



ALBANIA

ECPAT

COUNTRY OVERVIEW

*A report on the scale, scope and context of
the sexual exploitation of children*

AUGUST, 2020



International

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Preface

Recent years have seen unprecedented progress towards embedding the child's right to protection from sexual exploitation more deeply into the global agenda, no more so than the global mandate to eliminate the sexual exploitation of children (SEC) enshrined in the Sustainable Development Goals (SDGs) adopted by world leaders in 2015.

ECPAT Country Overviews on SEC provide an effective tool for advocacy at all levels as well as for monitoring, including on government commitments made in the SDGs to end violence against children in all its different forms by 2030.

ECPAT Country Overviews are first and foremost, a desk review exercise that gather and present all the existing publicly available information into a comprehensive summary of all forms of SEC in a country. They do not contain any new primary data. They also provide an assessment of achievements and challenges in implementing counteractions - including the participation of children themselves - to eliminate SEC.

ECPAT Country Overviews also suggest concrete priority actions urgently needed to proactively advance the national fight against SEC and enable the monitoring of the implementation of international instruments on child rights related to sexual exploitation that have been ratified by the State. Furthermore, the ECPAT Country Overviews provide well-organised information and research, which can be used in preparing Alternative Reports and Additional Submissions to the Committee on the Rights of the Child and the Human Rights Council.

During the process, drafts are shared with ECPAT members, relevant local organisations, and experts working on the ground who review the content and supplement the information with other local sources and analysis. ECPAT International greatly relies on the contributions of all those involved in producing these reports and would like to express its profound appreciation for their invaluable inputs.



At a Glance

The Republic of Albania has a population of almost 3 million, 676,100 of which are under the age of 19. In 2018, it was estimated that 29.6% of Albanian children were at risk of poverty, and in 2019, figures on children's enrollment in education also highlighted a significant number of children not enrolled in education, 2% of boys were not enrolled in primary education nor 6% of girls, and 17% of boys and 18% of girls were not enrolled in upper secondary education. Both Albania's high child poverty rate and educational enrollment rate leave children vulnerable to sexual exploitation. Poverty and educational enrollment figures are amplified when applied to Albania's Roma and ethnic Egyptian communities, who face a range of economic and social disadvantages. For example, the primary education rate for Roma children was particularly low, standing at 66% in 2018. Reports described in this overview will also highlight how conservative social attitudes held by Albania's Roma community often leave Roma girls particularly vulnerable to child, early and forced marriage.

As well as prejudices against Albania's Roma community, restrictive gender norms and a culture of violence against children prevalent in Albanian society all increase the risk of Albanian children becoming victims of sexual exploitation. Surveys taken in Albania have found that of 5371 children between the ages of 2-14 years old, 48% had been subject to at least one form of psychological or physical aggression in the previous month. The societal and cultural tolerance of violence desensitises community members towards cases of violence against children, and hinders adequate steps and actions in identifying, reporting,

preventing, and protecting children from violence in general as well as sexual exploitation. Further, organised crime is a serious problem in Albania, with organised crime groups being known to traffic Albanian children both internationally and domestically, often forcing Albanian girls into prostitution, with countries such as Italy and the UK being common destinations for children trafficked for sexual purposes.

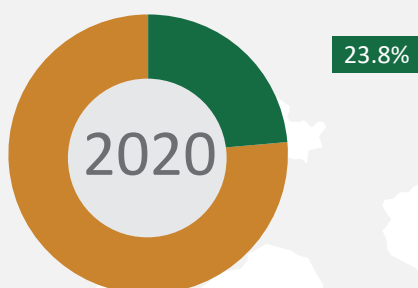
Albania has ratified a number of international and regional instruments which articulate efforts to combat the sexual exploitation of children. However, gaps that seriously hinder law enforcements ability to fight these crimes remain, like 'child sexual abuse material' is not defined in law, and failure to criminalise offences such as online grooming and sexual extortion persists. Further, children are inadequately protected against child, early and forced marriage due to Albanian law allowing children to marry for undefined "sufficient reasons", and in the past, children have been criminalised for engaging in prostitution.

Despite sustained lobbying from civil society, Albania also lacks national action plans specific to the sexual exploitation of children. Relevant plans that focus on human trafficking and online child sexual exploitation are poorly funded. There is also a severe lack of data, awareness raising and legislative action on the issue of child sexual exploitation in travel and tourism, despite the country becoming an increasingly popular tourist destination, with 6,094,889 arriving in 2019 compared to only 3,415,550 arrivals in 2014.

POPULATION

SOURCE: Albanian Institute of statistics (iNSTAT).
Population of Albania.

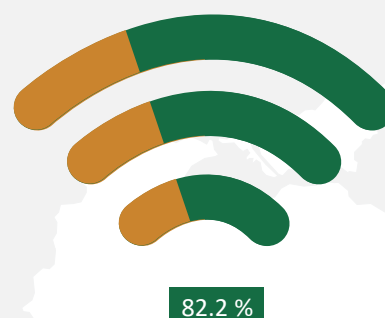
Population under 19 years



INTERNET ACCESS

SOURCE: Albanian Institute of statistics (iNSTAT).
Survey on Information and Communication Technologies (ICT)
usage in Households and by Individuals in 2018 – 2019.

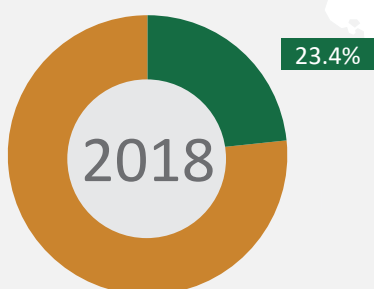
Have Internet access



POVERTY RATE

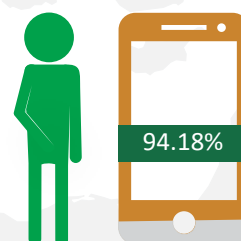
SOURCE: Albanian Institute of statistics (iNSTAT).
Income and Living Conditions in Albania, 2017-2018.

At risk of poverty



MOBILE PHONE USERS

SOURCE: ITU Statistics 2018: Albania



94.18 subscriptions
per 100 inhabitants

CHILDREN'S RIGHTS UNDER THE LAW

	Girls	Boys
Age of consent for sex	14*	14
Minimum age for marriage	18**	18**
Legal working age	16***	16***
Compulsory age of schooling	6-14	6-14

* with an additional clause for female minors who have not reached sexual maturity

** with a few exceptions for "sufficient reasons"

*** does not apply to children from 14 to 16 years of age, when they are employed during the holidays from school, provided that this employment doesn't harm their health and development

Introduction

COUNTRY OVERVIEW AND SPECIFIC VULNERABILITIES LEADING TO THE SEXUAL EXPLOITATION OF CHILDREN

The Republic of Albania is situated in the Southwest of the Balkan region, bordering Greece, North Macedonia, Kosovo and Montenegro.¹ Following 47 years of communist rule,² where Albania was largely isolated from the rest of the world,³ the country became a parliamentary republic, made up of 12 different counties, with the capital being Tirana. Albania is currently a candidate for European Union (EU) accession, with official negotiations on membership due to begin in late 2020.^{4,5} According to the latest population statistics released by the Albanian Statistical Institute (INSTAT), in January 2020, the population of Albania was 2,845,955,⁶ with 23.8% of the population being between the ages of 0-19,⁷ and 5.1% of the population being below the age

of five.⁸ The main ethnic group in the country is Albanian, with nine recognised ethnic minority groups: Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian.⁹ It is important to highlight that it was not until 2017 that Roma people in Albania were officially recognised as an ethnic minority.¹⁰

In 2020, the World Bank estimated that GDP per capita in Albania amounted to US\$5,628,¹¹ making it one of the poorest nations in the Central European and Baltic area.¹² Further, the 2019 Human Development Index ranked Albania 69th out of 189 countries, between Costa Rica (68th) and Georgia (70th).¹³ In 2018, 29.6% of Albanian children were at risk of poverty.¹⁴ High rates of poverty likely indicate increased risks of children experiencing sexual exploitation.¹⁵ As well as a high poverty rate for children, UNICEF's 2019 State of the World's Children report estimated that 2% of boys were not enrolled in primary education nor 6% of girls,¹⁶ and in regards to upper secondary education, 17% of boys and 18% of girls were not

1 Encyclopedia Britannica. (n.d.). *Albania*.

2 BBC. (2018). *Albania Country Profile*.

3 *Ibid*.

4 Schengen Visa Info. (2020). *Albania and North Macedonia to Begin EU Membership Talks*.

5 European Commission. (2020). *Commission welcomes the green light to opening of accession talks with Albania and North Macedonia*.

6 iNSTAT. (2020). *Population of Albania*. 1.

7 *Ibid*, 6.

8 *Ibid*, 6.

9 Republic of Albania. (2017). *Law No.96/2017 on the "Protection of National Minorities in the Republic of Albania."* 2. [Translated from Albanian].

10 Council of Europe. (2017). *Roma recognized as a National Minority in Albania*.

11 The World Bank. (2020). *GDP per capita (current US\$) - Albania*.

12 The World Bank. (2020). *GDP per capita (current US\$) - Albania, Central Europe and the Baltics*.

13 UNDP. (2019). *2019 Human Development Index Ranking*.

14 iNSTAT. (2019). *Income and Living Conditions in Albania, 2017-2018*. 3.

15 ECPAT International. (2016). *Power, Impunity and Anonymity*. 43.

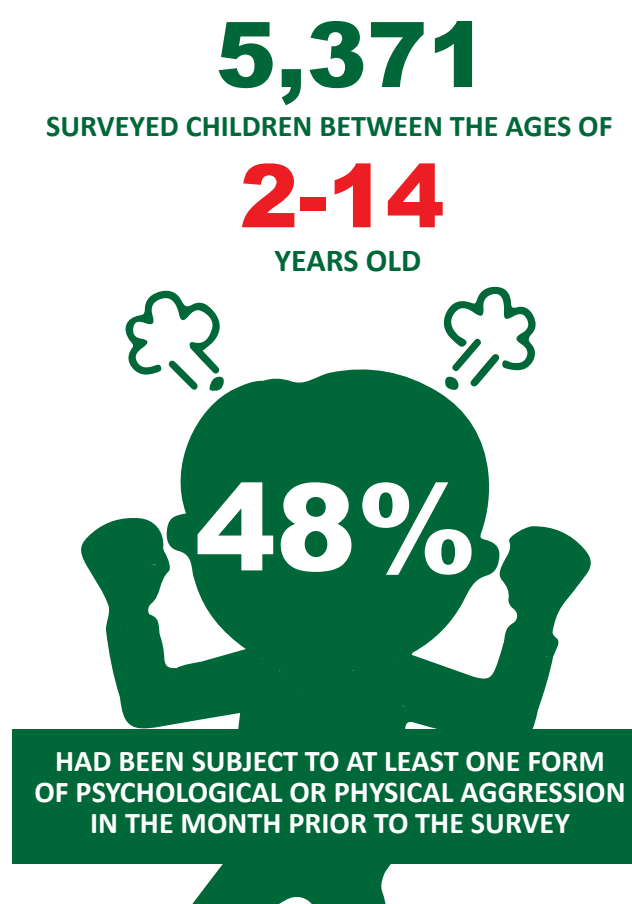
16 UNICEF. (2019). *The State of the World's Children 2019*. 228.

enrolled.¹⁷ These figures represent a significant number of Albanian children more vulnerable to sexual exploitation as not being enrolled in education leaves them outside the social mainstream and thus more likely to be targeted by adults and peers who may exploit them.¹⁸ Not being in school also means they do not benefit from the protective mechanism that school can offer.¹⁹

Possible vulnerabilities to child sexual exploitation caused by poverty and education are amplified when applied to Albania's disadvantaged Roma community. It is not clear what the exact population of Roma people numbers in Albania, with estimates ranging from 13,000-150,000.²⁰ Discrimination and prejudice towards Roma people are prevalent in Albania, with a 2018 report by Civil Rights Defenders stating, "high unemployment rates, low education enrolment and attainment rates and overall deplorable living conditions of the majority of Roma reflect the symptoms of their situation."²¹ UNICEF Albania's 2018 annual report highlighted how only 66% of Roma children attended primary education compared to 95% of Albanian children.²² Research highlighted in this report will explain how Roma children in Albania are particularly vulnerable to some specific manifestations of child sexual exploitation such as child, early and forced marriage (CEFM).

Research has established that violence against children is prevalent in Albania and that some forms of violence are widely accepted disciplinary measures against children.²³ The 2017-2018 Albanian Demographic and Health Survey found that of 5371 children between the ages of 2-14 years old, 48% had been subject to at least one form of psychological or physical aggression in the month prior to the survey.²⁴ As the aforementioned article on violence against children states, "societal and cultural tolerance of violence desensitizes community members

towards cases of violence against children, and hinders adequate steps and actions in identifying, reporting, preventing, and protecting children from violence in general as well as sexual violence and abuse."²⁵ Examples of child sexual exploitation highlighted in this report will explain how children fleeing violence in the home increases their vulnerability to being sexually exploited. Further, recent reports from the Children Human Rights Centre of Albania (here within ECPAT Albania), the ECPAT member organisation in Albania, have highlighted that sexual violence against children committed by teachers and other employees in educational institutions is seemingly increasing.²⁶



¹⁷ *Ibid.*

¹⁸ London Metropolitan University. (2017). *Key messages from research on child sexual exploitation: Professionals in school settings*. 5.

¹⁹ *Ibid.*

²⁰ Civil Rights Defenders. (2018). *The wall of Anti-Gypsyism Roma and Egyptians in Albania*. 5.

²¹ *Ibid.*

²² UNICEF Albania. (2019). *UNICEF Albania Annual Report 2018*. 23.

