te_turizmit_30_1.php
Interviews conducted with representatives of public institutions have confirmed that exploitation of children in sex tourism is closely linked to internal child trafficking and is on the rise and spreading in Albania. The towns where the female children are sexually exploited in the tourism industry include Tirana, Durres, Vlore, and Saranda, i.e. the capital, big towns and sea-port towns. This happens especially in the summer during the high tourism season.

An infamous case of child sex tourism occurred in May 2007, when David Brown, the Director of an orphanage in Tirana called “His Children Home” was charged for sexually abusing children and for supplying children to foreign visitors for the purpose of sexual abuse (through advertisements on the Internet). Two Scottish men who were working at the orphanage were later on arrested by British Police Authorities and extradited to Albania in May 2008. David Brown was convicted to 20 years jail and is serving his term in an Albanian prison together with the other two offenders.

### DAVID BROWN CHILD SEX TOURISM CASE

Tirana, May 2008 - As a result of cooperation between Interpol Albania and Interpol UK, two British citizens Dino Christodoulou, 45, and Robin Arnold, 56, will be tried in Albania for child sexual abuse in the Children’s Home of the Foundation “His Children” managed by David Brown.

David Brown was arrested on 16 May 2006, after a complaint to the Tirana Prosecutors Office by a Dutch citizen. Based on the information from the Prosecutors, David Brown came to Albania on 1999 and was affected by the poverty of Roma children. Two years later he would establish the Foundation “His Children” to assist the Roma children in Tirana. Children were living in the Foundation’s premises, which were then serving as a Home for Children. David Brown knew Dino Christodoulou and Robin Arnold, because they sponsored the Foundation with large sums of money. They are accused that during their visits in Albania and specifically to the Foundation, they have abused of several children aged between 3-13 years old.

Brown was arrested in May 2006, following a raid on the orphanage. Sentencing him to the maximum sentence in a high security jail in Albania, the judge said he hoped the punishment would serve as a warning to other paedophiles. He ordered Brown to be expelled from Albania when he is released from prison, in 2028. 18

Police Inspectors of Albanian Interpol extradited from London the two partners of D.B. accused of child sexual abuse in “His Children’s Home” Foundation. D.C., 45, is a Greek-British citizen, while R.A., 56, is from Scotland. They landed at Mother Teresa Airport of Tirana accompanied by Albanian police officers.

The news was confirmed by State Police that stated that their extradition was based on the Tirana Magistrate Court Order 153 of 13.02.2007.

The court had previously decided on 28.06.2007 that if arrested both British citizens were to be placed immediately to a pre-trial detention centre. D.C. and J.A. are accused of “Sexual Relations and homosexual relations with children”, based on Article 100 of the Criminal Code of Albania.

The Lawsuit

18 [http://www.guardian.co.uk/society/2008/nov/19/david-brown-paedophile-trial-albania]
David Brown was the only one sitting on the bench of the Tirana Magistrates Court. His case has been divided in three parts. In the first case, one of his staff, the cook, was tried for perversion of course of justice. The cook of the Foundation admitted to the court that he had already known that children were being sexually abused, but he never went to tell about it to the relevant authorities. The second trial is that of D.B. himself [convicted to 20 years in a maximum-security jail in Albania in November 2008] while the third one was suspended because both suspects D.C. and J.A. were absent. Now that they have been extradited from England to Albania, their trial shall start very soon.

In January 2010, Judges in Tirana jailed social therapy nurse Dino Christodoulou, 45, from Blackburn, Lancashire, for 20 years and Robin Arnold, 56, a salesman from Cromer, Norfolk, for 15 years and six months.\(^\text{19}\)

The D.B case has shocked Albania but has also served as a signal for the public institutions, such as the Ministry of Labour, Social Affairs and Equal Opportunities to improve the standards of child care and protection. Few months after it became infamously public, the Ministry promoted the Standards on Child Protection for Residential Institutions (public and private), while a service licensing process was reinforced and checks were carried out.

