



UNIVERSAL PERIODIC REPORT

Submitted by:

UNITED FOR CHILD CARE AND PROTECTION COALITION IN ALBANIA (BKTF¹)

United for Child Care and Protection (BKTF) is a coalition of 28 national and international organizations lobbying and advocating for the protection of Albanian children from all forms of violence, neglect and exploitation.

The work of the coalition is based on:

- a. Advocating and lobbying for the introduction, development and implementation of laws, policies and strategies for child protection;
- b. Contributing to the strengthening of the child protection system at both local and national levels;
- c. Promoting models and practices, which will address child protection issues in Albania;
- d. Contributing to the social inclusion of children and communities in the development and change processes which focus on child protection; and
- e. Contributing to the development of the capacities of children, civil society and communities to protect children's rights.

¹ The members of BKTF coalition are: Aksion Plus, ARSIS, Terre des Hommes, Save the Children, Center for Integrated Legal Services and Practices, International Social Service – Albanian Branch, Partnerë për Fëmijët, Fëmijët e Botës-Shqipëri, Help for Children, World Vision, Tjeter Vizion, Qendra për Iniciativa Ligjore dhe Qytetare, Unioni "Amaro Drom", Volontariato Internazionale per lo Sviluppo Albania, Romani Baxt, Shërbimi Ligjor Falas, Shoqata Kombëtarë Edukimi për Jetën, Shoqata e Grave me Probleme Sociale, Qendra Kombëtare për Shërbime Komunitare, Centro Informazione Educazione di Sviluppo, Caritas Albania, Veprime të Koordinuara kundër Varfërisë, Shërbimet Sociale "Bethany", SOS Fshatrat e Fëmijëve Shqipëri, Fëmijët Sot, Qendra për Mbrojtjen e Fëmijëve CRCA/DCI, Shoqata Internazionale për Solidaritet, Qendra Psiko Sociale Vatra, SHIS.

This report is drafted with the contribution of BKTF members: **CRCA Albania, Partnerë për Fëmijët, Save the Children, SOS Children's Villages, Terre des Hommes, and World Vision.**

General Overview

Albania has taken considerable steps to make advances towards the respect of the rights of the child. Most of the measures have been focused on the introduction of new legislation, improvement of public policies in support of children and building national and local institutions to provide services to vulnerable and at risk children.

The latest *Census* states that 1,048,702 children live in Albania². The lack of a functioning and widely-accessible child protection system, state budgetary support, poverty and social exclusion means that many children are left to suffer from abuse, violence, exploitation, maltreatment, trafficking, discrimination, neglect, school drop-out, domestic violence etc.

The exploitation of children for labor and for begging persists and no clear solutions are sought after by the State authorities. Domestic violence continues to affect the life and development of children. According to INSTAT 57.7% of children have reported being physically battered by a family member.³ The reported number increases from year to year. Statistics indicate that women and children, particularly in urban areas, increasingly report domestic violence. Nonetheless, many incidents are unreported and women frequently withdraw complaints under family pressure and for lack of economic independence⁴.

The inclusion of Roma children into the mainstream education system, remains low and is evident in the low support provided to Roma children to participate in secondary education, discrimination and lack of motivation of teachers to work with marginalized children, uncoordinated and fragmented⁵.

BTKF delivered the first UPR in 2009. In 2010 the coalition organized several meetings with representatives of the Ministry of Foreign Affairs, Ministry of Labor Social Affairs and Equal Opportunities, the Ministry of Education and Science and Ministry of Interior in order to inform them about the issues raised by the coalition in its UPR report as well as to offer its collaboration for future actions.

In 2011 BKTF sent official requests to these ministries for information on the follow-up of the recommendations according to their theme. Only the Ministry of Interior responded, by reporting on the joint achievement with civil society organizations in raising awareness among the public at large on the protection of children from exploitation and trafficking, as well as improvement of the national referral mechanism for victims of trafficking.

Regarding progress achieved in general for the child protection system since the last UPR session in 2009 we would mention:

- The approval of the Law “On the Protection on the Rights of the Child No. 10 347 on 04.11.2010. The Law lays the ground for the establishment of national institutional mechanism that will guarantee and ensure respect for the rights of

² INSTAT. 2010. *Albania in figures 2010*.