²³ Cenko, E & Thartori, K. (2016). *Exploring societal norms on child sexual abuse in Albania*. *Mediterranean Journal of Social Sciences*, 7(6). 309-318.

²⁴ iNSTAT & Institute of Public Health Albania. (2018). *Albania Demographic and Health Survey 2017-18*. 137.

²⁵ Cenko, E & Thartori, K. (2016). *Exploring societal norms on child sexual abuse in Albania*. *Mediterranean Journal of Social Sciences*, 7(6). 309-318.

²⁶ ECPAT Albania. (2020). *Albania Gripped by Scandals of Sexual Violence Against Children in Schools*.

It is also important to highlight that violence against children in general, and sexual exploitation of children, affect boys and girls in Albania differently, with ECPAT Albania highlighting how 88.8% of girls and women in Albania are victims of violence and 90% of all sexual crimes against children are committed against girls.²⁷ Patriarchal traditions such as gender identities and roles, patriarchal authority, adherence to an honour-and-shame system and customs of hierarchal ordering within the family have long shaped violence against women and girls in Albania,²⁸ and are important to consider when analysing child sexual exploitation. However, this is not to say that boys in Albania are not also victims of child sexual exploitation. Research has found that in patriarchal societies, boys may not report sexual exploitation, as they believe it emasculates them and therefore they blame themselves for not living up to societal expectations.²⁹ It's expected that numbers of boy victims in Albania are under-reported.

Albania ranked 32nd out of 60 countries in the 2019 Out of the Shadows Index on countries' response to child sexual abuse and exploitation, developed by the Economist Intelligence Unit, with a score of 49.8.³⁰ This places it just below Jamaica (50.0) and one place above Mongolia (47.9). This overall score measures how elements in a country's environment exacerbate risks of sexual exploitation and abuse for children; measures how national systems enable children to seek justice; lists what commitments the government has made to addressing sexual violence against children; and assesses the role that civil society and industry are currently playing in addressing the issue.

While civil society organisations continue to work tirelessly against child sexual exploitation in Albania, a culture of violence against children, restrictive gender norms, prejudices against minority communities combined with important omissions in legislation continue to leave Albanian children vulnerable to all manifestations of sexual exploitation.

27 ECPAT Albania. (2020). *Justice for sexual crimes against girls in public schools in Albania*.

28 UN Women. (2019). *Violence Against Women and Girls in Albania*. 12.

29 Josenhans, V; Kavenagh, M; Smith, S; Wekerle, C. (2019). *Gender, rights and responsibilities: The need for a global analysis of the sexual exploitation of boys*. 6.

30 The Economist Intelligence Unit. (2019). *Out of the Shadows: Shining light on the response to child sexual abuse and exploitation*.

The context of the sexual exploitation of children in Albania

EXPLOITATION OF CHILDREN IN PROSTITUTION³¹

Article 2 (b) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) defines 'child prostitution' as "the use of a child in sexual activities for remuneration or any other form of consideration".³²

Prostitution is illegal in Albania, however, as noted in the Out of the Shadows Index, the hiring or purchasing of sexual services specifically from a minor is not addressed in law.³³ There are limited official resources, research, or statistics on the scale or scope of the issue in Albania, however, data collected by the Albanian Rehabilitation Centre for Trauma and Torture analysing police figures from between 2016-2018 shows that 12 children were reported as victims of exploitation in prostitution.³⁴

In a 2017 BBC News report on human trafficking in Albania, the story of a 14-year-old girl who was forced into prostitution after fleeing a violent family home was told.³⁵ The girl was forced to have sex with several men per day, and "international clients who paid more at night."³⁶ Similarly, in an interview in 2016, an 18 year old girl explained how she had been exploited in prostitution since the age of 14 after fleeing maltreatment at home, and told of more girls that were "working the streets...they're as young as 13."³⁷ Alarming, the girl interviewed for this report was arrested for prostitution offences, highlighting how historically, the Albanian authorities prosecute child victims who have been exploited for prostitution offences.³⁸ This suggests that in the past, authorities have not always viewed the exploitation of children in prostitution as a form of child sexual exploitation, or children as victims, but rather as criminals who are complicit in their prostitution, however, children can never 'consent' to sexual acts against them by adults. Legal analysis in section three of this report will explain in further depth the current situation in regards to the prosecution of minors exploited in prostitution.

31 ECPAT prefers the term 'exploitation of children in prostitution' instead of 'child prostitution' in line with the recently widely adopted Terminology Guidelines. Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 30. Bangkok: ECPAT International.

32 UN General Assembly. (2000, May 25). *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. (A/RES/54/263). Art. 2(b).

33 The Economist Intelligence Unit. (2019). *Albania*.

34 Albanian Rehabilitation Centre for Trauma and Torture. (2019). *Uncertain Pathways: Bridging practice policy gaps in enabling access to justice for children in Albania*. 16.

35 BBC News. (2017). *Human trafficking: Poor women and girls targeted in Albania*.

36 *Ibid*.

37 Balkan Insight. (2016). *The Sex Worker and Albania's Highest Court*.

38 *Ibid*.

As well as children being exploited in prostitution within Albania, there are reports of Albanian children being exploited in prostitution abroad. In a 2019 report by the Arc Foundation and Asylös on trafficked boys and young men from Albania, interviewees explain how in the UK, Albanian boys are referred to NGOs after being victims of forced prostitution,³⁹ and in Italy, there are cases of Albanian children being forced to provide sexual services.^{40,41} One of the interviewees in this study highlights what drives Albanian children's vulnerability to exploitation in prostitution, stating "we have cases – we work in the prisons - a lot of girls there have been in jail for prostitution and are VOT (victims of trafficking) and still they think that when they leave the prison, they still will do this work. Because they have a better life than when they were living in a village in their community. It happens even with young boys".⁴² This highlights how poverty and lack of opportunity can be driving factors for children's exploitation in prostitution, at times with the young people actively engaging in their own exploitation.

The lack of official data on the exploitation of children in prostitution in Albania makes it difficult to accurately estimate the scale of the issue in the country. However, the sources highlighted in this section do suggest some trends. Often, victims who are exploited both within Albania and abroad are vulnerable as they have fled violence at home, or because they are living in poverty. As well as this, when identified as having been exploited in prostitution, children have in the past sometimes been prosecuted for prostitution offences, rather than viewed as victims, suggesting a lack of understanding of this issue by some Albanian authorities. When combining both of the above issues, it is clear that protections and prevention mechanisms for children exploited in prostitution are inadequate. It is essential that programmes

and strategies be put in place to facilitate other options for children who are pushed towards situations of prostitution.

ONLINE CHILD SEXUAL EXPLOITATION (OCSE)

Online child sexual exploitation (OCSE) can include child sexual abuse/exploitation material (CSAM/CSEM),⁴³ live streaming of child sexual abuse, online grooming of children for sexual purposes, sexual extortion of children and various CSAM/CSEM-related conducts (production, distribution, downloading).⁴⁴ Article 2 (c) of the OPSC defines 'child pornography' as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes".⁴⁵

In Albania, accessibility to Internet and communication technologies is fairly widespread, with iNSTAT reporting 82.2% of Albanian households had access to Internet in 2019, and 88.9% of households have access to Internet through a mobile broadband connection.⁴⁶ Research surveying 1000 children using the Internet in Albania, conducted by UNICEF Albania, found that in 2019, 8 in 10 children could access the Internet whenever they wanted to,⁴⁷ and that YouTube and Instagram were the most popular applications or websites among children, followed by Facebook and Whatsapp.⁴⁸

39 ARC Foundation and Asylös. (2019). *Albania: Trafficked boys and young men*. 52.

40 *Ibid.*, 53.

41 ECPAT International. (2019). *ECPAT Country Overview: Italy*. 9.

42 ARC Foundation and Asylös. (2019). *Albania: Trafficked boys and young men*. 184.

43 ECPAT prefers the terms 'child sexual exploitation material' or 'child sexual abuse material', but in a legal context still uses 'child pornography' in line with the recently widely adopted Terminology Guidelines, 40.

44 ECPAT. (n.d.). *Issues we work on*. Bangkok: ECPAT International.

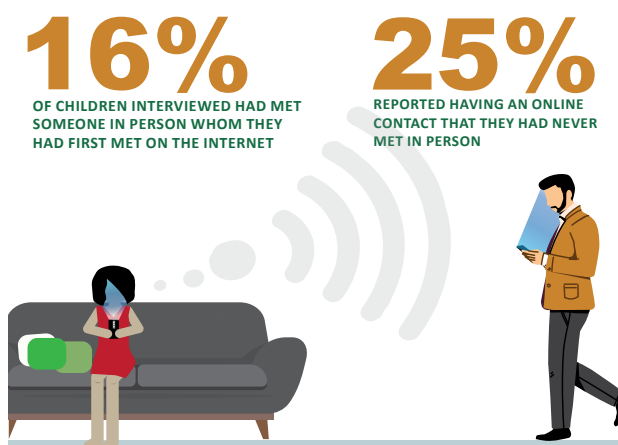
45 OPSC, Article 2(c).

46 iNSTAT. (2019). *Survey on Information and Communication Technologies (ICT) usage in Households and by Individuals in 2018 – 2019*. 2.

47 UNICEF. (2019). *One Click Away*. 10.

48 *Ibid.*, 11.

In general, the scale of OCSE is difficult to quantify and estimate,⁴⁹ and this is true also in Albania, with a lack of official government data or much other evidence on the issue. However, the above-mentioned research from ECPAT Albania and UNICEF Albania provides a valuable insight into the risk, exposure and number of reported cases of OCSE. In the UNICEF Albania sample, 1 in 10 children had experienced some form of unwanted sexual experience over the Internet in the previous year, the most common being asked to provide sexual information about themselves, which 3.1% of children in the study reported.⁵⁰ Other forms of OCSE reported in the study included: sharing sexual information, images or videos of themselves after being given money (2.5%), sharing sexual information, images or videos of themselves because someone forced them to or threatened someone they cared about (2%), being asked for a photo or video showing their private parts when they did not want to (2%), being asked to do something sexual on the Internet when they did not want to (2%) and being forced by someone else to watch sexual images or videos online (1.7%).⁵¹ While the study does not address all forms of OCSE, with instances such as live streaming of child sexual abuse or grooming online not included, these figures illustrate the high exposure and risk children in Albania face from multiple different forms of OCSE.



In the same study, it was reported that 16% of children interviewed had met someone in person whom they had first met on the Internet and 25% reported having an online contact that they had never met in person.⁵² While not all of these meetings and contacts will have the intention or result in the sexual exploitation of the child, the commonness of this behaviour does highlight a potential risk to children. However, this is not to say that OCSE offences are only committed by strangers that a child has met on the Internet. 10.2% of the OCSE cases reported in the study were in fact perpetrated by an adult in the child's family and 5.2% of reported cases were being perpetrated by a friend or acquaintance over the age of 18 that the child knew in person before the offence happened online.⁵³

Analysis of reports received by iSIGURT.al, the main reporting platform for online child safety issues in Albania, corroborates the information outlined in UNICEF Albania's study. During 2019, 104 reports of online abuse were made to iSIGURT.al that were found to constitute harmful or illicit content for children.⁵⁴ 44% of cases were reported by boys, 55% by girls, and in around 2% of cases the gender was not known. The 2018 report had 46% of cases reported by boys and 43% by girls.⁵⁵ However, in 2018, it was highlighted that the girls reported more serious forms of online abuse.⁵⁶ In terms of what was being reported in 2019, 2% of cases were of websites containing CSAM.⁵⁷

In a welcome development to the tackling of OCSE in Albania, in 2019, ECPAT Albania started collaborating with Google⁵⁸ and Facebook to protect Albanian children and youth online on these platforms (including Instagram and Whatsapp). Being the most popular app/website among Albanian children according to UNICEF's study,⁵⁹ and the main platform that children's complaints to iSIGURT involved (68% of all complaints recorded in 2019 were about material on Instagram),⁶⁰ it is particularly important

49 ECPAT International. (2018). *Trends in online child sexual abuse material*. 7.

50 UNICEF. (2019). *One Click Away*. 53.

51 *Ibid.*, 53.

52 *Ibid.*, 46.

53 *Ibid.*, 46.

54 ECPAT Albania. (2020). *2nd National Report on Online Safety of Children and Young People in Albania*. 18.

55 *Ibid.*, 18.

56 ECPAT Albania. (2019). *1st National Report on Online Safety of Children and Young People in Albania*. 15.

57 ECPAT Albania. (2020). *2nd National Report on Online Safety of Children and Young People in Albania*. 20.

58 ECPAT Albania. (2020). *CRCA and Google to Work Together for Protection of Children and Youth Online in Albania*.

59 UNICEF. (2019). *One Click Away*. 10.

60 ECPAT Albania. (2020). *2nd National Report on Online Safety of Children and Young People in Albania*. 20.

and welcome that Instagram is included in this collaboration.

It is also important to note that, in line with global indications,⁶¹ Albania saw an increase in reports of pages containing CSAM to iSIGURT.al during shelter-in-place restrictions for the 2020 COVID-19 pandemic (see Table one). The number of reports, and the pages, videos and profiles associated with the reports increased during April before falling away again in May.⁶² Of the total 6129 reports to iSIGURT.al in the first half of 2020, 6054 were pages, videos or profiles that contained child sexual abuse material.⁶³ Experts from within Albania suggest that the shelter-in-place restrictions during April and May in Albania led to people spending more time on the Internet, and perhaps being more aware of, and reporting more, CSAM online.⁶⁴

No public data was available on specific manifestations of OCSE, such as the live streaming of child sexual abuse, or online grooming. Unfortunately, as will be explained in section three, Albanian legislation does little to prohibit OCSE offences. It is essential that the government and authorities act on the evidence outlined above, and amend and improve legislation on OCSE.