Another initiative to prevent and address CST which was recently promoted is the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (the Code)* signed in November 2007 by some 22 tour and hotel operators in Albania. The signing ceremony was jointly organised by the Organisation for Security and Cooperation in Europe (OSCE), the Ministry of Tourism, the Ministry of Interior and the signatory organisations. Follow-up activities have included a national awareness campaign at border-crossings and a campaign targeting tour operators, as well as the preparation of a training manual and a training course for the Code signatories, organised by the OSCE\(^\text{20}\).

Despite these initial efforts to combat and prevent CST especially at national level, appropriate policies and mechanisms to avoid that Albania becomes a relatively “safe” destination in Europe for sexual exploitation of children in tourism are not yet in place.

The Albanian criminal legislation does not have any specific provisions related to child sex tourism, (although most of the criminal offences are covered in other articles related to child abuse, rape, child pornography etc.) and criminal records show very little or nothing if the child was used for child sex tourism. The national policies such as the Anti-trafficking strategy or the National Strategy for Children do not contain provisions for the protection of children from sexual exploitation in tourism. Furthermore law enforcement agencies and tourism operators have very limited information on child sex tourism and on how to protect children from being exploited in this sector, and have therefore not adopted a proactive approach to tackling this specific CSEC manifestation.

\(^{19}\) http://www.dailymail.co.uk/news/article-1242767/Two-Britons-jailed-abusing-children-orphanage-Albania.html

5.4 Cross-border child trafficking for purposes of sexual exploitation

Child trafficking for sexual exploitation during the reporting period was one of the most common forms of commercial sexual exploitation of children in Albania. However with the criminalization of child trafficking in 2001 and the implementation of several policy and social measures, the cross-border trafficking in children has reduced significantly. Some issues still remain open for consideration, such as internal trafficking in children, but in general can be said that the situation has improved considerably.

According to the US State Department, Albania is listed as Tier 2 country that continues to be faced with the issue of human trafficking. Albania is a source country for women and girls trafficked for the purpose of commercial sexual exploitation and forced labour; it is no longer considered a major country of transit. Approximately half of all Albanian trafficking victims are under age 18. Internal sex trafficking of women and children is particularly on the rise (see next section).

In 2005, a moratorium was introduced on the use of dinghies and speed boats. However, according to representatives of the Vatra Centre in Vlore, trafficking in persons is still occurring. They have also stated that these speed-boats were transporting mainly drugs, especially during late 2004 and during 2005-2006.

Albanian citizens can travel visa free to most of the neighbor countries and as of December 2010 they can travel visa free to THE European Schengen area. The UNODC in the “Global Report on trafficking in persons” stated that Kosovo and Macedonia are some of the major trafficking destinations of children and women, including from Albania.

Data from the shelters for victims of trafficking shows that during 2006-2007, there were 39 young girls hosted at the National Accommodation Centre for Victims of Trafficking, 44 girls at the Vatra (Hearth) Centre in Vlore, and 57 girls at the Re-integration Centre for Albanian Victims of Trafficking run by Centre “All Different - All Equal”.

Child trafficking for sexual purposes continues to exist and often it is run in cooperation with corrupt police officers, who facilitate the process of illegal border crossing or provide protection to the traffickers. In 2007 The Ministry of Interior referred to the Public Prosecution Office some 157 criminal cases for corruption or trafficking against 219 police officers, while 44 of them were arrested. Out of these cases 4 criminal cases against 12 police officers were referred to the Prosecutors on charges for illegal border crossing. In June 2007 a structured criminal group of 9 people, 4 of them being police officers, were arrested and charged with trafficking of human beings towards Greece. From the investigation it results that the group involved 35 people, 15 of whom were police officers. Meanwhile during 2007-2008 another criminal group was uncovered including 11 people, out of whom 6 were police officers, all charged for organising and supporting human trafficking.