³ http://www.undp.org.al/content/FastFacts/fast_facts_Gender_low.pdf

⁴ Amnesty International Report 2010

⁵ INSTAT. 2010. *Albania in figures 2010*.

children by individuals, the family, the state or other third parties. Nevertheless the drafting and approval of the bylaws, essential for the implementation of the law was not achieved until April 2012.

- The National Strategy "For the improvement of the living conditions of the Roma minority" was approved by Council of Ministers' Decision No. 633, of 18.09.2003. Compared to other groups of population, Roma represent the most marginalized minority in Albania.
- The approval of the "Law on pre-university education in Albania" in April 2012, aims to achieve inclusive education, equal opportunities and to promote the rights of vulnerable children. At the time of the preparation of this Report, several required bylaws were published in the *Official Gazette*.
- A Plan of Action for zero tolerance to school dropout was approved in 2009, but it has been poorly implemented, leading to continuous exclusion of many Roma, Egyptian, disabled and poor children from education and further school dropouts. According to the National Strategy for Pre-University Education 2009-2013, school dropout continues to be a concern affecting vulnerable children and especially those from Roma community. There are about 5000 Roma children aged between 3-16 years in Albania and data shows that only 27 percent of the children aged 6 currently attend school. The official data, at national level, on the number of children who have dropped out of school or who have never registered is not known. There is a lack of a monitoring mechanism or reintegration programs for children who have dropped out of school. The grant funding program targeting vulnerable families to cover school books expenses has encountered many difficulties in its implementation. The reimbursement procedures are very bureaucratic and do not facilitate the equipment of children with all the necessary books and materials for free of charge, as required.
- 151 Child Protection Units⁶ have been established in Albania which could ensure the establishment of a referral system for vulnerable children.
- The new National Strategy for Children (2012-2015) is focused on two main issues:
 - Strengthening the institutional structures created to monitor and to report on the implementation of children's rights at national and regional level;
 - Promoting the drafting of comprehensive, coordinated and harmonized policies for the protection and social involvement of children.⁷
- Articles related to child abuse, exploitation and pornography in the Criminal Code of Albania were revised and improved during 2012-2013, making it easier for the prosecutors to prosecute the perpetrators.

Overall recommendations:

- There is a need to establish a national comprehensive child protection system which includes the identification, registration and intervention with all cases involving children, regardless of their complexity. More harmonized strategies, building on a systemic child protection approach, and formalized collaboration between the line ministries who are responsible for aspects of child welfare, are needed.

⁶ Information from the State Agency for Child Protection provided electronically to the coalition on may 13, 2013.

⁷ Committee on the Rights of the Child: Implementation of the Convention on the Rights of the Child Albania.(5 July 2012). CRC/C/ALB/Q/2-4/Add.1

- Development and strengthening of an effective child protection system streamlined through functioning Child Protection Units can have a major role in ensuring the right of the child to protection and also contribute to reducing child rights violations.
- Appropriate budgeting for children is a necessary measure to ensure full implementation of laws, policies, bylaws and plans of actions. At the present many children's issues are not directly linked with a specific or ring-fenced budget thus, leaving many child cases unresolved and children in perilous and risky situations.

I. Child Protection System **(Referring to recommendations, 15, 29, 31)**

Child Protection Units (CPUs) are the key building blocks of the Child Protection System (CPS) in Albania and also represent a positive step in this direction. CPUs have been established within the office of social services structure at the municipality or commune level. The required competency profile of CPU workers has been provided in the law of 2010 on the “Protection of the Rights of the Child”. However, our own field reports indicate only some 40 out of the 151 established CPUs may have the necessary skills and experience required. There are indications that many of the CPUs established during 2012-2013 may not have a dedicated and full time CPU worker. Relevant staff may also share the work between CPU responsibilities and other duties, such as serving as economic advisor / gender and/or disability contact person in their commune or municipality.⁸

CPUs are suffering from a lack of financial provision for their establishment and operational costs as well as capacity building for CPU workers, which is currently dependent on NGO involvement.⁹

Progress to date from the Government of Albania

- The by-laws for the implementation of law “On Protection of Children’s Rights” approved in March 2012.
- Increase in the number of CPUs established (15 July 2013)¹⁰
- A joint order of the Ministers of Interior and Labor was signed in August 2012 aiming to increase coordination for effective management of cases of children in street situation at risk of abuse.
- Social Service reform and development of the 2014-2020 Strategy for Social Inclusion and Protection.

