



# Convention on the Rights of the Child

## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

### Initial reports of States parties due in 2010

#### Albania\*

[29 June 2010]

#### Contents

##### *Paragraphs Page*

Abbreviations3

I.Introduction 1–64

II.Statistics 7–124

III.General measures for the implementation of the Protocol 13–185

IV.Prevention (art. 9, paras. 1 and 2) 19–726

V.Prohibition and related issues (arts. 3, 4, paras. 3, 5, 6 and 7) 73–10214

VI.Protection of the rights of victims (arts. 8 and 9, paras. 3 and 4) 103–12222

VII.International assistance and cooperation (art. 10) 123–14826

VIII.Other legal provisions (art. 11) 149–15230

#### Abbreviations

ATRCAnti-Traffic Regional Committees

CPUChild protection Unit

DCMDecision of the Council of Ministers

EAEconomic Aid

EOEducational Offices

GDCSGeneral Directorate of Civil Status

LEALaw Enforcement Agency

LSMSSurvey of measuring the family living standards

MESMinistry of Education and Science

MIMinistry of Interior

MLSAEOMinistry of Labour, Social Affairs and Equal opportunities

NGONon Governmental Organisation

NRCSNational Register of Civil Status

NRCVTNational Reception Center for the Victims of Trafficking

ONCATOffice of the National Coordinator Anti-Traffic

PHIPublic Health Institute

REDRegional Educational Directorates

SLIState Labour Inspectorate

SOPStandard Operating Procedures

SPSSchool Psychological System

TdHTerre des Hommes

TRMTransnational Referral Mechanism

## **I.Introduction**

1. With its Law No. 9834, dated 22.11.2007, the Assembly of Albania has ratified the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

2. While taking into consideration the reporting process, upon the Order of Prime Minister No. 201, dated 05.12.2007 “On setting up the Working Group for the Compilation of National Reports in the Framework of International Treaties in which Republic of Albania is Party”, the Ministry of Foreign Affairs is tasked with drafting the National Periodic Reports, in cooperation with State institutions. The Working Group also consulted with the civil society covering the protection of the rights of the child. This Working Group is tasked to draft national reports on the treaties in which our country is party, to reflect the current state of play, the progress achieved and problems in the relevant areas. This Working Group is composed of representatives of all Ministries, central institutions and representatives from civil society that are active in the field of children rights.

3. The Protocol and the Convention on the Rights of the Child, after their ratification and under the Constitution of Republic of Albania are part of domestic legislation. They constitute the basis for taking the necessary measures to comply with the rights established in the Convention and for a comprehensive reform of social policies, aimed at providing a protective environment for children – the latter implies the environment in the family, institutions, systems and society.

4. With regard to this issue, reference could be made of the latest Report on the Convention on Human Rights on Albania.

5. The Albanian Constitution (Article 122) stipulates that each ratified international treaty becomes part of the domestic legal system after its publication in the official Journal of the Republic of Albania. It is directly applicable unless it is self-applicable and its applicability requires the enactment of a law. A legally ratified international treaty prevails over domestic laws that are not compatible with the former. This constitutional provision is of special significance in upholding the rights of the child, since even in cases of deficiencies in the domestic legislation, the UN Convention provisions on the Rights of the Child of this Protocol may apply directly. Albania has no reservations.

6. The Report contains the data provided by the competent authorities, which prove that the sale of children, the child prostitution and child pornography, although not widely-spread offences, they are being seriously placed at the focus of the attention of competent authorities with a view to prevent and eliminate them.

## **II.Statistics**

7. The data on the offences committed included in the Protocol are collected by the competent bodies, namely, the Ministry of Interior, the General Prosecution and the Ministry of Justice.

8. Statistical figures in recent years regarding the offence of children trafficking are shown below:

2005: 10 recorded cases with 16 perpetrators, 4 arrested, 11 under free investigation and one wanted.

2006: 2 recorded cases, with 4 perpetrators, 3 persons arrested, one under free investigation and one wanted.

2007: 7 recorded cases, with 7 perpetrators, 5 arrested, one detained and one under free investigation.

2008: 4 recorded cases, with 5 perpetrators, 2 arrested and 3 detained.

2009: 3 recorded cases, with 4 perpetrators, 3 under free investigation and one announced as wanted.

9. There is a decline of recorded cases in the course of last years, particularly in regard to the criminal offence of “traffic of children” and the persons involved in committing these offences.