SALE AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), defines 'trafficking in persons' as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".⁶⁶

In case of child victims, Article 3 (c) of the Protocol specifies that "the recruitment, transportation, transfer, harbouring

Table 1: Reports received by iSIGURT.al in the first half of 2020⁶⁵

Month	Number of reports	Number of pages reported	Number of pages containing CSAM
January	11	11	1
February	18	19	3
March	9	9	2
April	37	4274	4252
May	30	1284	1271
June	9	532	525

61 ECPAT International. (2020). *Why children are at risk of sexual exploitation during COVID-19*.

62 ECPAT Albania. (July 2020). *Personal communication*.

63 *Ibid.*

64 *Ibid.*

65 *Ibid.*

66 UN General Assembly. (2000, November 15). *United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)*. Res. 55/25 of 15. Art. 3 (a).

or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if it does not involve any of the means stipulated in Article 3 (a)”.⁶⁷ In other words, the Protocol recognises that children can never be willing participants to their own exploitation.

For its part, the OPSC deals with the ‘sale of children’, defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.⁶⁸

Both concepts are often used in conjunction and without any clear distinction. However, despite a certain overlap, ‘sale of children’ is not identical to ‘trafficking’. The ‘sale of children’ always involves some form of commercial transaction, which trafficking in children does not require, but does not necessarily include the purpose of exploiting a child (e.g. sale of children for illegal adoption). Therefore, ‘sale of children’ is not necessarily related to sexual abuse and sexual or other forms of exploitation. Lastly, the ‘sale of children’ can take place without physically moving the child out of his/her social environment, whereas trafficking inherently depends on the movement of the child.⁶⁹

Albanian children are sold and trafficked for sexual purposes both within Albania and abroad.⁷⁰ Research undertaken by the University of Bedfordshire, International Organization for

Migration, and Institute of Applied Social Research has found that sexual exploitation, forced begging, early marriages and enforced criminality were the main forms of exploitation resulting from trafficking of Albanian children.⁷¹

The issue of *human* trafficking in Albania, particularly of Albania as a source country, is a fairly well researched phenomenon, however, there is limited research on *child* trafficking for the purposes of sexual exploitation. It is also important to note that accurate estimates of the scale of the issue are difficult. Data collected by the Albanian Rehabilitation Centre for Trauma and Torture analysing police figures from between 2016–2018 shows that there were 18 victims of child trafficking,⁷² however the reasons why the children were trafficked were not specified in this data.

Within Albania, the issue of child trafficking for sexual purposes is thought to be increasing, with the Group of Experts on Action against Trafficking in Human Beings (GRETA) noting in 2016 that due to a ‘rural exodus’, there was a surge of children trafficked for the purposes of sexual exploitation and begging.⁷³ While GRETA’s conclusions are now four years old, more recent data from an organisation running safe houses for victims of trafficking reported a year-on-year 30% increase of child victims using their services in 2018,⁷⁴ suggesting the trend is continuing.

Various sources highlight how Roma and Balkan Egyptian children in Albania are particularly vulnerable to trafficking for the purposes of sexual exploitation, as they are over-represented in populations of children in street situations.^{75,76,77} Research has demonstrated that children living in street situations are at risk of sexual exploitation,

67 *Ibid.*, Article 3 (c).

68 OPSC, Article 2 (b).

69 ECPAT International. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 58. Bangkok: ECPAT International.

70 US Department of State. (2020). *Trafficking in Persons Report 2020*. 70.

71 University of Bedfordshire, IOM, and Institute of Applied Social Research. (2018). ‘Vulnerability’ to Human Trafficking: A Study of Vietnam, Albania, Nigeria and the UK, Report of Shared Learning Event held in Tirana, Albania. 8.

72 Albanian Rehabilitation Centre for Trauma and Torture. (2019). *Uncertain Pathways: Bridging practice policy gaps in enabling access to justice for children in Albania*. 17.

73 GRETA. (2016). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania*. 7.

74 ECPAT Albania. (2018). *CRCA Albania: For as long as the Albanian police are not fighting trafficking in human beings, Albanian children are always in danger of exploitation*.

75 CARITAS Albania. (2019). *Child Trafficking is a Crime*.

76 US Department of Labor. (2019). *Albania*. 2.

77 GRETA. (2016). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania*. 7.

or may in fact be there because they are escaping exploitation or abuse at home.^{78,79} In 2018, it was estimated that over 2500 children in Albania were begging and living on the street,⁸⁰ and in a study of Albanian boys and men that were victims of trafficking, interviewees reported that boys would be trafficked and exploited for sexual purposes at the same time as being exploited for begging,⁸¹ highlighting the interconnectedness of the issue.

Albanian children are also particularly vulnerable to transnational trafficking, with Kosovo, Macedonia, Montenegro, Greece, Italy and the UK common destinations for child victims of trafficking for sexual purposes.⁸² ECPAT Albania estimated that in 2018 there were over 5000 Albanian children that were victims of international trafficking.⁸³

The UK collects annual data on children referred into the National Referral Mechanism as victims of trafficking for sexual exploitation, and in 2019, there were at least 22 Albanian children referred as victims of sexual exploitation,⁸⁴ 20 in 2018⁸⁵ and 26 in 2016.⁸⁶ It is important to note that these figures are not an indication of the full scale of the trafficking of Albanian children for the purposes of sexual exploitation in the UK, and there will undoubtedly be many more Albanian children who have not been discovered by authorities who are victims.

Similarly, while data does not define the type of exploitation children are trafficked for, 19 Albanian child victims of trafficking were entered into child protection systems in Italy in 2018.⁸⁷ Again, this figure is likely only the tip of the iceberg of Albanian children trafficked into Italy, especially when considering that in 2019 Albania was the number one source for unaccompanied minors in Italy,⁸⁸ with the most recent (June 2020) estimates indicating that there were 1393 unaccompanied Albanian minors in the country.⁸⁹ Faced with a lack of legal protections, and often coming into countries clandestinely and therefore being unknown to authorities,⁹⁰ the risk of trafficking for sexual purposes of unaccompanied minors is heightened. Reports suggest that well-structured criminal groups organise trafficking from Albania to Italy, with high demand for both boys and girls.^{91,92} The recent increase of children trafficked from Albania to Italy is acknowledged by multiple sources,^{93,94} with Save the Children Italy reporting in 2019 a “return” of Albanian women and girls “on the street” being linked to the return of criminal groups from the country within Italy.⁹⁵ Experts within Albania suggest that being trafficked and under the control of organised criminal groups means children are then at huge risk of becoming victims in networks of sex offenders, being exploited in the production of child sexual abuse materials and forced into prostitution.⁹⁶

78 Consortium for Street Children. (2019). *Submission to the Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*. 3.

79 Dwomoh, Ivy and Dinolfo, E (2018). *Effects of Homelessness on Children*. 39/10.

80 ECPAT Albania. (2018). *Albania still a country of origin for the trafficking and exploitation of children*.

81 ARC Foundation and Asylos. (2019). *Albania: Trafficked boys and young men*. 51.

82 CARITAS Albania. (2019). *Child Trafficking is a Crime*.

83 ECPAT Albania. (2018). *CRCA Albania: For as long as the Albanian police are not fighting trafficking in human beings, Albanian children are always in danger of exploitation*.

84 UK Home Office. (2020). *National Referral Mechanism statistics UK: End of year summary 2019: data tables*.

85 National Crime Agency. (2019). *National Referral Mechanism Statistics – End of Year Summary 2018*. 12.

86 National Crime Agency. (2017). *National Referral Mechanism Statistics – End of Year Summary 2016*. 9.

87 Save the Children Italy. (2019). *Piccoli Schiavi Invisibili 2019*. 28. [Translated from Italian].

88 Italian Ministry of Labour and Social Policies. (2019). *I Minori Stranieri Non Accompagnati (Msna) In Italia*. 15.

89 Italian Ministry of Labour and Social Policies. (June, 2020). *Report Mensile Minori Stranieri Non Accompagnati (Msna) In Italia*. 2.

90 European Crime Prevention Network. (2020). *Unaccompanied Minors At Risk: Preventing Child Trafficking*. 13-14.

91 ARC Foundation and Asylos. (2019). *Albania: Trafficked boys and young men*. 25

92 ECPAT Albania. (2018). *Albania still a country of origin for the trafficking and exploitation of children*.

93 ARC Foundation and Asylos. (2019). *Albania: Trafficked boys and young men*. 25

94 Save the Children Italy. (2019). *Piccoli Schiavi Invisibili 2019*. 28. [Translated from Italian].

95 *Ibid.*, 28.

96 ECPAT Albania. (2018). *CRCA Albania: For as long as the Albanian police are not fighting trafficking in human beings, Albanian children are always in danger of exploitation*.

A notable trend identified in multiple reports highlights the involvement of victims' families in children's trafficking in Albania.^{97,98} In a 2018 EUROPOL study, it was highlighted that criminal groups would traffic both boys and girls into the EU for sexual exploitation,⁹⁹ and that in most of these cases, the victims families were involved in the process to different extents – sometimes involving their children knowingly, at other times, being unaware of the risk of exploitation behind people-smuggling operations.¹⁰⁰ Experts in Albania concur that families are manipulated by traffickers, believing their children will have better opportunities in EU countries rather than in Albania.¹⁰¹

While child trafficking for the purposes of sexual exploitation has been addressed in some national action plans (which will be discussed further in section four), it is important that vulnerabilities and trends identified in the research highlighted above is taken into account by the Albanian government when formulating policy and plans. It is crucial that issues like children in street situations and poverty are also addressed, as these are known push factors that increase the vulnerability of Albanian children to trafficking for the purposes of sexual exploitation.

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM (SECTT)

The sexual exploitation of children in travel and tourism (SECTT) is defined as any “acts of sexual exploitation embedded in a context of travel, tourism, or both”.¹⁰² The UN WTO Framework Convention on Tourism Ethics recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.¹⁰³

In recent years, Albania has seen a significant increase in the number of foreign tourists, with 6,094,889 arriving in 2019,¹⁰⁴ compared to only 3,415,550 arrivals in 2014.¹⁰⁵ While there are obvious benefits to this increase, such as economic and employment opportunities, more people on the move, weaker regulations in the travel and tourism sector and the emergence of more informal tourism services like home-stays, longer-term rentals, smaller hotels and so-called ‘party hostels’¹⁰⁶ have all resulted in an increased risk of child sexual exploitation in the travel and tourism sector.

ECPAT’s 2016 Global Study on SECTT classed Albania as an “emerging country of origin” for SECTT crimes.¹⁰⁷ Similarly, reports from GRETA and the 2020 US Department of State’s Trafficking in Persons report both highlight that the internal trafficking of children for the purposes of sexual exploitation increases during the tourist

97 *Ibid.*

98 EUROPOL. (2018). *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*. 22.

99 *Ibid.*, 22.

100 *Ibid.*, 22.

101 ECPAT Albania. (2018). *CRCA Albania: For as long as the Albanian police are not fighting trafficking in human beings, Albanian children are always in danger of exploitation*.

102 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016, May). *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism (hereinafter Global study on SECTT)*. Bangkok: ECPAT International.

103 UNWTO. (2019). *UNWTO Framework Convention on Tourism Ethics*. UN Doc. A/RES/707(XXII). Art. 5 (3).

104 INSTAT. (2020). *Arrivals of foreigners in Albania by purpose of travel, 2014-2019*.

105 *Ibid.*

106 ECPAT International. (2020). *Summary Paper: Sexual Exploitation of Children in Travel and Tourism. Forthcoming publication*.

107 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016, May). *Sexual Exploitation of Children in Travel and Tourism: Regional Report - Europe*. 28.

season,^{108,109} however neither source provide any extensive detail as to why this is. Nonetheless, it is reasonable to assume that this therefore means some Albanian children are being sexually exploited in tourist hotspots and resorts during the tourist season.

There are limited sources highlighting child sexual exploitation in travel and tourism settings, however in 2014, Albanian media reported how police arrested seven people for organised prostitution involving girl children in Durrës, a popular seaside tourism destination.¹¹⁰ Children were exploited in hotels and a train station, and those purchasing the sexual services were said to be men from Albania and other countries such as Macedonia and Switzerland.¹¹¹

In 2008, a British man was arrested and imprisoned for 20 years after sexually exploiting boys in an orphanage he had opened in Albania.¹¹² While the case is over 10 years old, it does typify a wider issue relating to SECTT. Children in residential care facilities in Albania are vulnerable to foreign travellers arriving as volunteers, some of whom may sexually exploit the children they are in contact with. This is a phenomenon known as ‘voluntourism’, where in order to meet demand and maximise profits, volunteering opportunities such as orphanages lack background checks, child protection policies and appropriate training for volunteers, creating opportunities for travelling child sex offenders to easily access children and commit sex crimes under the cloak of respectability.¹¹³

Beyond volunteers, these facilities also pose other risks to child residents. ECPAT Albania highlights that the issue of child sexual exploitation in residential facilities remains a problem today, and in 2019 called on the government to close all

residential institutions for children after a case of sexual violence against a 12-year-old girl in a care facility.¹¹⁴

While issues relating to SECTT have been identified in Albania, as the Out of the Shadows Index shows, Albania’s tourism industry has demonstrated limited engagement with the issue of SECTT.¹¹⁵ This is further reflected by the fact that there are zero travel and tourism companies based in Albania that are members of The Code, and only seven international travel and tourism companies with operations in Albania that are members of The Code,¹¹⁶ despite the fact that in 2018, there were 1326 registered accommodation facilities (hotels, motels, camps, guesthouses and mountain structures) functioning in Albania,¹¹⁷ and in 2019, there were 1259 travel agencies, tour operator reservation services and related activities companies operating.¹¹⁸ The Code is a multi-stakeholder initiative to provide awareness, tools and support to companies in the tourism industry to prevent the sexual exploitation of children.¹¹⁹ Increased engagement with this initiative from Albanian tourism operators would be a good step towards addressing the risks of SECTT in the country.