A National Coordination Mechanism against trafficking in human beings is in place with coordination units in all administrative regions of Albania. Anti-trafficking police units in the different regions of Albania remained still poorly trained and ill-equipped to effectively address human trafficking due to inadequate resources, the influence of corruption, and high turnover of police recruits. More importantly, between

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21 Idem. The report is available at this address: [http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm](http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm)
22 Idem.
25 Idem.
June and July 2007, the government fired approximately 20 percent of its specialized and highly trained anti-trafficking police officers as part of an overall police restructuring effort.\(^{26}\)

**POLICE OFFICER ARRESTED FOR SEXUAL EXPLOITATION OF TWO YOUNG GIRLS**\(^{27}\)

Tirana, 11 February 2008 - An ex-police officer was arrested by his colleagues in the capital city because it is believed that he raped two girls, one 13 and the other one 17-years old, and was also planning to traffic them outside of Albania for prostitution. Haxhi Qelemini, 47-years old, an ex-Police Officer at the Directorate of the Police, born and living in Korçà, was arrested late last night. The Police said that they were further investigating on the route that the ex-policeman was going to follow in order to see if other people were implicated in this crime.

J.O, 17-years old girl, an inhabitant of Korçà, was used for prostitution in Albania by Haxhi Qelemini. After exploiting her in different areas of the country, but mainly in Tirana and Korçà, he was preparing to traffic the girl abroad. It seems the same fate was expecting the other girl, A.J, 13-years old, also an inhabitant of Korçà.

Sources from the police said that since January this year, both girls had left Korçà and were hosted in Tirana by the 47-years old, Qelemini. The same sources added that the ex-police officer is believed to have had sexual relations with both victims. From the initial investigation it also appears that he was using J.O. as a prostitute since a while. In its statement the Police state that the 47-years old were caught while trying to traffic the girls in a EU country.

The Tirana Prosecutor’s Office stated that they have charged him on three accounts: “Trafficking of Children”, “Sexual relations with minors” and “Exploitation of prostitution.”

5.5 Internal trafficking

With the closure of most of the international trafficking routes, the trafficking of children for sexual and economic purposes in Albania has taken a new turn. During the last few years child exploiters are using larger and richer cities for internally trafficking children. Most of those children are forced into begging, while fewer of them into prostitution or other forms of economical and sexual exploitation.

Traffickers internally traffic children from all regions of the country, and typically to either Tirana (capital city) or Durres (port city). According to Terre des Hommes, the number of internally trafficked children, particularly from the Roma and Balkan-Egyptian community, increased during the 2007. TdH, during this year, identified over 300 children in Albania who were suspected victims of trafficking, many of whom ended up as street beggars.\(^{28}\)

There are reasons behind this new trend, including tighter border controls and higher levels of public awareness in the destination countries.\(^{29}\) Meanwhile several trafficking victims’ shelters state that the

\(^{26}\) Trafficking in Persons Report, US Department of State, June 4, 2008.
\(^{29}\) Children Speak Out: Trafficking Risk and Resilience in Southeast Europe, Save the Children Albania, July 2007.
majority of the internally trafficked young girls come from the rural areas, areas where poverty is prevalent and where the families are faced with major socio-economic problems. The prevalence of a patriarchal mentality in these areas is another reason pushing young girls into commercial sexual exploitation through trafficking. Interviews carried by the Vatra staff over the last years with girls accommodated in the shelter also show that girls enrolled in high schools but also in middle schools, are being exploited by traffickers in prostitution by having paid sex in hotels and motels around the major cities of Albania.  

Table 10: Interview with a young girl, victim of internal trafficking and commercial sexual exploitation in tourism

... I wanted to have a boyfriend like all my girlfriends did. I thought that he loved me. I was afraid to tell this to my mum as she did not want me to have a boyfriend and she did not like such things. Eventually she found out about this story and there was a big fight at home. My father got very angry and told me that I was not his daughter any longer. I felt very bad and I had quarrels every day with my folks. They would not let me go out of the house.