10. There is no official data to date on the exploitation of children in the Albanian territory for sexual tourism, except for one single case of a British citizen, who was sentenced for this criminal offence. Neither is there data on inciting sexual tourism with minors from third countries.

11. Whereas for the criminal offence of “Utilizing Prostitution under aggravating circumstances” a case with an aggrieved minor was recorded. A criminal process is under way against a foreign national for the criminal offence of sexual exploitation of some minors in

an orphanage.

12. There are no cases of prosecution on the account of the criminal offence of pornography including the minors. Neither are there cases of dissemination of pictures or other printed materials, videos, movies or other stuffs and live shows included in this criminal offence. Despite the major engagement, due to the country's technological development, the control of internet sites with children pornography as its substance has proved to be more difficult than previously thought.

### **III. General measures for the implementation of the Protocol**

13. A complete list of Albanian legislation in this area may be found in the two reports on the International Covenant on Civil and Political Rights submitted to date. A list of basic legislation may be also found below:

The Penal Code is the basic legislation that provides for the prosecution and criminalization of criminal offences included in this Protocol.

The Code of Criminal Procedures enacted through the amended Law No. 7905, dated 21.03.1995.

The Family Code enacted through the Law No. 9062, dated 8.5.2003 does also account for a significant part. It contains the general principles of international conventions, the acts and instruments in the area of upholding the rights of the child rights and particularly those of the Convention on the Rights of the Child.

Law No. 9695, dated 19.03.2007, "On the Procedures for the Child Adoption and the Albanian Committee of Child Adoption" stipulates legal norms and rules aimed at placing child adoptions to the best interest of the children, by observing their fundamental human rights.

Law No. 9669, dated 18.12.2006 "On the Measures against Violence in Family Relations, concerning the Rights for the Victims of Family Violence and their Procedural Remedies".

Law No. 9887, dated 10.03.2008 "On the Protection of Personal Data".

Law No. 9959, dated 17.7.2008 "On the Foreigners".

Decision of the Council of Ministers (DCM) No. 195, dated 11.04.2007 "On the Standards of Services in the Centers of the Victims of Trafficking".

14. The official institutions tasked with the implementation of this Protocol are the Ministry of Justice, Ministry of Interior, Ministry of Labour, Social Affairs and Equal Opportunities and the Ministry of Foreign Affairs. Whereas the independent institutions entrusted with the implementation of this Protocol are the General Prosecution, the Ombudsman and the Albanian Committee of Child Adoption.

15. Following its ratification in the Parliament, the Protocol was published in the Official Journal, becoming available for the public by and large. Its provisions are reflected in the Albanian legislation,

16. The training of the staff charged with the implementation of this Protocol – namely police officers, judges, social workers, teachers and legislators is carried out through various ongoing courses for vocational qualification. The requirements of this Protocol are also included in the teaching curricula for the academic and professional qualification of these categories.

17. The Albanian Government has drafted and is implementing a series of national programs for the prevention of trafficking, namely, "the National Strategy against Trafficking in Human Beings 2008–2010" and the "National Strategy for Combating Trafficking of Children and the Protection of Children who are Victims of Trafficking 2008–2010" adopted by the Council of Ministers in its Decision No. 1083, dated 23.07.2008.

18. There is no special independent institution for the protection of the child in Albania. The institution of the Ombudsman – an independent body set to protect human rights, fundamental freedoms and the general interests of an individual from the unlawful and irregular omissions or commissions by the public administration bodies has tried to render a special contribution in upholding the rights of the child; this is carried out both by addressing individual requests and the investigation on its own initiative of the cases made public, the review of legislation and by providing recommendations for the necessary improvements and amendments to the law. In 2004, the Ombudsman set up a special sub-section for the rights of the child, aimed at gaining experience and enhancing its capacities in this area.

### **IV. Prevention (art. 9, paras. 1 and 2)**

19. With a view to combat and prevent trafficking, the Albanian Government has launched a series of programs; likewise, it has drafted and is implementing the National Strategy against Trafficking in Human Beings 2008–2010 and the National Strategy for Combating the Trafficking of Children and the Protection of Children who are Victims of Trafficking 2008–2010, adopted through DCM No. 1083, dated 23.7.2008.

20. The implementation of this Strategy has involved governmental institutions at central level (line ministries and their reporting institutions) and the local-based institutions (prefectures, municipalities) in partnership with the civil society, international organizations, service suppliers and academic institutions. Coordination is made by the Office of the National Coordinator in the Ministry of Interior.