ZERO TRAVEL AND
TOURISM COMPANIES
BASED IN ALBANIA THAT
ARE MEMBERS OF THE
CODE

SEVEN INTERNATIONAL TRAVEL AND
TOURISM COMPANIES WITH OPERATIONS IN
ALBANIA THAT ARE MEMBERS OF THE CODE

108 GRETA. (2016). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania*. 7.

109 US Department of State. (2020). *Trafficking in Persons Report 2020*. 70.

110 Shqiptarja.com. (2014). *Durrës, seks për turistët pranga tutorëve e prostitutave*. [Translated from Albanian].

111 *Ibid*.

112 The Guardian. (2008). *Albanian court finds British paedophile guilty of sexual abuse*.

113 ECPAT International. (2019). *Thematic Notice: Sexual Exploitation of Children & Voluntourism*.

114 ECPAT Albania. (2019). *The Government shall urgently close all residential institutions for children*.

115 The Economist Intelligence Unit. (2019). *Out of the Shadows Index: Albania Profile*.

116 The Code. (n.d). *Members of The Code: Albania*.

117 iNSTAT. (2019). *Tourism in figures: Albania 2019*.

118 iNSTAT. (2020). *Business Register 2019*. 24.

119 The Code. (n.d.). *The Code: About*.

As tourism to Albania increases, it is essential that the government passes legislation and creates action plans to protect children from SECTT. It is also important that further, up to date research is completed on the issue, to identify risk factors and estimate how exposed Albanian children are to this issue. This should be seen as an opportunity for the government to signify its commitment to ending child sexual exploitation. Equipping relevant authorities with suitable and proportionate powers in fighting child sexual exploitation will ingrain good practices and culture in the Albanian travel and tourism industry.

CHILD, EARLY AND FORCED MARRIAGE (CEFM)

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define ‘child marriage’ as “a marriage in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or without their consent”.¹²⁰ Some forms of child marriage are related to commercial sexual exploitation of children, in cases where child marriage is linked to forced child labour, slavery and bondage, servitude or payment of a dowry.¹²¹

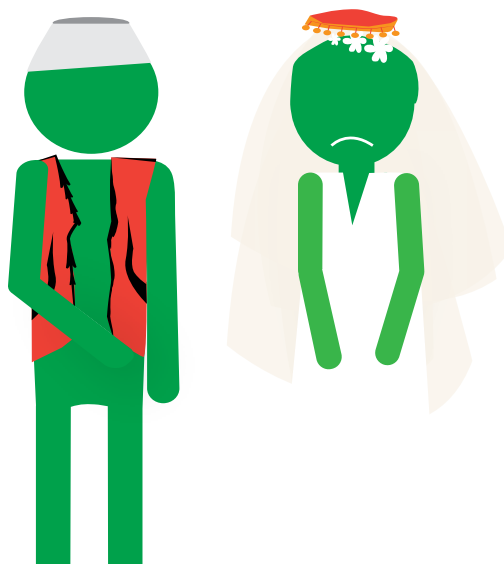
The minimum legal age of marriage in Albania is 18; however there are some exceptions where children may be allowed to marry for “sufficient reasons” such as pregnancy, where no minimum age is specified.¹²² A loophole in child marriage legislation reported by multiple sources is for children to be engaged at a very young age, to be married later once they turn 18.¹²³ While children who are engaged are not technically married, they are still subject to similar conditions that they would be if they were married, so it is important to consider this issue in discussions around CEFM in

Albania. The legal framework around CEFM will be discussed more extensively in section three.

Data from INSTAT shows that in 2018, there were 3656 marriages of girls between the ages of 0-19, and 165 marriages of boys between the ages of 0-19.¹²⁴ Unfortunately, this data is not separated into those married before the age of 18. The 2019 UNICEF’s State of the World’s Children report estimated that based on data from 2012-2018, 12% of women aged between 20-24 in Albania were married by 18, 1% by the age of 15 and 1% of boys between the ages of 20-24 were married by the age of 18.¹²⁵ However, these figures should not be read as an indication of the full scale of CEFM in Albania. Many marriages in the country are not registered and therefore not represented in official statistics.¹²⁶ CEFM is also understood to be very prevalent among Albania’s Roma community, however accurate statistical data is not available.¹²⁷

■ **12% OF WOMEN AGED BETWEEN 20-24 IN ALBANIA WERE MARRIED BY 18, 1% BY THE AGE OF 15**

■ **1% OF MEN AGED BETWEEN 20-24 WERE MARRIED BY THE AGE OF 18**



¹²⁰ Terminology Guidelines, 63.

¹²¹ ECPAT International and Plan International. (2015), *Thematic Report. Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage*. Bangkok: ECPAT International.

¹²² *Family Code of Albania*. Article 7.

¹²³ Children Today Centre. (2017). *Exploring societal norms on child sexual abuse in Albania*. 9.

¹²⁴ INSTAT. (n.d.). *Marriages by sex and age groups 1990-2018*.

¹²⁵ UNICEF. (2019, October). *The State of the World’s Children 2019*. 232.

¹²⁶ *Girls not Brides*. (n.d.) *Albania*.

¹²⁷ UNICEF Albania. (2018). *Child Marriage*. 10.

Research conducted by UNICEF Albania has identified that the main drivers of CEFM in Albania are poverty and restrictive gender norms.¹²⁸ However, while these drivers affect all groups of society, Roma families also face additional pressures and driving factors for CEFM.¹²⁹ Focus group discussions with Roma and Egyptian people living in segregated communities, Roma and Egyptian people living in integrated communities, non-Roma living in rural areas and non-Roma living in urban areas on knowledge, attitudes, beliefs and perceptions, social expectations, incentives, sanctions and norms relating to child marriage in Albania identified that in both segregated and integrated Roma communities, CEFM is a strong tradition and custom in their culture, whereas non-Roma participants did not discuss CEFM as a cultural tradition.¹³⁰ Tradition and custom links to another notable trend identified by Roma people in the study, with parents reporting that CEFM was driven by pressure from the rest of the community and extended family to marry their daughters.¹³¹ One participant stated, “if their neighbor’s daughter got married, they have to find a husband for their daughter as well.”¹³² The same study also highlighted that Roma people living in segregated communities emphasised the importance of protecting girls ‘honour’ necessitated marrying girls at a very young age, even though it was known to be harmful to the child.¹³³ Other

studies and reports suggest that the protection of a girls honour is prevalent in driving CEFM in other, non-Roma communities in Albania.^{134,135} It is noticeable that the example of CEFM occurring in order to protect honour is always discussed in the context of protecting girls’ honour, further highlighting how deeply ingrained patriarchal values and gender norms are driving CEFM in different communities around the country.

As observed with other forms of SEC in Albania, CEFM is also driven by extreme poverty.^{136,137} Giving a child away for marriage is a mechanism to cope with poverty as it results in a lesser burden on parents, and as research has found, this has led to poverty being described as ‘factual reality’ underpinning preference for child marriage in Albania.¹³⁸

It is crucial that, along with amending legislation so there are no exceptions allowing child marriage, the government addresses the root causes of CEFM highlighted above. Responses need to take into account the social pressures in Roma communities leading to child marriage, and involve the Roma community in campaigns promoting the benefits of delaying child marriage, and increasing sex education and education on consent to highlight that the protection of ‘honour’ is not a necessary concept.

128 *Ibid.*, 10.

129 *Ibid.*, 12.

130 *Ibid.*, 44.

131 *Ibid.*

132 *Ibid.*

133 *Ibid.*, 45.

134 Children Today Centre. (2017). *Exploring societal norms on child sexual abuse in Albania*. 9.

135 Girls not Brides. (n.d.) *Albania*.

136 Girls not Brides. (n.d.) *Albania*.

137 UNICEF Albania. (2018). *Child Marriage*. 10.

138 *Ibid.*, 46.

International, Regional and National Commitments and Legislation on the Sexual Exploitation of Children

INTERNATIONAL AND REGIONAL COMMITMENTS

Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council	
International Instruments	Date of ratification/accession
Convention on the Rights of the Child - 1989	27 February 1992
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – 2000	5 February 2008
Optional Protocol on a communications procedure - 2011	29 May 2013
ILO Convention on the Worst Forms of Child Labour – 1999 (No. 182)	2 August 2001
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	9 March 2004
Regional Instruments	Date of ratification/accession
Council of Europe Convention on Action against Trafficking in Human Beings (2005)	6 February 2009
Council of Europe Convention on Cybercrime – Budapest Convention (2001)	20 June 2002
Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse – Lanzarote Convention (2007)	14 April 2009

Human Rights Bodies	Date of latest submitted report	Comments
Committee on the Rights of the Child (CRC review)	2019	Albania will be under review during a future session. At the last review on 7 December 2012, CRC's key concluding observations related to SEC were: <ul style="list-style-type: none"> • Revise legislation to ensure that all children are protected against sexual abuse and exploitation and adopt programmes and policies for the prevention, recovery and reintegration of child victims. • "Fully enforce the minimum legal age of marriage and take all the necessary measures to curb the harmful practice of early and forced marriage." • "Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure".¹³⁹
Committee on the Rights of the Child (OPSC review)	2010	
Human Rights Council – Working Group on the Universal Periodic Review	2019	Key observations of the working group included: <ul style="list-style-type: none"> • Intensify efforts against the sale and trafficking of children through comprehensive investigations and prosecutions of perpetrators. • Take effective measures to fight the sexual exploitation of children. • 4 recommendations related to banning and preventing child marriage.¹⁴⁰

¹³⁹ Committee on the Rights of the Child. (2012). *Concluding observations the combined second to fourth periodic reports of Albania*. CRC/C/ALB/CO/2-4.

¹⁴⁰ Human Rights Council. (2019). *Report of the Working Group on the Universal Periodic Review: Albania*, A/HRC/42/4.

In terms of international cooperation and commitments, it is worth mentioning that Albania submitted its Voluntary National Review on the implementation of the SDGs in June 2018.¹⁴¹ Albania has outlined its full commitment to implementing the Agenda 2030 and in its voluntary review highlighted that 83% of SDG targets are directly linked with The National Strategy for Development and Integration 2015–2020 (NSDI II).¹⁴² The Government of Albania has established an Inter-Ministerial committee, comprised of stakeholders from the business community, civil society, academia, international organisations and the Department of Development and Good Governance, to coordinate efforts to implement the 2030 Agenda goals.¹⁴³ However, although targets 5.2, 8.7 and 16.2 of the Agenda 2030 specifically call for the elimination of all forms of violence, abuse and exploitation in children, Albania's Voluntary National Review made no specific mention of SEC under any of its goals. Moreover, NSDI II does little to directly address SEC and its manifestations, with relevant strategies aiming only to reduce human trafficking in general and increase the number of child abuse cases investigated via the Internet.¹⁴⁴

During the 2015 WeProtect summit in Abu Dhabi, Albania reaffirmed and endorsed the Statement of Action of the London WeProtect summit in 2014.¹⁴⁵ Through the WeProtect alliance Albania has committed to enhancing its efforts to identify and safeguard victims of online sexual exploitation, to apprehend offenders and to develop a coordinated national response to online child sexual exploitation.¹⁴⁶ Since joining the alliance, the National Centre for Safer Internet and the National Platform for Child Internet Safety have been established, as discussed below in sections 4.2 and 4.3, respectively.¹⁴⁷

Albania is one of 17 countries outside of the European Union that has an operational agreement with EUROPOL, facilitating information exchange for offences related to trafficking or OCSE.^{148,149} Indeed, this partnership has resulted in a number of successful operations tackling Albanian organised crime groups, including an investigation in 2019 that led to the arrest of 60 individuals with suspected links to human trafficking and prostitution.¹⁵⁰ Albania is also party to a number of bilateral agreements aimed at the prevention of trafficking with countries such as Greece, North Macedonia, Kosovo and Montenegro.¹⁵¹ It is a member of the Migration, Asylum, Refugees Regional Initiative between six countries in the Western Balkans which helps to provide collaboration in the area of human trafficking.¹⁵²

NATIONAL LEGISLATION

Albania has taken large and important strides towards improving its domestic legislation related to protecting the fundamental rights of the child. The adoption of both the Criminal Justice for Children Code¹⁵³ and the Law on the Rights and Protection of the Child¹⁵⁴ in 2017 have been important in helping to further align national legislation with international standards. However, important weaknesses remain in the law protecting children from sexual exploitation. As highlighted by the analysis below, a number of the offences in the Criminal Code relating to the sexual exploitation of children are inadequate in ensuring full compliance with the relevant international commitments.

141 Republic of Albania. (2018). *Voluntary National Review on Sustainable Development Goals*.

142 *Ibid.*

143 Sustainable Development Knowledge Platform. (n.d). *Voluntary National Review 2018-Albania*.

144 Republic of Albania. (2015). *The National Strategy for Development and Integration 2015–2020 (NSDI II)*. 72. (Translated from Albanian).

145 WeProtect Global Alliance. (2015). *"WeProtect summit - Statements of action 2015"*.

146 *Ibid.*

147 ECPAT Albania. (2019). *1st National Report on Online Safety of Children and Young People in Albania*. 12 & 13.

148 Council of Europe. (2019). *Member state responses to prevent and combat online child sexual exploitation and abuse*. 22

149 Europol. (2013). *Agreement on Operational and Strategic Co-operation between The Republic of Albania and Europol*.

150 Europol. (2019). *More than 60 Arrested in Series of Police Actions against Albanian Mafia*.

151 Council of Europe: Group of Experts on Action against Trafficking in Human Beings. (2019). *Reply from Albania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties*. 46.