⁸ In 8 of the thirteen CPUs World Vision is directly supporting, CPU workers also have additional responsibilities for e.g. gender equality, provision of economical assistance or managing communal archives

⁹ In the areas where organizations like World Vision work, they support 13 CPU workers with training; establishing the multidisciplinary group; management of cases; provision of psychological service to abused children; transportation to visit the family and the child and the provision of emergency kit for high risk cases.

¹⁰ Information from the State Agency for Child Protection

Recommendations

The Government of Albania should:

1. Allocate adequate budget and ring-fenced for the establishment and functioning of CPUs in each commune and municipality and for strengthening the effectiveness of the whole child protection system by X date.
2. Develop an independent quality monitoring system to ensure CPUs effectiveness and effective engagement of local actors (schools, health institutions, and police) on case identification, referral, intervention and management by June 2013.
3. Strengthen Capacity building for psycho-social staff working in schools on issues of child protection and inclusion of Child Rights Protection in the University Curricula.

II. Street children, child begging and child trafficking (Referring to recommendations 67 (16, 60, 61, 62, 64, 66))

Children across Albania are exploited for begging because the legislation did not consider this as an offence. The changes if the Criminal Code of April 2013, finally makes it possible for the justice system to pursue the use or enforcement of children for begging as criminal offences.

There is no nationwide study that could provide a complete overview of the phenomenon of street children in Albania. In these conditions, it is very difficult to assess the extent of the phenomenon, the profile of children, their origins and causes of this phenomenon feed a comparative level (i.e. what the situation was and if it has been improved or worsened over the years)¹¹.

In Tirana only, over 240 children have been identified begging in the streets, alone or with their family members.¹² Children are used for begging also in neighboring countries such as Kosovo and Greece. When children are caught and sent back to Albania, the best interests of the child is not taken into consideration and there are no protection or reintegration measures provided, especially in the cases of exploitation of children by their own parents or siblings.¹³ There is no investigation by the social services for these returned children and there is no individual follow-up of individual cases. As a result of a lack of a monitoring system especially for these children on the move, children are again trapped in the exploitation cycle.

Most of the children involved in begging come from extremely poor and socially marginalized families, who often migrate – internally or externally - for economic reasons¹⁴. Indeed, family situations tend to be characterized by parents/legal guardians facing a number of socio-economic problems, including often both parents being unemployed or with no formal jobs, illiteracy, alcohol and substance abuse, domestic violence, and divorce.¹⁵

¹¹ Hazizaj A., Haxhiymeri E., "Legislation and public services for children in street situation in Albania", Save the Children, Tirana October 2012.

¹² Statistics provided by Terre des Hommes in the EU Progress Report 2013.

¹³ Ibid.

¹⁴ Terre des hommes. (2008). *Child Begging in Albania*. Tirana: Anti-Slavery International

¹⁵ Terre des hommes; Save the Children; ECPAT International; Nobody's Children's Foundation. (2010). *MARIO Project: Observation Report: Exploitation of Albanian Children in Street Situation in Kosovo*.

Many children lack birth certificates, impeding their access to public services and most do not attend school regularly or drop out at an early age due to not being able to afford school books and materials, being discriminated against or because the parents don't see education as a primary concern for their children¹⁶.

Efforts to prevent the occurrence of child begging in Albania have been vigorously carried out by civil society organizations, focusing on anti-trafficking, promotion of education and poverty reduction¹⁷. However there is a need for a comprehensive and cross-sectoral response to address challenges such as:

- Lack of programs or initiatives to prevent child begging;
- Lack of concrete protection plans, and for children begging or in street situation.
- Lack of family strengthening programs to support especially vulnerable families
- Lack of a monitoring mechanism at the local level which would ensure frequent inspections of cases of children in street situation.
- Lack of a national database for the compilation of and analysis of data to monitor the number of children identified in vulnerable situations and the management of each individual case of a child and the outcomes. This kind of database would easily track each child and the responses provided to children. This monitoring mechanism would improve the situation and assist in documenting all the interventions undertaken therefore improving the level of good practice and working towards an integrated protection scheme.