21. The Anti-Trafficking Strategy is currently monitored by the Anti-Traffic Unit attached to the National Coordinator's Office in the

Ministry of Interior, set up upon the Order by the Prime Minister, No. 203, dated 19.12.2005.

22. The Inter-State Committee for Combating Trafficking in Human Beings is chaired by the Minister of Interior; The National Coordinator's Office/Deputy Minister of Interior for Anti – Trafficking, supported by the Anti-Trafficking Unit, whose task is to monitor the activity of institutions tasked with the implementation of this Strategy; coordination of work with these institutions; collection of information and data related to these phenomena and others.

23. The National Referral Mechanism for Trafficked Children and the Regional Committees for Combating Trafficking in Human Beings led by the Prefect are also set up; the latter sets concrete tasks for schools, State Police, State Social Service (SSS), Health Service, Judicial System, NGOs, the family, community and others.

24. Anti-Trafficking Committees are set up on local scale and the role of the responsible Authority for the Protection of Trafficking Victims is also being reinforced; it is established on an Order of the Minister of Interior, Minister of Labor, Social Affairs and Equal Opportunities the Foreign Minister. The duty of the responsible Authority is protection in the starting point, the coordination of the referral process for assistance and long – term recovery for all victims of trafficking, in close cooperation with other institutions involved in this process, and the shelters that offer services for the victims of trafficking.

25. The electronic database is also set up; it enables the processing of accurate data on human trafficking in Albania.

26. The Directorate of Policies for Social Services at the MLSAEO records the data on the cases of the victims assisted, referred, treated and protected in the centers that offer services for the victims of trafficking, as in the National Center for the Victims of Trafficking in Linzë and in other non-public centers, in the context of a database set up in cooperation with the Ministry of Interior and integrated in the TIMS system. The registration of data on the supposed and real victims of trafficking has started as early as July 2008.

27. A draft Roadmap was compiled for the implementation of social care standards for the persons already trafficked or vulnerable to be trafficked. This Roadmap shall provide the unified practice and documentation for each public and private institution that offer services for the Victims of Trafficking or for vulnerable persons.

28. Draft-Guidelines were compiled for the implementation of the “Transnational Referral Mechanism” (TRM) for the Victims of Trafficking (initiative of the Ministry of Interior, MLSAEO and parts of Working Groups). Work on the Standard Operating Procedures (SOP) is also ongoing on the following:

Care during interventions in emergency cases

Assistance for recovery and re-integration of Victims of Trafficking.

29. In the framework of prevention, an important instrument in public hands is a functional 24 hour national phone line “Help line” (0800 12 12) free of charge during the 7 days of the week; it is used to denounce trafficking cases for the mobile phone service as well. This line is beneficial for the whole society in preventing trafficking in human beings. It is available for the public as of November 2006. Continuous periodic reports have been drafted for the cases denounced in public. The setting up of this line was originally sponsored by UNODC (The UN Office for Drug and Crime) and IOM. As of November 2007 and ongoing, now this line is fully financed by the Ministry of Interior.

30. As of 1 June 2009, the Phone Line Number for Children (116) as well as the Pan European Line to help Children (116 111) – a special professional service for children, offered free of charge 24 hours daily and during the 7 days of the week is also set up and sponsored by UNICEF and the Center for the Protection of the Rights of the Child in Albania (CRCA / DCI Albania). While the report was under preparation, this line had responded to over 100,000 children phone calls, parents and teachers. During the years 2008–2010, the line was financed by UNICEF office in Albania.

31. The National Phone Line for Children in Albania is designed to offer psycho-social advice for children through phone, referral of any children problem to the responsible state bodies, to the Units for the Children Protection at Municipalities and NGOs; in addition, it is designed to listen to complaints by any child, who does not find it possible to lodge them in other ways and forms.

32. The Authority for Electronic and Postal Communication has made available two phone numbers for children in this line: ALO 116 – The National Phone Line for Children and ALO 116 111 The Pan-European Phone Line for Children in Albania. Numbers 116 and 116 111 enjoy the same qualities with the police or health emergency numbers.

33. All trafficking preventive efforts are closely related to the efforts for an economic, social, educational and health development, for employment, free travel, establishment of social protection systems, to diminishing gender discrimination, to minorities and others. Another important element directly related to the prevention of trafficking phenomenon is to provide the conditions for equal opportunities for vulnerable groups of the society.