My boyfriend told me to go together to another town, in Durrës (a sea-port town in Albania). I liked this idea very much. I had never been to Durrës before and I had never seen the sea. I found myself in a hotel room in Durrës, where few days after my boyfriend brought some persons back. They beat me. They threatened me by saying that they would kill my parents and that they would take my little sister away. After some days in the room, my so called boyfriend brought this person, who spoke a foreign language and who was expecting me to have sex with him...

... I really felt bad about what happened in there. I wish it never took place...

Interview provided to CRCA/DCI Albania research team in 2009.

5.6 Street children

Children living on the streets represent one of the most exploited, most vulnerable and less protected groups of children. They are exposed to several risks, including maltreatment, insecurity, violence, and malnutrition. In Tirana only, there are more than 800 children that make a leaving out of begging, selling items, shoe-polishing etc. Apart from being vulnerable to economic exploitation, street children are also at risk of being exploited for sexual purposes. Since they try to make money for their families or their tutors, street children are easily deceived by promises for a better job with a higher income. It is therefore very easy for traffickers to recruit and involve them in the networks of commercial sexual exploitation and organized crime. According to the UNICEF and Terre des Hommes, there have been several reports showing an increase in the numbers of children being trafficked within Albania for begging on the streets.  

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31 National Strategy on Children, Republic of Albania, Committee on Equal Opportunities.
5.7 Child labour

Child labour is not a hidden phenomenon. It is one of the major forms of commercial exploitation of children in Albania. Often it is combined with other child rights violations such as trafficking, sexual abuse and exploitation and in fewer cases with the use of children for distribution of drugs.

Child labour is widely spread throughout the country and is present in both rural and urban areas. In urban areas child labour is represented mainly in two forms: industrial non-contractual employment and working for the family. The main industries where children are working include: tourism, textile and construction. Meanwhile children working for their families are included in jobs such as street vendors, window cleaning, begging or carrying for younger children. In rural areas children often are expected to provide care for their younger siblings or work in family farms.

Although children are being exploited for labour, there are no accurate data available at the national level. Nonetheless it is correct to say that this activity is widespread in Albania. The Institute of Statistics (INSTAT) estimates that 9.8 percent of children aged 6-14 years are involved in labour. According to INSTAT, only 0.3 percent of children work in urban areas, while in the rural areas work 16 percent of children aged 6–14. Most of the children attended school, while only 8.9 percent claimed that they dropped out. The data indicates also that 2 percent of child labourers were involved in the services sector, while most of them, about 95.6 percent, were involved in agriculture.

Working children are at great risk to be sexually exploited. Their difficult situation is exacerbated by poverty and social exclusion. Child labourers usually come from families who have migrated from rural areas to smaller towns or cities. They display signs of neglect from their families and this can be easily used by exploiters to deceive the child. Child labour makes children more vulnerable as it exposes them to exploitative situations within and outside their families.

5.8 Children of Roma and Egyptian communities

Most of the Roma children live in poverty or extreme and they face many difficulties including discrimination and social exclusion. Many of them live and beg on the streets together their families. During the summer season, Roma children, especially those living around the border area with Greece, leave Albania to work in Greece. This makes Roma and Egyptian children more exposed to the risk of being trafficked or sexually exploited.

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33 Idem
6. International Assistance and Cooperation

National and international agencies have been working for the implementation of OPSC related issues in the last decade, including government institutions. Despite a number of actions in the field of prevention, law enforcement and victims’ assistance and protection have been developed; most of the efforts have focused on addressing human trafficking across borders.

Limited attention was devoted to the new emerging issues of internal trafficking, child prostitution, child sex tourism and child pornography. While there is a need to enhance protection of children from any forms of sexual exploitation, the lack of a child protection system at national and local level as well as the insufficient specialised assistance available for CSEC victims should be addressed as a priority. In this sense, more funds and targeted measures are required to tackle the paucity of support services for vulnerable children, including street children and orphans, as well as for CSEC survivors.

In 2009 UNICEF and CRCA/DCI Albania established the Albanian National Child Helpline (ALO 116). UNICEF continues to support Children’s Alliance, a network of 150 Albanian civil society groups, to advocate and lobby for children’s rights. UNICEF also brokered the formation of BKTF, a coalition of anti-trafficking NGOs, who have been working to fighting child trafficking and exploitation of children. Recently BKTF has shifted its scope of work to focus more on child protection issues.