Recommendations

The Government of Albania should:

1. Internal trafficking must be recognized by all State agencies and must be dealt accordingly.
2. Conduct a need assessment of the needs of children in street situation and child begging and their families, and allocate budget accordingly to the needs;
3. Establish a national referral mechanism for child victims of exploitation starting from the identification to the reintegration phase within May 2013. Raise awareness raising campaigns against child exploitation and trafficking especially on remote areas.
4. Establish a national case management database which would serve to better monitor and evaluate the interventions provided to each child registered in the database.
5. Provide family strengthening programs to empower families and reduce child exploitation.

III. Children with disabilities

(Referring to recommendations 67 (1, 2, 3, 4, 5, 6, 7, 78))

¹⁶ EU Commission (2012). *Report for the Study on Typology and Policy Responses to Child Begging in the EU*

¹⁷ EU Commission . (2012). *Report for the Study on Typology and Policy Responses to Child Begging in the EU*, p.83

There are an estimated 48,850 children with some form of disability¹⁸ in Albania and most of them are excluded from education, appropriate health and rehabilitation services and a lack of access to social services in general. The requirement to collect statistics on children with disabilities is missing; thereby there is an overall lack of reliable statistics on Children with Disabilities within Albania. The Ministry of Education and Science (MoES) unofficially reports that 2,123 CWD are enrolled in basic education, out of whom, 736 attend special schools. According to MoES, the official drop-out rate for children with disabilities is high, equal to 7 %.

Mainstreaming of disability in all sectors and governmental programs with a specific focus on early identification, participation, education, rehabilitation and protection of children requires specific attention from the Albanian government and local government in the coming years.

The problems are especially acute in rural areas in Albania where there is a dearth of services or little acknowledgement of the issues facing children with disabilities and of the need to support their families.

Data provided by the responsible institutions in relation to the total number of children with disabilities is incomplete and fails to reflect the full picture of the proportion of persons with disabilities in Albania: The State Social Service only provides the total number of people with disabilities: 17,786 or about 3.6 per cent of the population. This statistic only refers to people receiving monthly disability payments and, in addition, accurate data on the various categories of disability are missing. The Institute of Statistics does not provide any data on the number of children with disabilities enrolled in the public education system either.

Some of the problems children with disabilities face include:

- There is a lack of information, early identification and preventative services for children with disabilities:
- A lack of awareness and competency amongst professionals charged with the development, health, education and care of children with disabilities:
- A lack of direct investment and budget allocation for the implementation of inclusive education for children with disabilities in addition to the lack of appropriate training and professional development for all teachers and kindergarten staff to make inclusive education happen. Difficulty in gathering data on disability issues due to the lack of institutional capacities in data collection.
- Lack of coordination of the techniques and methodologies used for data collection by responsible institutions and collaboration with civil society organizations and interest groups to improve the data collection process on hidden dropout amongst children with disabilities.

The curricular reform is a priority of quality education but this reform has not counted on the engagement and contribution of the relevant stakeholders such as: parents, children and youth with disabilities, education staff, psychologists, Regional Directorates of Education and civil society engaged in inclusive education or support of children with disabilities, (except for the review of the 2012 strategies and action plans).

¹⁸State Social Service, states that there are 152,800 Persons with Disability. Child Rights Observatory (2008) estimates that CWD compose 30% of this number.

The legislation regarding Pre-University law and secondary education already includes important structures and steps, such as the provision of Teachers' Assistants: priority for the involvement and integration of disabled children into kindergartens and primary schools and children with disabilities to study the teaching plans and syllabuses, but adjusted for their specific needs. There is no statistical data, but according to a Save the Children survey conducted in March 2013 in 14 primary schools across 6 regions, there were 300 children with learning difficulties¹⁹.

Progress to date from the Government of Albania:

- The government of the Republic of Albania ratified the UN Convention on the Rights of Persons with Disabilities in November 2012
- According to Ministry of Education and Science, 103 children with disabilities benefit from home schooling
- The revision of the “Law for Pre-University Education” nr 69/2012, in Chapter XI, Articles 63, 64 and 65 stipulates inclusive education as the main provision for children with disabilities.
- Development of the Normative Disposition for the Pre-University Education Law.

Recommendations

1. The Ministry of Education and Science (MoES) needs to ensure that a specific budget is allocated annually for the introduction of inclusive education in each school in Albania, which will include finance for improving the access in and to buildings and adaptation of internal school resources such as toilets and bathrooms and the provision of Teachers' Assistants to each child that requires one.
2. Budget resources need to be allocated by central and local government education directorates for the re-training of all teachers and education students on inclusive education practice.
3. Duty placed on the Child Protection Units to identify and register every child that has special needs or disabilities in order to protect them from neglect and abuse and to provide early intervention and support to their families.