34. To this end, the preventive activities scheduled in this Strategy are aimed at increasing the awareness of the public and of vulnerable groups in particular on the phenomenon, increase employment opportunities and the number of children who receive qualitative education. To this end, the capacities of both private and public agencies that offer employment assistance and guidance are enhanced; there is an expansion of programs fostering children to attend school and an improvement of vocational training programs; there are also growing endeavors in launching domestic awareness campaigns related to trafficking in human beings, the risks from irregular migration and information on regular migration.

35. The Anti-Trafficking Regional Committees set up in 2006 in all the 12 country circuits have prevention as their primary tasks through the identification of vulnerable groups, make insights in their needs and draft programs to address these issues at local level. In this Chapter, you shall find information on the preventive activities of the Regional Anti-Trafficking Committees.

## Education

36. The Ministry of Education and Science, pursuant to the National Anti-Trafficking Strategy continues its efforts to ensure the children school attendance, as an important duty of this institution. Likewise, it continues the institutionalization of compulsory training on combating the trafficking in human beings, making it part of the basic curricula of elementary and secondary schools, other pre-university schools and part of programs for the civil and gender education (including issues of children protection, the rights of the child, gender equality, family violence and sexual education).

## Teaching Curricula

37. The school curricula for the pre-school and 9-Grade school education is the underlying document for the whole teaching and educational process at schools. Actually, school-based curricula permits the treatment of special topics also with pupils, which does naturally include information on children rights and their safeguards in and outside school. This school year marked the entry into force of the compulsory 9-grade school and the curricula for this sort of education was also finalized. In 2009, in the framework of the project "Equality and Quality in education", a foreign consultant will make the "Evaluation of the Basic Education Curriculum – from class I–IX." At the end of this evaluation process, the proper interventions shall be made on improving this curriculum. This shall be the moment to review the inclusion of the above-mentioned topics as well.

## Attendance at Compulsory Education

38. The Instruction for the beginning of the new school year No. 32, dated 28.08.2009 provides guidelines for all Regional Educational Directorates (RED) and the Educational Offices (EO) for taking all necessary precautions to reduce the number of pupils who have abandoned school or who have the tendency to do that. Pursuant to this Instruction, all REOs and EOs countrywide have planned and made trainings with teachers working with pupils who have already abandoned school and who have the tendency to do that.

39. At class and school level, where the problem of abandonment is present, teachers work with special working programs to sensitize the parents on the school importance. The Inspection Sections at the REDs monitor at least twice a year each EO and school with pupils who have abandoned school or who are outside the educational system.

40. The MES has worked on drafting and implementing programs for alternative education and acquisition of vital abilities for children outside schools (including street children, the Roma people, children in need and others as well as for orphans (inhabitants and former inhabitants of the Orphanage) who are preparing to leave them. To this end, the MES follows up the implementation of the "Second Chance" project. There are nearly 513 pupils countrywide, who follow the second chance classes in 29 schools. Teaching these children is complementary and designed to fill their deficiencies and re-integrate them in regular classes.

## The "Child Protection" System in Schools

41. The National Anti-Trafficking Strategy has devoted special attention to the institutionalization of "Child Protection" system at school (based on the best known practices of Terre des Hommes, ILO-IPEC, UNICEF, EV and others), increasing in this way the support and counselling for children/juveniles to be able to distinguish the dangerous cases and take measures together with the Child Protection Units (CPU). To this end, in April 2008, the Order No. 170 and Instruction no 18, dated 21.04.2008 by the Minister of Education, "On the functioning of the psychological service at schools in the pre-university educational system" legitimated the extension of the school psychological system (SPS) in the pre-university education, kindergartens and schools. Each school with a Psychological Service has set up a supportive group of psychologists to assist the school psychologist; it is composed of the Director, two teachers and the psychologist. At school level, this group addresses the problems of children who are vulnerable to trafficking. Actually, the SPS is extended at all schools and kindergartens in the towns and in the countryside, partially even though. 190 psychologists are already employed to date all together.