The Albanian Coalition against Child trafficking and Sexual Exploitation of Children has been affiliated with ECPAT International since 2006. The coalition engages in lobbying activities as well as capacity building and awareness rising on many forms of child sexual exploitation, including exploitation through information technologies. ACTSEC is the only coalition in the country focusing specifically on commercial sexual exploitation of children.

Children’s Human Rights Center Albania – CRCA/DCI Albania since 1997 has been fighting against all forms of children exploitation. In the course of the years it has also developed several initiatives against children exploitation, such as the establishment of Children’s Clubs, improvement of policies and legislation related to CSEC.

Vatra (hearth) Center – Vlora works with trafficked people and provides support services that include: temporary shelter for the trafficking victims and those at risk of being trafficked; psycho-social treatment, and professional training.

“Different & Equal” (D&E) organization was founded in 2004, offers re-integration services to trafficking victims, including quality psycho-social support, a range of professional and vocational trainings and medical services. D&E contributes to the victims’ identification and referral and helps to increase awareness against trafficking. The re-integration services are provided in three separate phases: 1) primary assistance and stabilization, 2) halfway apartment living (semi independent), and 3) fully independent living.

UNICEF has supported the process leading to the signing by the GoA of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse formulated by the Council of Europe, while making efforts to also convince the GoA to sign the UN Optional Protocol on the Sale of Children, Child Pornography and Child Prostitution. UNICEF has taken all the necessary measures to create the Child Protection System and to strengthen capacities in shaping their response towards child abuse and
exploitation. Such response encompasses prevention of trafficking through raising awareness, protection of children who have been trafficked, and assisted voluntary repatriation of children trafficked to other countries who want to return home and reintegration into society.

**Terre des Homme** is actively engaged in the prevention of child trafficking in Albania through prevention campaigns, schooling programs and social support at a municipal level as well as through the repatriation and social or family reinsertion of children. This organization is also giving its contribution in creating mechanisms to identify trafficking victims and in strengthening family ties (social education, schools and community programs). The organization works closely with municipalities, police, courts and other institutions at the local level of governing. Terre des Home has focused its work for the establishment of Child Protection Units across Albania together and with the support of UNICEF, Save the Children, World Vision, Partners for Children etc.

**Save the Children in Albania** is continually pressing for positive changes where necessary, by lobbying and influencing government policies and practices, strengthening state structures and institutions which monitor and advocate for children’s rights and also empowering children to exercise their rights and influence decisions that bring about changes in their future. During 2005-2009, Save the Children continued to see child trafficking as a regional priority in South East Europe (SEE). Their work has aimed to increase protection of the rights of trafficked children and children at risk of being trafficked and sexual exploitation. The organisation has also developed programmes for reintegration of the trafficking victims and street children in long term life activities.

**Arsis** is a Greek organization active also in Albania that offers social support to street children and trafficked children. In cooperation with other institutions, it offers services in the field of prevention as well as treatment and reintegration for children that have been living on the streets or suffered trafficking. Services are provided only when requested by the children and their families. The organization deals with the age group 0 – 18 years old and the range of services covers psycho-social assistance, legal and administrative aid, trainings, game therapy, and employment support. In 2011 together with the Municipality of Tirana and UNICEF, Arsis established the first Emergency Center for children in Tirana.

**IOM - International Organization for Migration** (present in Albania for 18 years) supports the Government of Albania in setting and maintaining international standards on protection of victims of trafficking as well as in preventing the problem. In collaboration with governmental and nongovernmental partners, IOM provides direct assistance to child victims of trafficking, while strengthening capacities of these institutions. The counter trafficking programs developed by IOM Tirana include not only awareness raising and victims’ identification and assistance, but also contributing to the development of coordination and collaboration among agencies involved.
7. Other legal provisions

The Constitution of the Republic of Albania is the base of Albanian Legislation. Article 54 of Constitution stipulates a specific protection for children. It upholds the right of every child to protection against violence, abuse, exploitation and work that can impair its health or morality and endanger its life or normal development.