152 MARRI. (n.d). *"Current Projects"*.

153 Republic of Albania. (2017). *Criminal Justice for Children Code*.

154 Republic of Albania. (2017). *Law on the Rights and Protection of the Child*.

Under Albanian legislation, many of the offences related to SEC are contained under the Criminal Code. Unfortunately, whilst the Law on the Rights and Protection of the Child and the Criminal Justice for Children Code define a child as being any person under 18,^{155,156} no precise definition for the term “minor” or “child” is provided under the Criminal Code. Under article 100 it is prohibited to have sexual or homosexual relations with minor children under 14 or a female minor who has not reached sexual maturity, with a punishment of seven to fifteen years.¹⁵⁷ The provision covering female minors who have not reached sexual maturity creates an imbalance in the level of protection offered to boys and girls under this article. Moreover, whilst the punishment remains the same for both offences, the distinction between sexual and homosexual relations may result in certain child victims being stigmatised.

Exploitation of children in prostitution

Under Albanian law, prostitution is criminalised by article 113 of the Criminal Code, which prohibits both the selling and purchasing of sex, with both offences punishable by a fine or up to three years imprisonment.¹⁵⁸ Whilst prostitution is illegal under this article, there is no specific mention of purchasing sexual services from children. Also, the engaging or soliciting of a child for the purposes of prostitution (which may not include selling or purchasing) is also not explicitly criminalised under Albanian law. Furthermore, article 113 makes no distinction between adults and children that could result in the prosecution of child victims of exploitation for prostitution. This is an especially worrying omission in the legislation given that in an analysis of judicial practice that monitored cases of exploitation in prostitution at the Tirana Judicial District Court in 2014 and 2015, it was

highlighted that in 2015, two minors were prosecuted for prostitution offences.¹⁵⁹ In recent years, prosecutors have been operating under an informal agreement not to prosecute children being exploited in prostitution.¹⁶⁰ However, it is clear that in order to fully and adequately protect children from exploitation in prostitution, this needs to be formalised in law.

Exploitation of prostitution is criminalised under article 114 of the Criminal Code which prohibits the “encouragement, mediation or receipt of compensation for the exercise of prostitution.”¹⁶¹ When this offence is carried out against “minors” it is attributed a higher penalty of seven to fifteen years imprisonment.¹⁶² In addition, under article 128/b governing the trafficking of minors, it is illegal to recruit, sell, transport, transfer, hide or receive a minor with the purpose of exploitation for prostitution.¹⁶³ The penalty for these offences is ten to twenty years imprisonment.¹⁶⁴ It is also illegal to induce or encourage minors under 14 to criminality, with a punishment of up to five years imprisonment.¹⁶⁵ Given that the exercise of prostitution is considered a criminal offence, encouraging children under 14 to engage in prostitution would be considered an offence under this article. However, this creates a loophole whereby perpetrators may avoid punishment for inducing or encouraging a child between 14 and 18 to engage in prostitution. As of June 2020 there have been no cases of this article being used to prosecute children exploited in prostitution.¹⁶⁶ The attempt at committing offences under the Criminal Code, including those mentioned above, is an offence.¹⁶⁷ Whilst the Law on the Rights and Protection of the Child states that the child should be protected from “child prostitution”,¹⁶⁸ it contains no provisions criminalising it.

¹⁵⁵ Republic of Albania. (2017). *Law on the Rights and Protection of the Child. Article 4.*

¹⁵⁶ Republic of Albania. (2017) *Criminal Justice for Children Code. Article 3.*

¹⁵⁷ Republic of Albania. (1995). *Criminal Code. Article 100.*

¹⁵⁸ *Ibid.*, Article 113.

¹⁵⁹ Centre for Legal Civic Initiatives. (2017). *Position of victims of trafficking in human beings and exploitation of prostitution in court proceedings in Albania. 2.*

¹⁶⁰ ECPAT Albania. (July 2020). *Personal communication.*

¹⁶¹ Republic of Albania. (1995). *Criminal Code. Article 114.*

¹⁶² *Ibid.*

¹⁶³ *Ibid.*, Article 128/b.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*, Article 129.

¹⁶⁶ ECPAT Albania. (July 2020). *Personal communication.*

¹⁶⁷ Republic of Albania. (1995). *Criminal Code. Article 22- 23.*

¹⁶⁸ Republic of Albania. (2017). *Law on the Rights and Protection of the Child. Article 26.*

Crucially, Albanian law does not provide a clear definition of exploitation of children in prostitution in line with international and regional standards, such as the OPSC¹⁶⁹ and the Lanzarote Convention.¹⁷⁰ Properly defining the exploitation of children in prostitution is vitally important in protecting children from being prosecuted as offenders and in raising awareness of the offence and the harm it may cause.

Online child sexual exploitation (OCSE)

Unfortunately, Albanian legislation does not provide full protection to children in the online environment and may leave them vulnerable to OCSE offenders. An important omission in the Albanian legislation is the lack of a definition for CSAM that is in line with international standards. Instead, it is left to the courts to decide what amounts to “child pornography”¹⁷¹ for the purposes of prosecuting offences under article 117.¹⁷² The lack of a precise and consistent definition may create confusion as to what constitutes CSAM, for example, it is unclear whether the courts would include audio, written or virtual depictions of CSAM as punishable under the Criminal Code. The term “child pornography” is also outdated and should be updated to use the more appropriate term “child sexual abuse/exploitation material”.

Albanian law criminalises most of the acts prescribed by the OPSC that relate to CSAM. Article 117 makes illegal the “production, import, offering, making available, distribution, transmission, use, or possession of child pornography, as well as the conscious creation of access in it.”¹⁷³ The execution of these actions by “any means or form” is criminalised; therefore applying to conducts

committed in the online environment.¹⁷⁴ ‘Use’ may cover the accessing, viewing and downloading of CSAM.¹⁷⁵ However, no local case law was consulted in the conduct of this research in order to arrive at this interpretation. The penalty for these offences is between three and ten years imprisonment.¹⁷⁶ In addition, article 117 prohibits the “recruitment, exploitation, compulsion, or the persuasion of a child to participate in pornographic shows, as well as the participation in such shows”, with a punishment of five to ten years imprisonment.¹⁷⁷ Although this is largely in line with article 21 of the Lanzarote Convention,¹⁷⁸ it is unclear whether attending such a show would amount to participation and so it does not explicitly prohibit knowingly attending pornographic performances involving children. Article 117 also prohibits the “production, distribution, advertisement, export, import, sale, and publication of pornographic materials in environments with children,” with a punishment of two years imprisonment for such offences.¹⁷⁹

Crucially, Albanian legislation does little to prohibit OCSE offences, other than those related to CSAM, such as the solicitation/grooming of children or sexual extortion. Although the live streaming of CSAM is not explicitly covered, it is possible that an offender may be prosecuted under the “transmission of child pornography” contained under article 117.¹⁸⁰

In Albania, under the Criminal Code, the age of criminal liability starts at 14 for crimes committed and at 16 for criminal contraventions committed.¹⁸¹

The prohibited actions related to pornographic materials in environments with children are considered to amount to criminal contraventions

169 UN General Assembly. (2000, May 25). *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. (A/RES/54/263). Art. 2(b).

170 *Lanzarote Convention*. (2007). Article 19.

171 While the legal term used is ‘child pornography’ and is thus used here, ECPAT advocates for moving towards using the term ‘child sexual abuse material’ in line with the recently adopted Terminology Guidelines, as sexualized material that depicts children is indeed a representation of child sexual abuse and should not be described as ‘pornography’.

172 Council of Europe. (2018). *Lanzarote Convention, Albania, Replies to the thematic questionnaire “The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”*. 13.

173 Republic of Albania. (1995). *Criminal Code*. Article 117.

174 *Ibid*.

175 ECPAT Albania. (July 2020). *Personal communication*.

176 *Ibid*.

177 *Ibid*.

178 *Lanzarote Convention*. (2007). Article 21, “Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised: a) recruiting a child into participating in pornographic performances or causing a child to participate in such performances; b) coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes; c) knowingly attending pornographic performances involving the participation of children.

179 Republic of Albania. (1995). *Criminal Code*. Article 117.

180 *Ibid*.

181 *Ibid.*, Article 12.

whilst the rest of the offences covered above will amount to crimes.¹⁸² Therefore, the lack of a clause that exempts a child from criminal liability when sharing self-generated CSAM in the form of 'sexting' may leave children over the age of 14 vulnerable to being treated and prosecuted as offenders. It is clear that it would be counterproductive to the best interests of the child for the law to penalise children who have produced and/or shared CSAM consensually with another child or who have been compelled to do so in an exploitive situation.

In relation to Internet Service Provider (ISPs) obligations, article 20(2) of the Law on Electronic Commerce states that they must notify authorities immediately if they have reasonable suspicions that service users are conducting illegal activities or have submitted illegal information.¹⁸³ Furthermore, under article 20(3), ISPs must provide, upon the request of the relevant authority and in accordance with the applicable legislation, all information that enables the identification of these users.¹⁸⁴ Failure to comply with these obligations will result in a ALL 200,000 fine (\$USD 1873 as of July 2020).¹⁸⁵ However, as this obligation only applies to commercial activities, it may not apply to crimes involving CSAM that are not commercial in nature. ISPs are also obligated under the Law on Electronic Communications, for the purpose of criminal proceedings, to retain the data files of their subscribers for a period of two years.¹⁸⁶ Moreover, under article 27 of the Law on the Rights and Protection of the Child, ISPs (or any other institution providing Internet access) are obligated to "apply technical tools and other measures for the protection of children from access to materials of harmful or illegal content."¹⁸⁷ However, despite this Law coming into force in 2017 and ministers subsequently working on a bylaw to give effect to its implementation, little has

been done to provide the required technical tools for the protection of children online.¹⁸⁸

Sale and trafficking of children for sexual purposes

The trafficking of minors is considered as an offence under article 128/b of the Criminal Code. The 'movement' or 'displacement' of a victim is not required to constitute a trafficking offence but the "recruitment, sale, transport, transfer, hiding or reception of minors" for the purpose of, inter alia, "exploitation for prostitution or other forms of sexual exploitation" is prohibited.¹⁸⁹ Contrary to the offence of the trafficking of adults, and in compliance with article 3(c) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (Palermo Protocol), no evidence of coercion, fraud, deception etc. - the means - is required in cases involving children. Penalties for the trafficking of minors amount to between ten and twenty years imprisonment.¹⁹⁰ The offence also contains a number of aggravating circumstances in which penalties may be increased. Indeed, if the offence involves collaboration, is committed more than once, involves the threat of physical or psychological violence in order to force the minor into committing various actions or results in serious consequences to health, the minimum punishment will be raised to fifteen years.¹⁹¹ If the offence results in the death of the minor, the punishment will be from twenty years to life imprisonment and if it has been carried out through the utilisation of a state function or public service, the punishment will be increased by a quarter.¹⁹² The organisation, management or financing of the trafficking of minors is also prohibited, with a penalty of imprisonment of between ten and twenty years.¹⁹³

¹⁸² *Ibid.*, Article 117.

¹⁸³ Republic of Albania. (2009). *Law on Electronic Commerce*. Article 20.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*, Article 22.

¹⁸⁶ Republic of Albania. (2008). *Law on Electronic Communications*. Article 101.

¹⁸⁷ Republic of Albania. (2017). *Law on the Rights and Protection of the Child*. Article 27.

¹⁸⁸ ECPAT Albania. (July 2020). *Personal communication*.

¹⁸⁹ Republic of Albania. (1995). *Criminal Code*. Article 128 (b).

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*

¹⁹³ *Ibid.*

Although largely in line with the Palermo Protocol, Albanian legislation does not explicitly state that a child may never consent to their own exploitation, as provided by article 3 (c). Unfortunately, although the article covering trafficking of adults explicitly states that offences committed within and outside of Albania will constitute an offence,¹⁹⁴ there is no corresponding provision given under the trafficking of minors offence.¹⁹⁵ This leaves ambiguity as to whether domestic trafficking offences against minors would be prohibited under Albanian law. Given the indication that the internal trafficking of children increases during the tourist season, (as outlined in section 2.4 above) it is vitally important that the law prohibits trafficking offences both within and outside of Albania.

Moreover, whilst the “sale” of minors is included as a prohibited act under article 128/b on the trafficking of minors,¹⁹⁶ it is not defined or included as a standalone offence and does not cover the offering, delivering or accepting of a child for sexual purposes, as provided by the OPSC.

The Criminal Code also prohibits anyone from benefiting from or using services provided by a trafficked person, when they are aware that the person is a victim of trafficking.¹⁹⁷ The effectiveness of this provision can be called into question given that it may be difficult to disprove a perpetrator relying on the defence that they did not know the person had been trafficked. In addition, certain actions that may facilitate trafficking are criminalised. These include the provision, forgery or possession of identity documents, passports or visas, as well as their retaining, hiding or damaging in order to facilitate trafficking.¹⁹⁸ Both of these offences contain higher penalties in cases that involve children.¹⁹⁹ Finally, although the Law on the Rights and Protection of the Child does not contain any provisions that criminalise the trafficking of children, it does state that all children should be protected from “trafficking, sale and all forms of

sexual exploitation and abuse.”²⁰⁰

Sexual exploitation of children in travel and tourism (SECTT)

There is no legislation in Albania that criminalises the organisation of travel arrangements or transportations that are explicitly or implicitly meant to create or facilitate opportunities for engaging in sexual activities with children. However, under the Law on Criminal Liability of Legal Persons, legal entities may be prosecuted for a range of criminal acts. Under article 3, a company may be held responsible for criminal offences committed on its behalf or for its benefit if they are committed by a person acting under its authority or if they occur due to a lack of supervision or control on the part of the company.²⁰¹ Companies found guilty of an offence under this Law may be punished by a fine or through the loss of their legal personality.²⁰² Although this could lead to companies being criminally prosecuted for crimes related to SECTT, there have been no examples of this happening in practice.