IV. Violence against Children

Referring to recommendations 67 (25, 54, 57)

Child abuse and neglect are not new phenomenon in the Albanian society, despite the recent acknowledgment. They have deep seated roots in the patriarchal traditions characterized by parental authority, adherence to an honour-and-shame system, and customs of hierarchal ordering with the family and the intergenerational family²⁰.

¹⁹ These is primary data collected. The process will be followed by assessment groups. According to international rating of learning difficulties in comparison to other countries, the rate in Albania seems too low.

²⁰ Harr & Dharmo, 2009 & Haxhiymeri, Kulluri & Hazizaj, 2005.

The Balkan Epidemiological Study on Child Abuse and Neglect (BECAN), ‘Violence against children in Albania’²¹, reported that children in Albania are victims of abuse and neglect throughout their childhood. Some 3328 children (54% girls and 46% boys) and 2443 parents became part of the study, with 46% of respondents living in rural areas and 54% in urban areas²².

BECAN reports that **psychological violence against children** is prevalent in 69 % of children, while 62 % report incidence of psychological abuse during the last year. **Physical violence** is prevalent in 59 % of children, while 48 % report incidences of physical abuse during the last year. When it comes to **sexual violence**, 11 % of children report being victims of **sexual harassment**, while almost 5 % report that they have been victims of **sexual abuse**. More than 26 % of the children **feel neglected** by their families²³.

Children in rural areas (66.4%) are more likely to be physically abused in comparison with children from urban areas (50.4%).²⁴ 57.7% of children have reported being physically hit by a family member.²⁵ It is quite disturbing that children and the public opinion have absorbed the idea that physical and psychological violence are needed, both at home and in schools. One out of every two children at home, and one out of nearly three children in schools, acknowledges that the violence exercised against them is necessary.²⁶ Minor corporal punishment is still seen as a way of educating children by Albanian parents. Minor corporal punishment was reported by 58% of children, while 14% were subjected to severe corporal punishment.²⁷

Progress to date from the Government of Albania:

Recently some changes were made to the Criminal Code with article 107/a “Sexual violence”²⁸ and other articles which foresee crimes against children specifically in regard to increase of the sentence in cases of crimes against children.

What remains as a problem is the effective implementation of Protection Orders provided for children. There is no centre where children can be placed or treated and no specialized staff to care for them.

Law no 69/2012 on the “Pre-university education system of the Republic of Albania”²⁹, and the school regulations, provides protection to children from violence specifying protection measures for children who have suffered violence from teachers. Even though school regulations explicitly ban violence in schools there is no complaint mechanism in place so that children can report such cases and measures can be taken.

²¹ Cenko E., Hazizaj A., Haxhiymeri E., Çoku B., *Violence against Children in Albania. Balkan Epidemiologic Research on Child Abuse and Neglect (B.E.C.A.N)*, CRCA Albania, Tirana 2013. To be published.

²² Cenko E., Hazizaj A., Haxhiymeri E., Çoku B., *Violence against Children in Albania. Balkan Epidemiologic Research on Child Abuse and Neglect (B.E.C.A.N)*, CRCA Albania, Tirana 2013. To be published.

²³ Idem.

²⁴ Domestic Violence in Albania: a national population-based survey, INSTAT, March 2009, pg.59

²⁵ http://www.undp.org.al/content/FastFacts/fast_facts_Gender_low.pdf.

²⁶ <http://resourcecentre.savethechildren.se/start/countries/albania>.

²⁷ <http://resourcecentre.savethechildren.se/start/countries/albania>.

²⁸ Law no 144/013 For some changes on the Criminal Code of the Republic of Albania

²⁹ article 6/3, General Principle, provide protection to children and teacher form violence, discrimination etc

The Albanian Parliament ratified the Council of Europe Convention “Preventing and Combating violence against women and domestic violence”.

Recommendations

The Government of Albania should:

1. Accelerate the passing of the draft-law on measures for protection of children from violence;
2. Take all the necessary steps to implement the rights guaranteed by the Council of Europe Convention “For Protection of Children from Sexual Exploitation and Abuse”.
3. Provide trainings for specialized professional staffs to deal with different categories of victims of domestic violence especially children and awareness campaigns to target groups regarding VAC issues.
4. Provide positive parenting programs to vulnerable communities to train them especially on protecting their own children from different forms of abuse.