Family Code, adopted by the Albanian Parliament, entered into force on 21 December 2003, starting from its implementation in January 2004. Preparation of the Family Code, although lasted for a period of six years, brought no special treatment of the child, although there were attempts by civil society to make a treatment code and better protection of the rights of the child. However, Family Code, includes several new concepts, among which is "Parental Responsibility". Apart from the obligation to feed and care, maternity and paternity, the Code provides a range of definitions, one of which is 'parental responsibility', which is defined in section 215.

Under the Code, parental responsibility includes the entirety of the rights and duties that are intended to provide emotional, social and material of the child, caring for, providing the upbringing, education, training, legal representation and management of real him. Article 215 of the Code as foils for parental obligations requires them not respecting the rights of the child, even in a sense of well being confined only to the emotional, social and material, leaving the physical welfare of the child revealed. A pronounced deficiency noted in this article deals with child abuse. Article not prohibitive terminology when exercise of the rights and duties of insurance exceeds the threshold-rearing, education, etc. Questions are posed for solution: what happens with the parent who cares for thinking that the child's upbringing, education or administrations of his property, etc., uses coercive means or methods to the child or perpetrator? Will be considered exercise of violence or child abuse as part of the exercise of parental responsibility? Code does not provide answers to these questions, leaving the interpretation of section open to the implementation of the law.

Law on Assistance and Social Services (1995) is one of the most important laws for the welfare and social protection of children and families in difficult or other extreme situations. The law aims to determine social assistance and services for individuals and groups in need, who cannot secure their vital needs.

Law for Protection of Children Rights, establishes the principle of nondiscrimination: guaranteeing equality regardless of race, color, sex, language, religion, political opinion or any other opinion, national origin, ethnic or social origin, property, disability, birth or any other child or the parents / legal guardians of it and eliminate all forms of discrimination or punishment of a child because of the position, activities, expressed opinions or beliefs of the parents / legal guardians or members of his family (Article 5 / 2).

Law for Protection of Child Rights is a declamatory law:
- Article 18: Right to adequate standard of living;
- Article 19: Right to health care;
- Article 20: Right to social protection;
- Article 21: Protection from all forms of violence;
- Article 22: Protection from economic exploitation;
- Article 24: Protection from trafficking and all forms of exploitation and sexual abuse;
- Article 26: Protection of children from torture, punishment, cruel, inhuman or degrading.
Although in appearance it seems that the law protects children in seven of the worst forms of violation of their rights, in fact, the State Protection of the Rights of the Child has the right to impose sanctions, based on Article 40, only in both of the above articles (Article 21 and 26). Article 21 has more interest for our study, while it is unfortunate that the Law on Protection of the Rights of the Child does not spread the scope of the administrative sanctions on other articles are so important to protect children, as will be the case of Article 18, 19, 20 and 22.

Article 21 of the Law provides for the protection of the child who is in Albanian territory by all classical forms of violence including negligence, abandonment or exploitation. Subject to the violation of law (Article 40) may be any natural or legal person is registered or conducting activities in the country, including the child's own parents. The law itself does not address measures to be taken against persons who neglect, exploit or abandon their children - as is the case of children living in the street - or the procedures to be followed for safety and security of the child when the user is the parent of the child. In this regard, several questions remain without answers, among others:

Lack of liaison between all the measures, procedures and legal obligations may affect the non-implementation of this important law. However much remains to be seen how it would work to law enforcement of sanctions, because their enforcement procedures in place that had become part of this law, are left to be determined by the Council of Ministers.