Child, early and forced marriages (CEFM)

The Albanian Family Code sets the minimum legal age of marriage at 18.²⁰³ However, the court may allow for children under 18 to be married for “sufficient reasons.”²⁰⁴ In these cases, no minimum age of marriage is set and what may qualify as a sufficient reason is not defined under the legislation. Research, conducted on case law from seven district courts between 2011 and 2017, indicated that the court may allow marriage on the grounds of pregnancy, childbirth, customary marriage or cohabitation.²⁰⁵ Worryingly, the research also found that, in some cases, the applicant did not provide any specific reason as to why they should be allowed to marry, but were still

194 Republic of Albania. (1995). *Criminal Code. Article 110/a*.

195 *Ibid.*, Article 128/b.

196 *Ibid.*

197 *Ibid.* Article 110/b.

198 *Ibid.* Article 110/c.

199 *Ibid.* Articles 110/b and 110/c.

200 Republic of Albania. (2017). *Law on the Rights and Protection of the Child. Article 26*.

201 Republic of Albania. (2007). *Law on Criminal Liability of Legal Persons. Article 3*.

202 *Ibid.*, Article 9.

203 Republic of Albania. (2003). *Family Code of Albania. Article 7*.

204 *Ibid.*

205 Observatory for Children and Youth Rights. (2018). *Marriage in Court? Children’s Rights, Underage Marriage and the Role of the Court*. 35.

granted permission by the court.²⁰⁶

Article 8 of the Family Code states that the free consent of the spouses is a fundamental requirement for entering into a marriage.²⁰⁷ Furthermore, article 130 of the Criminal Code makes it an offence to coerce another person to enter into a marriage or to intentionally request an adult or child to leave Albania for the purpose of obliging them to enter a marriage.²⁰⁸ These offences carry punishment of a fine or up to three months imprisonment.²⁰⁹ There are no provisions under the Albanian legislation that prohibit the practice of early age engagement. Considering that is a common practice for girls of around 14-15 to be engaged to marry, and that it has been shown to be linked directly or indirectly to sexual abuse,²¹⁰ it is vitally important that the practice is criminalised.

Extraterritorial jurisdiction and extradition law

Extraterritorial jurisdiction for crimes committed abroad by Albanian citizens is covered by article 6 of the Criminal Code.²¹¹ The requirement of double criminality applies, meaning that an action will only be considered an offence when the crime committed is prohibited within both Albania and the territory in which it is carried out and when a foreign court has not already given a final decision.²¹² Foreign citizens will be held liable for all criminal offences committed within Albania.²¹³

Additionally, they may be found guilty of certain crimes committed abroad that are against the interests of Albania or its citizens, including, inter alia, organisation of prostitution, the trafficking of children and the manufacture and trafficking of pornographic materials.²¹⁴

With regards to extradition, the Criminal Code provides that extradition may only be granted when explicitly provided for by international agreements to which Albania is party and that Albanian citizens must not be extradited unless otherwise provided for by the agreement.²¹⁵ This is compounded by the Albanian Constitution, which states that extradition may only occur when provided for by international agreement or through judicial decision.²¹⁶ Furthermore, the Criminal Code establishes the requirement of double criminality in extradition cases.²¹⁷ Under the Law on Judicial Relations with Foreign Authorities on Criminal Matters, it is stated that, in order for a person to be extradited to a foreign state, the offence must carry a penalty of imprisonment of at least one year under Albanian legislation.²¹⁸ While this covers most of the offences related to SEC that are criminalised in Albania, offences relating to forced marriage under article 130 of the Criminal Code do not meet the minimum threshold of one year of imprisonment. Currently, Albania has bilateral extradition agreements with Egypt,²¹⁹ Italy,²²⁰ Kosovo,²²¹ North Macedonia,²²² the USA²²³ and the United Kingdom.²²⁴

206 *Ibid.*

207 Republic of Albania. (2003). *Family Code of Albania. Article 8.*

208 Republic of Albania. (1995). *Criminal Code. Article 130.*

209 *Ibid.*

210 Children Today Centre. (2017). *Exploring societal norms on child sexual abuse in Albania. 9*

211 *Ibid.*, Article 6.

212 *Ibid.*

213 *Ibid.*, Article 7.

214 *Ibid.*

215 *Ibid.*, Article 11.

216 Republic of Albania. (1998). *Constitution of Albania. Article 39.*

217 Republic of Albania. (1995). *Criminal Code. Article 11.*

218 Republic of Albania. (2009). *Law on Judicial Relations with Foreign Authorities on Criminal Matters. Article 32.*

219 Republic of Albania. (2004). *Extradition Agreement between the Republic of Albania and the Arab Republic of Egypt. [Translated from Albanian].*

220 Republic of Albania. (2008). *Extradition Agreement between the Republic of Albania and Italy. [Translated from Albanian].*

221 Republic of Albania. (2013). *Extradition Agreement between the Republic of Albania and Kosovo. [Translated from Albanian].*

222 Republic of Albania. (2013). *Extradition Agreement between the Republic of Albania and Macedonia. [Translated from Albanian].*

223 Republic of Albania. (1933). *Extradition Agreement between the Republic of Albania and the United States of America. [Translated from Albanian].*

224 Republic of Albania. (1933). *Extradition Agreement between the Republic of Albania and the United Kingdom [Translated from Albanian].*

National Response to the Sexual Exploitation of Children

COORDINATION AND COOPERATION

Law No. 18/2017 On the Rights and Protection of the Child established the National Council for the Rights and Protection of the Child,²²⁵ which is tasked with giving advice and coordinating government policy for guaranteeing the rights and protection of children.²²⁶ The Council is made up of nine members, representing both the government and civil society organisations, and is responsible for assessing and analysing the implementation of government policies, as well as national and regional child protection programmes.²²⁷ It also has a duty to recommend specifically designed child and family oriented programmes.²²⁸ However, in 2019, the European Commission stated that little action had been taken to implement these actions.²²⁹ For example, Law No. 18/2017 requires all child protection workers to be qualified social workers,²³⁰ however as of May 2019, only 78 out of 223 child protection workers (35%) had these qualifications.²³¹ This suggests that the National Council for the Rights and Protection of the Child is failing in its responsibility to oversee and analyse the implementation of child protection programmes.

As well as the National Council, the State Agency for the Rights and Protection of the Child is also responsible for coordination and organisation of the child protection system, implementing child protection policies, including the implementation of interventions and taking of measures for prevention and protection of the child from abuse, neglect, maltreatment and violence.²³² The responsibilities of the agency were extended under Law No. 18/2017 On the Rights and Protection of the Child, however, external analysis published by the European Commission in 2019 concluded that both financial and human resources awarded to the institution "do not correspond to its increased responsibilities."²³³

In terms of national action plans and strategies, some manifestations of SEC are addressed in dedicated plans, such as child trafficking for the purposes of sexual exploitation and OCSE, however there is no specific, dedicated plan solely on child sexual exploitation. The 2017-2020 National Justice for Children Strategy Objective 4.3 is to develop 'specific treatment and rehabilitation programmes for child victims of torture, human trafficking, sexual violence and domestic violence,'²³⁴ however the definition of 'sexual violence' is not specified, so it is not clear what manifestations of child sexual exploitation are covered under this objective. Multiple institutions are responsible

225 Republic of Albania. (2017). *Law No. 18/2017 On the Rights and Protection of the Child*. 39.

226 *Ibid.*, 39.

227 *Ibid.*, 41.

228 *Ibid.*

229 European Commission. (2019). *Albania 2019 Report*. 29.

230 Republic of Albania. (2017). *Law No. 18/2017 On the Rights and Protection of the Child*. 51.

231 European Commission. (2019). *Albania 2019 Report*. 29.

232 *Ibid.*, 44.

233 European Commission. (2019). *Albania 2019 Report*. 29.

234 Ministry of Justice. (2017). *National Justice for Children Strategy 2017-2020*. 16.

for the implementation of Objective 4.3: the Ministry of Justice, the Ministry of Social Welfare and Youth and the Ministry of Interior.²³⁵ It was calculated in the strategy that it would cost ALL 110,890,500.00 (\$USD 1,023,730 as of July 2020)²³⁶ to implement this objective over the three years of the action plan, however, in 2017, only ALL 310,500 (\$USD 2866 as of July 2020)²³⁷ had been spent, with the strategic plan reporting a ‘financial gap’ of ALL 110,580,000 (\$USD 1,020,864 as of July 2020).²³⁸ As no evaluations of the strategy have been completed, it is not clear whether or not this financial gap has yet been addressed.

In 2018, the National Action Plan against Human Trafficking 2018-2020 was approved. The plan is divided into four main ‘pillars’: investigation and criminal prosecution, protection and assistance to victims, prevention and coordination.²³⁹ A particularly encouraging objective of the plan is to ‘improve the social inclusion of potential victims of trafficking “by harmonising actions with the Roma and Egyptian Reintegration Plan 2017-2020, the National Gender Equality Strategy and Action Plan, as well as the Social Inclusion Strategy.”’²⁴⁰ This objective is an example of an effort to coordinate different strategies aimed at vulnerable groups in Albania to prevent children becoming victims of trafficking, an acknowledgement from the government that more needs to be done to protect groups such as Roma and Egyptian children. Other fairly extensive objectives to improve anti-trafficking coordination are also set out in the plan, such as regular exchanges of information between different bodies, regular reporting on activities by different stakeholders,²⁴¹ and an aim to improve bilateral, regional and international cooperation of law enforcement structures in the fight against trafficking.²⁴² While assessments and evaluations of this plan are not due until mid-2020, the annual report of 2018 highlights

some progress that has already been made. For example, regional and international cooperation has “taken on a new dimension”, with meetings of anti-trafficking coordinator counterparts from Montenegro, Kosovo, Macedonia, Italy and the UK to intensify efforts against trafficking.²⁴³ Further, information and awareness raising meetings have occurred with Roma and Egyptian communities in 12 different municipalities.²⁴⁴ While it is welcome and encouraging that progress has been made on this plan, it is important to note that there are no specific objectives aimed at children who were trafficked for the purposes of sexual exploitation, and the plan as a whole is not dedicated specifically to children, but all victims of trafficking.

In 2018, the Ministry of Health and Social Protection, Ministry of Education, Sports and Youth and the Ministry of Interior also agreed to sign the National Action Plan of Child Online Safety for 2018-2020.²⁴⁵ The relevant main goals include: “enhancing child safety during their online navigation by creating a broad collaboration, exchange and coordination platform that enhances the security of identifying, reporting and restricting access to sites that are inappropriate or illegal for children and adolescents in Albania”, and “strengthening dialogue between state institutions, civil society, internet industry and communication to enable children to be protected from violence, bullying, abuse and online exploitation.”²⁴⁶ Encouragingly, the plan was prepared with the support of ECPAT Albania,²⁴⁷ and the government can be monitored and held to account by experts on child Internet safety if measures in the plan are not implemented effectively. Furthermore, as mentioned in section two, ECPAT Albania and the National Safe Internet Centre work with private companies such as Facebook Europe (and therefore Instagram) and Google on a case by case basis to help take down profiles and content

235 *Ibid.*, 37.

236 *Ibid.*, 47.

237 Ministry of Justice. (2017). *National Justice for Children Strategy 2017-2020*. 47.

238 Ministry of Justice. (2017). *National Justice for Children Strategy 2017-2020*. 47.

239 Government of Albania. (2018). *Për miratimin e planit kombëtar të veprimit për luftën kundër trafikimit të personave 2018–2020*. 2. [Translated from Albanian].

240 *Ibid.*, 36.

241 *Ibid.*, 42.

242 *Ibid.*, 15.

243 Ministry of Interior. (2019). *Raport vjetor për zbatimin e planit kombëtar të veprimit për luftën kundër trafikimit të personave 2018-2020*. 8. [Translated from Albanian].

244 *Ibid.*, 44.

245 ALO Albania. (2018). *Albania approves national action plan for child online protection*.

246 ECPAT Albania. (2019). *1st National Report on Online Safety of Children and Young People in Albania*. 14.

247 ALO Albania. (2018). *Albania approves national action plan for child online protection*.

containing CSAM.²⁴⁸ The engagement of the private sector to coordinate their responses to OCSE with child rights organisations is a particularly welcome development. ECPAT Albania and Facebook Europe have a very productive relationship, with ECPAT Albania informing and educating those working at Facebook Europe on how to identify CSAM,²⁴⁹ which has led to Facebook Europe reportedly working to create an algorithm to identify posts on their platforms containing CSAM before they are even published.²⁵⁰

While the above highlight how OCSE and child trafficking are addressed with fairly extensive action plans and some effective coordination, other forms of SEC, such as child exploitation in prostitution, CEFM and SECTT are not included in any national action plans. It is also important to highlight that all the national action plans mentioned above expire in 2020; however as of July 2020, processes have not yet begun to draft new plans.²⁵¹

In 2019, ECPAT Albania and other civil society organisations called on the government to draft a comprehensive strategy specifically on child protection against violent and sexual crimes.²⁵² As of July 2020, this request had still not been acted on.²⁵³ This is symptomatic of a wider issue in Albania. While civil society and the government have a positive relationship, and action plans addressing some manifestations of SEC do exist, anecdotal evidence suggests that despite lengthy policy documents, strategies, plans and consultations with the government around issues of SEC, it is very difficult to get the government to act with substantive systemic changes.²⁵⁴ When this issue is combined with the expectation for NGOs to provide services outlined in government policy despite a lack of government funding, it suggests that the government is willing to tackle these issues on paper, but their actions and lack of support with financial resources are not sufficient

when it comes to protecting children from sexual exploitation.