V. Family environment and alternative care

(Referring to recommendations 67 (16, 79), 69 (2, 10, 15, 16))

a. Children at risk of losing parental care

Many children in Albania are at risk of losing parental care and family environment; they face significant difficulties in their daily lives which often have long term implications into adulthood. In Albania, there is poor implementation of preventative services such as short term care services or efficient community based services. Preventive Services are limited to the distribution of economic assistance which is very low and does not cover even basic needs for survival.

Some positive changes, such as the Decentralization Framework and Action Plan have been developed. In the framework of DE-I (Deinstitutionalization) reform also outlined in Albania’s Social Protection Sector Strategy (2007-2013), the country is committed to move away from the old approach of residential care institutions towards a flexible, mobile, family-oriented model of social work.

Recommendations

The Government of Albania should:

- Develop policies and practices for the procurement of social services at the local level.
- Strengthen community based supportive services for families in order to prevent children from losing parental care- e.g. family centers, family strengthening programs, and counseling.
- Improve gate-keeping to prevent unnecessary admission of children in alternative care, in all cases, but with particular reference to poverty as a decisive factor.

b. Children in Care, Children Leaving Care

Current data shows that there is an increasing number of ‘social orphans’ in care thus children come from families with one parent, from families with social-economic difficulties or parents with health problems.

There is progress in establishing foster care in the country but there are difficulties in implementation. The DE-I currently implemented and being applied in the main public institution in Tirana “Zyber Hallulli”, resulted in more physical transformation of residential institutions than in offering better quality services for children.

When sibling children are placed in institutions, they are mostly separated from each other due to the fact that care institutions are organized according to the age of the children. National care standards are characterized by a lack of implementation or weak monitoring and inspection. There are no suitable life skills preparation for leaving care during the time in care and very short notice is given to a child leaving care.

Leaving-care framework: Albania is one of the countries with the earliest age for leaving public care (age 15 years, with a few exceptions until 17 years).³⁰ Based on the national law on the status of orphans (Law No.8153 of 31.10.1996) and National Care Standards (October, 2005) the leaving care age is defined upon the completion of compulsory education (9th Grade).

Most children leaving the public-care system move on to boarding schools or are further welcomed by private-care service-providers providing aftercare services. Moreover, these limited services are available only in three cities of Albania: Tirana, Elbasan and Shkodra. One of the biggest providers in the area of leaving care is SOS Children’s Villages Albania, which, through its semi-independent living program, also ensures support for three years after the young people have left care.

Young people in Albania leave childcare institutions at the age of 16 years, without any further monitoring, suffering from poor education, psycho-social difficulties, lack of financial resources, and lack of mentoring from adults.

Recommendations

The Government of Albania should:

- Implement the National Care Standards for children in alternative care and strengthen the monitoring and inspection mechanism, ensuring the implementation of these standards.
- Provide services that would ensure reunification of children placed in alternative care with their families.
- Develop alternative forms of care such as short term care, foster care, emergency centers etc.
- Improve conditions in existing residential institutions, infrastructure, capacity building of staff, and the quality of services.
- Provide appropriate preparation for leaving care of children in public care.

³⁰ “Rights of Children in Alternative Care: Filling the Gap through Peer Research” – SOS Children’s Villages Albania 2012
<http://soskd.org.al/doc/Peer-Research-FinalReport-Albania-EN.pdf>

- The main priority recommendation is the extension of the age of leaving public care to 18 years. Changes in the legislation and the development of clear policies with proper budget allocated to leaving care and an increase in the quality of care should be considered, especially within the context of social-care reform and the de-institutionalization process in Albania.
- Develop leaving-care policies (leaving-care plan, life-skills program) as part of the social-care reform and the de-institutionalization process in the country.

VI. Child Pornography **(Referring to recommendation 67(17), 68 (3))**

The Albanian Government, at local and national level, has failed to protect children from pornography and sexual exploitation. The changes in the Criminal Code of Albania introduced in May 2013, which expands the scope of the definition of child pornography as a criminal offence, are expected to achieve greater outcomes in the fight against child pornography.³¹

The Albanian National Child Helpline has played a crucial role in giving voice to children.³² In its four years of work, ALO 116 has received more than 477,066 phone calls from children across Albania,³³ and has treated over 140 cases of different forms of child exploitation that vary from exploitation for economic reasons, trafficking, begging to sexual exploitation.