The National Strategy for the Fight against Child Trafficking and the Protection of Child Victims of Trafficking and the accompanying Action Plan (2005-2007) set out comprehensive policy frameworks for addressing the problem. Prevention was tackled in a comprehensive way and in accordance with the 2003 UNICEF Guidelines for Protection of the Rights of Child Victims of Trafficking in South Eastern Europe. Preventative measures included public awareness in cooperation with the media, governmental and non-governmental bodies; prevention campaigns targeting children in high risk communities and other vulnerable groups; including information about child trafficking and its consequences in school curricula; trainings for the police, border police, education and welfare personnel, prosecutors and NGOs working on child trafficking; tackling education abandonment; and provision of professional or vocational training and job opportunities to vulnerable children.

Also envisaged was the provision of adequate temporary shelter, rehabilitation and integration support, including family support and the development of fostering and adoption services. ECPAT International has not been able to obtain information on whether the strategy and action plan were implemented effectively; they were enhanced and updated for the period 2008-2010. On the same occasion, local anti-trafficking mechanisms were established with the participation of several ministries and NGOs.

The National Strategy for Children (2005-2010), designed on the basis of recommendations made by the United Nations Convention on the Rights of the Child (CRC), provided for the establishment of municipal and communal structures to assist children in need of treatment or who are vulnerable; the improvement of legislation concerning children; and coordinated action by central and local governments, NGOs and international organisations in preventing and combating child trafficking. However, no budget seems to have been allocated for its implementation, and the strategy made little or no reference to commercial sexual exploitation of children. The new National Strategy for Children (2005-2010) still pays limited attention to the commercial sexual exploitation of children.
8. Conclusions and recommendations of the report

8.1 Conclusions

− The Albanian Government, at both local and national level, has failed to protect children from commercial sexual exploitation. Albania continues to be a country where children are nationally or internationally trafficked, sold, used for prostitution or pornography. Although the Government at local and national level has been taking serious measures to fight and eliminate child trafficking, CSEC still thrives because of organised crime networks, corruption of police and lack of child care and protection. Poverty, lack of respect for particularly vulnerable human beings and insufficient and inadequate governmental social support structures for children at local level continuously put children at risk of being exploited.

− The fight against child trafficking has had some positive effects on protecting children from cross-border trafficking, but the same cannot be said about internal trafficking. The combat against this crime shall start from within the country, where internally trafficked children end up being used for prostitution, begging or other forms of exploitation.

− The Government of Albania, especially at local level, has not taken any measures to protect children from entering into child sex tourism, at a time when tourism in Albania is increasing considerably. Furthermore law enforcement agencies and tourism operators have very limited information on child sex tourism and on how to protect children from being exploited. Without appropriate policies and mechanisms in place, Albania risks to become a relatively “safe” destination in Europe for sexual exploitation of children in tourism.

− The improvement of economy and changes in the social structure of Albania did not yield the expected positive impacts on child protection. Although children and young people constitute one of the largest groups of society, public attention and adequate funding have not focused enough on their care, protection, education and related issues. This in itself shows that Albania lacks child-programming and as a consequence children services are poorly funded or rather non-existent.

− The changes in the Criminal Code of Albania have not achieved their expected outcomes. Although under the new criminal provisions child exploitation, child pornography, child abuse and sale of children are punishable, the public institutions and justice system have so far failed to hold responsible or punish those who sexually or economically exploit children.

− The fight against child sexual exploitation requires coordination among all the structures of the Government at local and national level. Albania lacked for most of the previous decade a National Agency of Child Protection, able to coordinate the governmental responses for children and promote public policy implementation throughout the country. It was established on in 2011, still with a limited mandate to protect children at national level. This decreases the opportunities of the Government to successfully fight sexual exploitation of children. The gap in coordination provides fewer possibilities for children to be protected and more opportunities to organised crime networks to exploit children.
− **Child pornography remains a limited phenomenon.** However, the increase in internet use throughout the country combined with the Governmental policy to make internet available at every school of Albania could pose a serious threat to children. This threat is further increased by the lack of laws that make it obligatory for Internet Service Providers to provide safe internet to children. Finally, the new amendments of the Criminal Code did not make the possession of child pornography a criminal offence. This increases the risks for child abuse images being used by offenders without being criminalised for their actions.