PREVENTION MEASURES, AWARENESS-RAISING AND EDUCATION

The Albanian government and civil society organisations have implemented a number of awareness raising and education measures around SEC. It is important to note however that, like national action plans and strategies in the country, many awareness raising and education measures focus on trafficking and OCSE. There is far less attention paid to raising awareness around other manifestations of child sexual exploitation such as SECTT, CEFM and child exploitation in prostitution.

Since 2015, awareness and education campaigns focussing on human trafficking have been extensive and regular, with anti-trafficking awareness month being observed in October every year.²⁵⁵ Encouragingly, many awareness-raising activities are often actively engaging with children. In 2018, Regional Anti-Trafficking Committees continued awareness-raising activities with high school and 9-year middle school students reaching around 500 participants, and around 60 awareness raising meetings on prevention of trafficking in persons and irregular migration were held around the country.²⁵⁶ Further, in June 2018, several meetings were held in the cities of Elbasan and Fier on the prevention of unaccompanied child migration, mainly to Italy.²⁵⁷ This is a particularly important issue to raise awareness of considering the high levels of unaccompanied Albanian minors vulnerable to trafficking in Italy, as highlighted in section 2.3. Awareness raising efforts in previous years have also often involved engaging with vulnerable groups such as the Roma and Egyptian communities,²⁵⁸ and in the October 2017 anti-

248 ECPAT Albania. (2020). *CRCA and Google to work together for protection of children and youth online in Albania*.

249 ECPAT Albania. (July 2020). *Personal communication*.

250 *Ibid.*

251 *Ibid.*

252 ECPAT Albania. (2019). *The protection of children from sexual crimes and violence requires urgent changes to laws*.

253 ECPAT Albania. (July 2020). *Personal communication*.

254 *Ibid.*

255 Group of Experts on Action against Trafficking in Human Beings. (2019). *Reply from Albania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties*. 38-43.

256 *Ibid.*, 43.

257 *Ibid.*, 42.

258 *Ibid.*, 38.

trafficking awareness month, there were training sessions with public health workers, the labour inspectorate and employment offices.²⁵⁹ While the above measures are welcome, anecdotal evidence suggests that in practice, education around trafficking for the purposes of sexual exploitation is limited, with ministries responsible for these awareness raising measures keeping activities very generic, and not targeted on issues like trafficking for the purposes of sexual exploitation.²⁶⁰

It is important to also note that, in a UK Home Office ‘fact finding mission’ in 2019 to Albania on human trafficking, multiple sources expressed concern about the police’s response to human trafficking, explaining how the focus for the police is on the number of arrests made, rather than identifying and referring victims of human trafficking to relevant institutions.²⁶¹ This suggests that more training and education of police officers is required, to ensure the protection of victims is at the forefront of all responses.

A significant number of awareness raising and education campaigns also exist addressing OCSE. In February 2020, a week of awareness activities run by ECPAT Albania began in schools to coincide with Safer Internet Day,²⁶² and a number of NGOs collaborated to organise the fifth national forum “Together for Safer Internet for Children and Youth in Albania.”²⁶³ In previous years on Safer Internet Day, activities have included awareness campaigns for school children on ‘sexting’ and sharing intimate videos and pictures online and the danger/threat of CSAM.²⁶⁴ Also in 2018, the National Safe Internet Centre was established, of which part of its mission is to increase information, awareness and advice for child Internet users.²⁶⁵

The centre develops information materials for students, teachers, parents, child advocates and police officers and organises information sessions on measures that can be taken to protect children from sexual violence online.²⁶⁶ ECPAT Albania’s agreement with Facebook Europe has also included training sessions with Facebook staff in June 2020 on how to identify and remove CSAM on Facebook’s platforms,²⁶⁷ which is essential and timely considering the increased reporting of CSAM material to iSIGURT.al in 2020, as highlighted in section 2.2. Both ECPAT Albania and Facebook Europe in Albania should be commended for their collaboration and efforts in tackling the identification and removal of CSAM.

However, it is very important to highlight that in UNICEF’s 2019 study on OCSE in Albania, none of the children who reported being a victim of OCSE reported their exploitation to the national child helpline - ALO (116 111).²⁶⁸ This shows that more needs to be done to raise awareness and make reporting mechanisms for SEC more visible and accessible to children.

While the above highlights how some awareness raising and education for children on issues like OCSE and trafficking exist, anecdotal evidence suggests that these measures do not always extend to those primarily responsible for the protection of children, such as parents and teachers. For example, training sessions on child protection measures are available for teachers; however, teachers have to pay themselves to take the courses, as the Ministry of Education refuses to pay for them.²⁶⁹ This training is essential in Albania, particularly considering the reported increase of sexual violence against children in educational institutions in the country highlighted earlier in this report.

259 *Ibid.*, 41.

260 ECPAT Albania. (July 2020). *Personal communication*.

261 UK Home Office. (2019). *Country Policy and Information Note Albania: People trafficking*. 17.

262 iSIGURT.AL. (2020). *Albania Launches “Together for Safer Internet for Children in Albania” Campaign*.

263 *Ibid.*

264 iSIGURT.AL. (2018). *Albania Joins Forces for Child Online Safety*.

265 iSIGURT.AL. (2018). *National Safe Internet Centre Opened in Albania*.

266 ECPAT Albania. (2019). *1st National Report on Online Safety of Children and Young People in Albania*. 13.

267 ECPAT Albania. (July 2020). *Personal communication*.

268 UNICEF. (2019). *One Click Away*. 55.

269 *Ibid.*

It is also noticeable that education and awareness raising of SECTT, CEFM and exploitation in prostitution are lacking attention. ECPAT Albania is trying to address these issues. In October 2019, ECPAT Albania established the Child and Youth Advocacy Centre, which will work to inform, raise awareness, advise, support, refer and report any case of child and youth violence.²⁷⁰ The centre will also support with trainings, exchanges and mentoring of all professionals of child protection, law enforcement and justice, while building education programmes for the public on sexual violence against children.²⁷¹ In November 2019, ECPAT Albania also organised the ‘European day of activities on sexual violence against children’ in collaboration with the Council of Europe’s division on Children’s Rights,²⁷² which took place at the same time as the 2nd Girls Summit, an event focussed on girls rights and protections from sexual exploitation.²⁷³ The event resulted in a draft resolution being published, making recommendations to the government, local municipalities and NGOs to protect girls from sexual violence and exploitation.²⁷⁴ Encouragingly, more than 20 girls were involved in the consultations and drafting of the resolution.²⁷⁵

The work that ECPAT Albania does to establish centres, campaigns and awareness raising activities is commendable, however for this to continue and develop further, it is essential that the government commits to provide organizations like ECPAT Albania with all the resources they need to be able to continue with these activities.

CHILD PROTECTION, ACCESS TO JUSTICE AND RIGHT TO REMEDIES FOR CHILD VICTIMS OF SEXUAL EXPLOITATION

National complaint mechanisms

Whilst the Criminal Procedure Code indicates that all victims of a criminal offence, including children, have the right to “require the prosecution of the perpetrator”, it also provides that victims without legal capacity must exercise their rights through a legal representative or guardian, unless this is not in the best interest of the victim.²⁷⁶ As per the Civil Code, children under 14 do not have legal capacity and so require a legal representative to act on their behalf.²⁷⁷ When the victim’s criminal complaint is not required to initiate proceedings, the prosecutor has the duty to do so *ex officio* (with the power of office).²⁷⁸ Although the victim’s complaint is not required in most of the crimes involving SEC, it is necessary²⁷⁹ for the offences of engaging in sexual activity through the abuse of position²⁸⁰ and engaging in sexual activity through abuse of trust.²⁸¹

In terms of legal obligations, the Law on the Rights and Protection of the Child introduced mandatory requirements for any person, employee of a public or private institution in contact with children through their profession, teacher or psychosocial support worker or employee of a health or child care institution to report any instances of abuse, neglect or exploitation of a child.²⁸² Whilst there are no penalties under this Law for the failure to report such cases, the Criminal Code imposes a penalty of a fine or up to three years imprisonment for the failure to report a crime.²⁸³ However, family members and those bound by confidentiality

²⁷⁰ ECPAT Albania (2019). *Child and Youth Advocacy Centre Established in Albania*.

²⁷¹ *Ibid.*

²⁷² ECPAT Albania. (2019). *Albania joins the council of europe campaign on sexual violence against children*.

²⁷³ ECPAT Albania. (July 2020). *Personal communication*.

²⁷⁴ *Ibid.*

²⁷⁵ *Ibid.*

²⁷⁶ Republic of Albania. (1995). *Criminal Procedure Code*. Article 58.

²⁷⁷ Republic of Albania. (1991). *Civil Code*. Article 8.

²⁷⁸ Republic of Albania. (1995). *Criminal Procedure Code*. Article 24 (6).

²⁷⁹ *Ibid.*, Article 284.

²⁸⁰ Republic of Albania. (1995). *Criminal Code*. Article 105.

²⁸¹ *Ibid.*, Article 106.

²⁸² Republic of Albania. (2017). *Law on the Rights and Protection of the Child*. Article 67.

²⁸³ Republic of Albania. (1995). *Criminal Code*. Article 300.

due to their profession are excluded from this obligation.²⁸⁴

Through the Albanian national child helpline - ALO (116 111), children can report instances of SEC, access psychological counselling services, and seek the referral of the case to the appropriate law enforcement agencies.²⁸⁵ Furthermore, illegal or unsafe online content or incidents of SEC can be reported through the National Platform for Child Safety Online.²⁸⁶ This reporting mechanism can also be accessed through an app (ISIGURT) that provides direct access to report crimes or access child helpline services.²⁸⁷ The State Agency for the Protection of Children's Rights is obliged by law to establish a toll free hotline, widely publicise its telephone number, and verify and report any relevant case to the authorities.²⁸⁸ It has signed memoranda of understanding and protocols with both of these reporting mechanisms, aimed at guaranteeing the effective referral of cases to the relevant law enforcement agencies.²⁸⁹ In 2019, the National Platform for Child Safety Online dealt with 104 cases, of which 10% related to children reporting exposure to inappropriate content or nudity and just two cases were reports of CSAM.²⁹⁰ As mentioned in section 2.2, ISIGURT.al has received 6129 reports thus far in 2020, 6054 of which were pages, videos or profiles that contained child sexual abuse material.²⁹¹ Furthermore, as mentioned in section 4.2, none of the children included in UNICEF's study, who had received unwanted sexual attention, used the national child helpline for support.²⁹²

Albanian law prescribes different statute of limitations periods depending on the severity of the penalty attached to the crime. This ranges

from two years for criminal contraventions punished by a fine to twenty years for crimes with a penalty of imprisonment for at least ten years.²⁹³ When sexually exploited children disclose their abuse, their disclosure is often delayed. In these cases, their access to justice can be thwarted by short statutes of limitations for sex crimes.²⁹⁴ There are a range of factors that may result in a child not feeling comfortable with reporting SEC related crimes. Some children may not fully understand the severity of what has happened to them until much later or may not see themselves as victims.²⁹⁵ Other children may wish to protect their abuser or feel some sense of guilt/responsibility for what has happened to them.²⁹⁶ Therefore, it is recommended that there is no statute of limitation for crimes related to SEC, allowing victims to come forward if and when they feel comfortable to do so.

Finally, Albania has ratified the Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure, allowing children to bring complaints for violations of their rights to the CRC Committee.²⁹⁷ As of July 2020, no complaints had been submitted from Albania through this mechanism.

Child-sensitive justice

Child sensitive justice measures were greatly improved under Albanian legislation after the passing of both the Criminal Justice for Children Code and Law on the Rights and Protection of the Child in 2017. Both laws endeavour to ensure that the best interest of the child is a primary consideration in any decision taken involving

284 *Ibid.*

285 ECPAT Albania. (n,d). *National Free Legal Aid Helpline for Children and Young People*.

286 Council of Europe. (2018). *Lanzarote Convention, Albania, Replies to the thematic questionnaire "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)"*. 8.

287 *Ibid.*

288 Republic of Albania. (2017). *Law on the Rights and Protection of the Child*. Article 68.

289 Council of Europe. (2018). *Lanzarote Convention, Albania, Replies to the thematic questionnaire "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)"*. 8.

290 ECPAT Albania. (2020). *2nd National Report on Online Safety of Children and Young People in Albania*. 20.

291 ECPAT Albania. (July 2020). *Personal communication*.

292 UNICEF. (2019). *One Click Away*. 55.

293 *Ibid.*, Article 66.

294 ECPAT International. (2017). *Through the Eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation* ECPAT International. 58.

295 *Ibid.*, 49.