Data of the Ministry of Justice for 2010 indicate that there are no child victims of “pornography” as defined in the article 117 of the Penal Code.³⁴ However, the BECAN study ‘Violence against children in Albania’ showed that 2.2% of the interviewed children had been recorded or taken pornographic images in the presence of others during their life and 1.77% expressed that it had happened in the last year.³⁵ The exposure of pornographic video

³¹ The new amendments in Article 117 of the C. C. consider the possession and the recruitment of a series of other forms of pornographic material as a criminal offense. Law No. 144/2013 ‘On some amendments to the Law No. 7895, date 27.01.1995 ‘Criminal Code of the republic of Albania’ amended. http://www.qbz.gov.al/botime/fletore_zyrtare/2013/PDF-2013/83-2013.pdf, http://www.parlament.al/web/Sesioni_i_tete_15184_1.php. A positive development was the consultation of CSO by the Ombudsman’s office and Ministry of Justice in the revision of the Criminal Code. The consultative process with the key actors in the area was a process that saw the involvement of civil society, state and independent institutions.

³² The main goal of the helpline is to protect the rights of children at risk and in need, while ensure that they have access to a range of prevention and protection services in the context of a broader child protection system. <http://www.crca.al/alo-116-phoneline-protecting-children-across-albania>; <http://alo116.al/>.

³³ Annual Conference ALO 116, 14 June 2013, <http://crca.al/child-protection-violence-news/children-report-violence-home-violence-school-and-bullying>; Annual Report of ALO 116, 2012, <http://alo116.al/sites/default/files/ALO%20116%20RAPORTI%20VJETOR%202012.pdf>

³⁴ Annual statistical book of the Ministry of Justice, 2010. http://www.justice.gov.al/spaw2/uploads/files/File/Vjetari_Statistikor2010.pdf. Since 2010 there has been no publication of official data regarding statistics on the criminal offences committed and prosecuted in Albania.

³⁵ ‘Has filmed or shot pictures with you or with other people making sexual things?’ Question 45 A. Children’s Questionnaire, (Prevalence; 2.2, Incidence 1.77), Cenko E., Hazizaj A., Haxhiymeri E., Çoku B., *Violence against Children in Albania. Balkan Epidemiologic Research on Child Abuse and Neglect (B.E.C.A.N)*, CRCA Albania, Tirana 2013.

or images in magazines or on internet showed a prevalence (in their lifetime) of 3.47% and an incidence (happened in the last year) of 2.87%.³⁶

Progress to date from the Government of Albania

Since May 2013, Art 117 of the Criminal Code considers the ‘possession and the recruitment of a series of other forms of pornographic material’ as a criminal offense.

Under the guidance of the Ministry of Innovation, Information Technology and Communication an Information and Communication Technologies (ICT) Code of Ethics was signed among the Internet Service Providers (ISP) and mobile companies for the safer use of the electronic communication networks.³⁷

The Albanian Government has also established the Albanian National Agency of Information Society and Electronic Government (AISEG), whose role is to design public policies for the improvement of public telecommunication in Albania, including the internet. Alongside with this body, an independent authority for electronic and postal communications- ACEP³⁸ has been set up. ACEP is the sole authority and market regulator and the members of its Board are elected by the Parliament. ACEP supervises and provides operating licenses to all the companies or business to work in the Albanian market of telephony, internet and postal communications.

Awareness raising activities regarding safe internet have been organized by civil society organizations, Ministry of Innovation and Technology, Ministry of Education, telephone companies, Microsoft and other major businesses in the country. These campaigns have aimed at building and raising issues of child pornography and the wise use of internet by young people.³⁹

Recommendations

The Government of Albania should:

³⁶ ‘Has made you watch sexual videos or pictures in a magazine or on a computer when you did not want to do so?’ Question 42, Children’s Questionnaire, (Prevalence 3.47%, Incidence 2.87%), Cenko E., Hazizaj A., Haxhiymeri E., Çoku B., *Violence against Children in Albania. Balkan Epidemiologic Research on Child Abuse and Neglect (B.E.C.A.N)*, CRCA Albania, Tirana 2013.