− **Although Albania has approved several public policies, so far only few of them have been fully implemented.** The National Strategy for Children, the Anti-trafficking Strategy and relevant Action Plans remain more a wish-list of the Governmental institutions rather than a set of measures to eliminate sexual exploitation of children. None of the above-mentioned policies have a budget, while the national implementation mechanisms consist of few offices or few people without any power to implement the policies and action plans.

− **Children who have experienced commercial sexual exploitation are turning into recruiters or tutors for exploiting younger children.** Most of the sexually exploited children consider it very hard to get out of the exploitative circle, part of which they have become. This factor, combined with others, forces them to remain within this circle and even to become involved in the recruitment of other children.

### 8.2 Recommendations

1. **The State party shall take all the appropriate measures to ensure that the new Child Protection Law is fully implemented** and a system of child protection is established, is effective and protects children according to their needs.

2. **The State Party shall take all the necessary steps to strengthen the newly established National Agency for Child Protection,** including the provisions of appropriate budget and staff. The measures shall include also the approval bylaws related to the establishment of the National Referral Mechanism and the approval of sets of standards and procedures for case management.

3. **The state party shall take into consideration the approval of a new Action Plan against Child Sexual Exploitation** in order to show that is seriously fighting sexual exploitation of children. The Action Plan shall take into consideration all the forms of exploitation, budgetary needs and the role of the newly established institutions at national and local level. Priority shall be given to the inclusion of local government structures in the planning and execution of the revised policies.

4. **The state party shall take immediate measures to address the shortcomings in the Criminal Code of Albania to address child pornography** and other forms of child sexual exploitation. The changes shall include the criminalization of possession of child pornography.
5. **The preparation of a Children’s Code is a priority for Albania.** In order to achieve such a major objective the Ministry of Justice, Ministry of Interior and the Ministry of Labour and Social Affairs shall lead an open and participatory process with the final aim to protect children from any forms of exploitation on one hand and to establish a child protection system at national and local level on the other. The need for a Children’s Code is further enhanced by the gaps in legislation and lack of coordination mechanisms in place.

6. **Protection of children from sexual exploitation, their rehabilitation and re-integration process shall be the priority of every Governmental agency, especially at local level.** Municipalities in Albania need to seriously revise their social services strategies and budgets, in order to increase their efforts to assist children in need or victims or sexual exploitation. Serious efforts shall be taken to tackle the lack of social services provisions for street children, children in conflict with the law, abandoned children and orphans. The opening of drop-in-centres and Municipal Shelters for children should be a priority at least for the largest cities in Albania.

7. **The Ministry of Tourism, Youth and Sports and the Ministry of Interior shall strengthen their work for the implementation of the Code of Conduct for Protection of Children from Sexual Exploitation in Travel and Tourism including periodic reporting on the issue.** The National Directorate of Tourism in cooperation with National Authority of Taxes, travel and tourism operators shall work to increase the awareness of travel and tourism operators for protection of children from child sex tourism. Meanwhile Municipal authorities including Educational Authorities shall implement new policies and carry out information campaigns to raise awareness among children and parents on sexual exploitation of children in tourism.

8. **Albania shall improve the national budgetary provisions for children.** The Parliament and civil society could play a major role to lobby and press the Government for the inclusion into the State Budget of a fund specifically designed to fund measures and services for the child care and protection.

9. **The Ministry of Interior in cooperation with the Ministry of Telecommunications and National Regulatory Commission for Electronic Communications shall seek ways to improve the legislation and procedures for protecting children from pornography, by providing safe internet for children.** They shall aim to establish a National Authority for Internet Safety in Albania that shall be responsible for ISP licensing, content checking and implementation of standards of safety for children for harmful content.

10. **Training and enhancement of capacities of justice and law enforcement agencies shall be a priority.** The changes in the Criminal Code or other parts of legislation will never achieve the desirable effects if not accompanied with a programme that takes into consideration the needs for sustainable training of police officers, judges and prosecutors.