296 *Ibid.*

297 United Nations. (2014). *Optional Protocol to the Convention on the Rights of the Child on a communications procedure*. A/RES/66/138. Article 5.

children.^{298,299}

The Criminal Justice for Children Code provides for the mandatory presence of a psychologist during interviews with child victims or witnesses,³⁰⁰ free legal aid and psychological assistance to child victims³⁰¹ and protections to ensure the non-disclosure of their identity.³⁰² In addition, the Code establishes that all competent authorities dealing with children in the criminal justice system should have the requisite knowledge and have received the necessary training on how best to protect the rights of the child.³⁰³ However, despite this provision, judges and prosecutors have still not received the necessary training to ensure the adequate protection of the rights of child victims.³⁰⁴ The Code also provides that all child victims have the right to be informed of, among other things, details of the judicial process, support mechanisms and protective measures available, opportunities to obtain compensation, availability of restorative justice measures and health, social, psychological, financial and legal services.³⁰⁵ The court may also implement the prescribed measures for the protection of the child, and may decide *ex officio* to do so when the child is at risk.³⁰⁶

The Criminal Justice for Children Code also provides for special interview rules for child victims and/or witnesses of sexual exploitation. These rules provide, among other things, that children may give testimony through audio/video interviews without being present in the court and that the child will never be interviewed in the presence of an abusive family member whilst a protection order is being issued.³⁰⁷ Furthermore, the Criminal Procedure Code states that children have the right to be accompanied by one adult of

his/her trust and ask that the hearing take place without the presence of the public.³⁰⁸ Finally, all victims of sexual abuse and/or human trafficking have the right to be heard by a prosecutor of the same gender, refuse to answer private questions not related to the offence and be heard during the trial through audio visual tools.³⁰⁹

Whilst Albania has strengthened child-sensitive justice measures under its legislation, challenges remain in their practical application. In 2019, analysis by the EU Commission identified that the successful implementation of the measures established under the Criminal Justice for Children Code would require changes in administrative culture, new and adapted infrastructure, capacity building within the relevant authorities, establishment and funding of social services and effective coordination between the relevant institutions at national and local levels.³¹⁰ Indeed, whilst legal aid and representation should be available for all children, it has only been provided for children accused of a crime whilst child victims and witnesses receive only psychosocial support.³¹¹ Additionally, the onus is often largely on NGOs to provide necessary social services such as legal aid and psychosocial support, which, given budget constraints, means that many children may not have full access to the services established by law.³¹²

Access to recovery and reintegration

The Law on the Rights and Protection of the Child provides that it is the duty of the municipalities to establish child protection structures that, among other things, design rehabilitation and reintegration programmes with a particular focus on child victims of violence, abuse, neglect

298 Republic of Albania. (2017). *Law on the Rights and Protection of the Child*. Article 6.

299 Republic of Albania. (2017). *Criminal Justice for Children Code*. Article 10.

300 *Ibid.*, Article 18.

301 *Ibid.*, Article 20.

302 *Ibid.*, Article 21.

303 *Ibid.*, Articles 25 & 26.

304 ECPAT Albania. (July 2020). *Personal communication*.

305 *Ibid.*, Article 34.

306 *Ibid.*, Article 37.

307 *Ibid.*, Article 41.

308 Republic of Albania. (1995). *Criminal Procedure Code*. Article 58/a.

309 *Ibid.*, Article 58/b.

310 European Commission. (2019). *Albania 2019 Report*. 29.

311 Albanian Rehabilitation Centre for Trauma and Torture. (2019). *Children within Judiciary System: Monitoring of child' legal protection system and equitable access to justice in civil, administrative and criminal proceedings*. 47.

312 ECPAT Albania. (July 2020). *Personal communication*.

and exploitation.³¹³ Child protection units are responsible for providing social services to children at risk and in need of protection.³¹⁴ More specifically, it is the duty of the child protection workers to provide individual protection plans which include rehabilitating and reintegrating services for child victims of abuse, violence, neglect and exploitation.³¹⁵ However, analysis by the European Commission in 2019 found that the 223 child protection workers in employment only amounted to around half of the required total.³¹⁶ Furthermore, only around a quarter of these worked full time whilst just over a third of them had the requisite background as a social worker (as mentioned in section 4.1).³¹⁷

Unfortunately, the Criminal Justice for Children Code does not provide for recovery or reintegration services for child victims, instead only mentioning these services in relation to children in conflict with the law.³¹⁸ Moreover, although the Juvenile Justice Strategy 2018-2021 states child victims as one of the core groups for which it is designed to protect,³¹⁹ it focuses heavily on children in conflict with the law. Although it is envisioned under objective 4 of the strategy that by 2021 pilot counselling and rehabilitation programmes will be implemented for child victims,³²⁰ there is no specific mention of progress towards this goal in the 2019 monitoring report.³²¹ In addition, this goal is aimed at child victims of all criminal offences, rather than SEC specifically.

In 2020, ECPAT Albania set up the Barnahus Centre and became a member of the European Barnahus network.³²² As an associate member of this network the Centre is qualified to provide services such as trauma counselling, crisis intervention and free legal aid to children from every region of Albania.³²³ However, in order to become a full member of the network it must first develop the capacity to provide forensic interviewing for child victims, which it hopes to do in the coming years.³²⁴ Furthermore, in 2016, the General Prosecutors Office established the Victims Assistance Office in order to provide counselling and support services to victims of, among other things, violence and sexual exploitation.³²⁵ Unfortunately, as of June 2020 the office had not provided support to child victims of SEC.³²⁶

In terms of trafficking, services for victims may be obtained at one of the four shelters within the National Coalition of Anti Trafficking Shelters, of which one is the National Reception Centre for Victims of Trafficking and three are operated by NGOs (Different & Equal, Another Vision and Vatra).³²⁷ These shelters provide a range of support such as medical, legal and psychological assistance, counselling services, accommodation and assistance to child victims of trafficking.³²⁸ The shelters have also provided help to victims of sexual abuse and domestic violence,³²⁹ and one NGO run shelter provides specialised services for victims of trafficking under 18.³³⁰ However, although they are assigned government funding,³³¹ EU analysis found that the NGO run shelters for

313 Republic of Albania. (2017). *Law on the Rights and Protection of the Child. Article 46(f)*.

314 *Ibid.*, Article 49.

315 *Ibid.*, Articles 51 & 54.

316 European Commission. (2019). *Albania 2019 Report. 29*.

317 *Ibid.*

318 Republic of Albania. (2017) *Criminal Justice for Children Code. Articles 94 & 134*.

319 Republic of Albania. (2018). *National Justice for Children Strategy 2018-2021. 12*.

320 *Ibid.*, 28.

321 Republic of Albania. (2019). *Monitoring Report January – December 2019: Juvenile Justice Strategy*.

322 PROMISE. (nd.). *European Barnahus Movement*.

323 ECPAT Albania. (July 2020). *Personal communication*.

324 *Ibid.*

325 Albanian Rehabilitation Centre for Trauma and Torture. (2019). *Children within Judiciary System: Monitoring of child' legal protection system and equitable access to justice in civil, administrative and criminal proceedings. 40*.

326 ECPAT Albania. (July 2020). *Personal communication*.

327 Council of Europe: Group of Experts on Action against Trafficking in Human Beings. (2019). *Reply from Albania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. 45*.

328 *Ibid.*

329 *Ibid.*

330 US Department of State. (2020). *Trafficking in Persons Report 2020. 69*.

331 *Ibid.*

victims of trafficking were underfunded.³³² It is a worrying trend that much of the focus on recovery and reintegration efforts is directed towards victims of trafficking, potentially leaving child victims of other manifestations of SEC without essential services important for their recovery.

Access to compensation

Although there are no provisions that provide for compensation specifically for victims of SEC in Albania, the right for child victims to claim damage compensation for all criminal offences is established under article 45 of the Criminal Justice for Children Code.³³³ Under this provision the court must inform both the child victim and the child's

legal representative of this right.³³⁴ However, as of June 2020 there have not yet been any cases of child victims of SEC successfully claiming the compensation provided for.³³⁵ Furthermore, many judges and prosecutors throughout the country have still not received adequate training on these provisions, meaning that child victims are not always informed of their right to claim compensation.³³⁶ Finally, the Criminal Procedure Code provides that all victims of criminal offences can claim compensation for damages and, in order to avoid having to file a separate civil lawsuit in order to receive compensation, can also become a civil party within criminal proceedings.³³⁷

332 European Commission. (2019). *Albania 2019 Report*. 35.

333 Republic of Albania. (2017) *Criminal Justice for Children Code*. Article 45.

334 *Ibid.*

335 ECPAT Albania. (July 2020). *Personal communication*.

336 *Ibid.*

337 Republic of Albania. (1995). *Criminal Procedure Code*. Article 58(g) & 61.



As highlighted in previous sections, awareness raising activities have often involved children. In 2017, an exhibition on ‘Trafficking through children’s eyes’ was held, exhibiting artwork created by elementary and high school students from across the country.³³⁸ Similar exhibitions also took place in 2018, exhibiting 500 different works.³³⁹

ECPAT Albania leads the way in encouraging child participation on child rights issues in Albania, with one of the organisations ‘guiding principles’ being child and youth participation,³⁴⁰ stating that “children and young people will be involved actively in planning, decision-making and implementation of programmes and activities of CRCA...CRCA will provide equal opportunities to female and male children and young people to participate, express their opinions, be taken into consideration and influence our work and programming.”³⁴¹ This pledge has led to events such as the Annual National Youth Forum, which most recently took place in December 2019.³⁴² The forum is a platform for young people and policy makers to discuss issues relating to children, with the aim to improve youth policies and programmes throughout Albania.³⁴³ Further, as mentioned in section 4.2, the 2nd Annual Girls Summit held in November 2019 resulted in the drafting of a resolution submitted to the Albanian parliament completed together with the participating girls.

Another notable initiative involving children is the Internet Safety Awareness Campaign that is being led by children in Albania.³⁴⁴ Supported by the Ministry of Education, Sports and Youth, UNICEF and the National Authority for Electronic Certification and Cyber Security, 300 children have committed to raising awareness and helping their classmates with preventing and reporting harmful online situations.³⁴⁵ The aim of the initiative is for the government and the ICT sector to incorporate children’s thinking into policies, strategies and programmes designed to tackle online child sexual abuse and exploitation.³⁴⁶

While the work of ECPAT Albania is commendable, and the initiative of the child lead Internet Safety Awareness Campaign is a particularly welcome development involving children in issues relating to SEC, there are no specific mechanisms to include child victims and survivors in SEC related policies and plans. Anecdotal evidence suggests that Albania currently lacks the capacity to allow young people to share their stories of child sexual exploitation.³⁴⁷ For plans and policies addressing SEC to be as effective as possible, it is essential that the government consult with survivors with lived experience, and begin to support NGOs in measures to empower child victims.

338 Council of Europe: Group of Experts on Action against Trafficking in Human Beings. (2019). *Reply from Albania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties*. 42.

339 *Ibid.*, 43.

340 ECPAT Albania (n.d.). *Programmes*.

341 *Ibid.*

342 ECPAT Albania. (2019). *Albanian youth dialogue about justice, education and their participation in decision making!*

343 *Ibid.*,

344 UNICEF Albania. (2019). *Children in Albania lead the Internet Safety Awareness Campaign*.

345 *Ibid.*

346 *Ibid.*

347 ECPAT Albania. (July 2020). *Personal communication*.

Recommendations for Action

International and regional legislation, commitments and coordination to ending SEC

- Strengthen existing international police and judicial cooperation through multilateral, regional and bilateral arrangements to improve prevention, investigation, prosecution and punishment of SEC-related crimes. Develop mechanisms to co-ordinate the implementation of such arrangements;
- Introduce a requirement for travel and tourism companies to become members of The Code.

National response to SEC's manifestations

- Amend article 100 of the Criminal Code so as to provide equal protection to boys and girls and to remove the distinction between sexual and homosexual relations;
- Amend the legal provisions on prostitution to explicitly criminalise the purchasing of sexual services from children and to provide that no child exploited in prostitution will be treated as an offender;
- Adopt a formal definition of child sexual abuse material and criminalise other forms of online child sexual exploitation such as online grooming and sexual extortion;
- Amend legislation to obligate ISPs to report and block all illegal content and activities conducted on their servers, not only those that are commercial in nature;
- Amend article 128 (b) of the Criminal Code to explicitly criminalise the domestic trafficking of children;

- Include a provision explicitly criminalising the sale of children for all sexual purposes;
- Adopt specific legal provisions to criminalise the sexual exploitation of children in travel and tourism;
- Establish 18 as the legal age of marriage without any possible exception;
- Remove the double criminality requirement in all extraterritorial and extradition provisions;
- Review all national action plans, including the National Justice for Children Strategy and evaluate its funding gaps;
- Draft new national action plans for all plans expiring in 2020;
- Act on 2019 recommendations from ECPAT Albania and draft a comprehensive strategy specifically on child sexual exploitation;
- Meet all funding commitment outlined in all national action plans and strategies;
- Train all child protection workers as social workers, as outlined in Law No18/2017;
- Increase funding and manpower of the State Agency for the Rights and Protection of the Child to meet its increased responsibilities.

Access to justice and right to remedies for child victims of sexual exploitation

- Remove the statute of limitations for all offences related to the sexual exploitation of children;
- Ensure that all relevant authorities are provided with the necessary training to adequately implement the Criminal Justice for Children Code;

- Provide the necessary funding to all NGOs providing supporting services for victims of sexual exploitation of children;
- Ensure that all victims of sexual exploitation of children have the ability to claim compensation and are properly informed of their right to do.

Child, victim and survivor participation

- Engage children, including child victims in the drafting and implementation process of various national action plans that affect children and youth.

Research needs and agenda

- Increase awareness raising and education activities around child, early and forced marriage, sexual exploitation in travel and tourism and exploitation of children in prostitution;
- Fund and conduct research on sexual exploitation in travel and tourism as Albania emerges as a tourist destination;
- Fund and conduct research on specific manifestations of online child sexual exploitation such as grooming and live streaming of child sexual abuse;
- Increase education about the risks of child, early and forced marriage for Albania's Roma community;
- Fund all training sessions for teachers on child rights issues.

Acronyms

ALL	Albanian Lekk
CEFM	Child, early and forced marriage
CRC	Convention on the Rights of the Child
CRCA	The Children Human Rights Center of Albania
CSAM	Child sexual abuse material
GRETA	Group of Experts on Action Against Trafficking of Human Beings
NGO	Non-Governmental Organisation
ISPs	Internet Service Providers
OCSE	Online child sexual exploitation
OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
SDGs	Sustainable Development Goals
SEC	Sexual exploitation of children
SECTT	Sexual exploitation of children in travel and tourism



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