³⁷ Unpublished reports on internet safety and safety and child pornography in Albania confirm that “although Albania ratified the Convention on Cyber Crimes (2002), unfortunately it has not yet adopted any laws or normative act by which the ISP are obliged by law to contribute on the prevention of the publishing and expansion of the child pornography materials notwithstanding by blocking them automatically.” <http://www.mitik.gov.al/index.php/lajme/330-7-shkurt-2013-ministri-pollo-te-gjithe-qytetaret-do-te-jene-te-mireinformuar-per-perdorim-sa-me-te-sigurt-te-internetit>; <http://www.km.gov.al/?fq=brenda&m=news&lid=17750&gj=gj1>.

³⁸ According to ACEP, Albania doesn’t have any structure in place that monitors the internet content or access to internet websites from private individuals through Albanian registered ISPs.

³⁹ CRCA Albania, ALO 116 and AMC mobile company awareness campaign on safety online, <http://alo116.al/node/44>; <http://www.amc.al/en/latestnews/viewpressrelease/102>; Ministry of Education dedicated page to safety online, <http://www.mash.gov.al/faqe.php?id1=1&id2=8&id3=200&lang=en>.

1. Take all necessary measures in the drafting and passing of the Children's Code of Albania, including a National Register of Sexual Crimes. The aim of the Children's Code is to protect children from any form of exploitation on one hand and to establish a child protection system at national and local level on the other. The need for a Children's Code is further enhanced by the gaps in the legislation and lack of coordination mechanisms in place.
2. Strengthen legislation in the area of pornographic content online based on the UK anti-pornography plan model, and establish a National Authority for Internet Safety in Albania responsible for ISP licensing, content checking and implementation of standards of safety for children for harmful content.
3. Strengthen the training and enhancement of capacities of justice and law enforcement agencies and undertake national awareness raising and educational campaigns designed for children, parents, educators, drawing on the views of children and possibly in partnership with industry, NGO, and education providers.

VII. Juvenile Justice

Referring to recommendations 67 (69), 69 (18),

Since 1995, the juvenile justice system in Albania has undergone a process of continuous reforms until today. Despite all efforts, accused juveniles are prosecuted under special chapters of the Criminal Code and the Code of Criminal Procedures, but there is no comprehensive juvenile justice law⁴⁰. There is only one institution dedicated exclusively for juvenile pre-detainees and detainees located in Kavaja.

The Government of Albania has demonstrated tangible progress in bringing the current juvenile justice system into greater compliance with international law, standards and principles. Interest in reforming the treatment of juvenile detainees and offenders has been motivated mostly by the ongoing process of integration into European institutions. Some of the positive developments noted include the creation of specialized sections for minors in district courts, specialized prosecutors and a specialized police unit. Other notable areas of progress include renovation of existing facilities, elimination of overcrowding, and greater access for juvenile detainees to education, social workers, psychologists and changes of attitudes of correctional staff according to the best interests of the child principle. Furthermore, the General Directorate of Probation Services was established in 2009 and has monitored around 800 juveniles throughout Albania.

Nonetheless, important challenges remain.

- There is no comprehensive juvenile justice law or strategy in place.

⁴⁰ A National Strategy for Child Friendly Justice was drafted in 2011 but yet not finalized.

- There are gaps in legislation⁴¹ specifically addressing children under 14 years old, with a minimum age of criminal responsibility in Albania, which render proper treatment of juveniles challenging.
 - There are no comprehensive national re-integration programs as educational, recreational and psychosocial services remain fragmented.
 - Facilities for children in contact with the law interviewed in police stations are far from being child friendly.
- The juvenile justice strategy is drafted by the Ministry of Justice in 2011 in cooperation with civil society organization but not yet finalized. So, until now, Albania does not have a strategy and action plan for juvenile justice.

Recommendations

The Government of Albania should:

1. Provide children, both victims and accused, with effective and adequate legal and other assistance at an early stage of the procedure and throughout the legal proceedings in conformity with relevant legal framework.
2. Ensure that all children deprived of liberty have effective access to education and health service in pre-trial/detention with improved conditions as well as promote alternative measures considering the best interest of the child.

⁴¹ Gaps in legislation includes gaps in procedure/ referral to social services and who is doing what in relation to children under 14 years old without legal responsibility;