42. In the context of the agreement that MES has with Terre des Hommes, 5 REDs are instituting the project "Reinforcement of the schools' role in supporting and protecting children within the school premises." A handbook on the protection of the child is already drafted; it is being implemented not only in the schools covered by these REDs but even wider. This project encompasses 160 9-grade schools. The following events are already held:

147 sensitization sessions with parents

720 sensitization and counselling sessions with pupils

964 files are already opened for children with protection problems

13 children are referred to other local structures, as the Child Protection Unit in the Municipality, health centers and others

185 examinations in the families of children with problems

The MES is working to extend further the good experience gained in these schools.

## Population Census

43. The year 2008 marks the establishment of the National Register of Civil Status. This Register shall be the only single source of data for the Albanian nationals. This entity shall also enable the direct access of information to each national at each complete document and issued by the civil status service. The National Register, as the only source of data for the nationals boosts the service

quality and ensures the data accuracy and quality.

44. During this period, the Civil Status Service, apart from setting up the National Register of Civil Status (NRCS) is establishing, in cooperation with the municipalities/communes, the local address register, which shall be the basis for establishing the National Address Register.

45. Apart from this process, the civil status service has shown special attention to the completion of legal and sub-legal acts related to the registration process and to the de-registration of nationals. To this end, the Albanian Parliament has adopted the new Law No. 10129, dated 11. 05. 2009 "On the Civil Status". This Law permits for the improvement of the procedures for the birth registration, abolishment of legal hindrances, as for example, exceeding the deadline of 45 days from the date of birth and proving the birth fact through the court after the expiration of this deadline.

46. Likewise, the Law on the Civil Status stipulates the procedures on the registration of births in the diplomatic and consular representations abroad. The new Law does also foresee that the registration of the acts of birth could be also done on line by these offices.

## **Registration of the Roma Community**

47. Special attention is devoted to the census of Roma community as part of the overall population census. For the realization of the issuance of Roma nationals with Identity Cards, the Albanian Government has pledged to issue them with this document free of charge. This commitment was formalized in the Decision No. 336, dated 15/04.2009, "For the compensation of the payment for the issuance with IDs of nationals in distress".

48. In order to improve the procedures of birth registrations, a legal initiative was launched to improve the registration procedure; accordingly, not only there is no deadline whose expiration would produce administrative effects, but the Law provides for a bonus of 5000 leks for all families that register births within 60 days. Exceeding this deadline does not force someone to certify the birth in a court, since registration continues in administrative ways.

49. The registration of a birth case is not left simply to the will of the nationals concerned; the law makes accountable all public and non-public institutions that are knowledgeable for a birth case and make this registration in the relevant civil offices/General Directorate of Civil Status. This measure has mostly helped the Roma categories, who on several grounds have failed to make the registration on the proper time as defined by law, especially when time comes to prove the birth by court decision. Besides, the Ministry of Interior has drafted the project "On the identification and registration of unregistered Roma people". This project is based on a kind of "CENSUS" in the areas inhabited by Roma and it will be carried out in full cooperation with Roma associations.

## **Exploitation of Child Labour**

50. An important target of the work of the Anti-Trafficking Unit remains the establishment of a multi-disciplinary monitor system to protect children from labour exploitation. The Anti-Trafficking Unit has attempted to raise the awareness of state agencies on this serious social phenomenon, as the exploitation of child labour is – police, labour inspectors, local government structures and community NGOs, in order to identify the exploited children or those who are vulnerable to such exploitation.

51. In the framework of the Memorandum of Understanding that the MLSAEO has signed with ILO (Labour International Organization) the project: "The Monitoring System for Child Labour in Albania" is adopted; it shall be piloted in five municipalities: Tiranë, Korçë, Berat, Elbasan and Shkodër and it is aimed at preventing this phenomenon and protecting the children engaged in dangerous labour. In this regard, local committees shall be set up in the three Regional Directorates of the State Labour Inspectorate: Tiranë, Korçë and Berat, with a view to prevent the phenomenon of child labour, pull out the children who work there, by ensuring more appropriate alternatives to their benefit.

## **The State Labour Inspectorate (SLI)**

52. One of the goals of the SLI is to inspect the child labour. The inspections carried out during the period September 2008 – April 2009 provide the following data:

(a) Age-group: Children evidenced to work belong mainly to the following age groups:

17 years: 54.3%

16-years: 18.3%

15-years: 1.9%

From the above-mentioned children, it turns out that the largest part (82.6%) are females.

(b) Children employed according to type of activity:

Agriculture, Forestry, Fishing: 23%

Manufacturing enterprises: 63.7% (Tailors – 49.5 Shoes – 15.7%)

Construction: 1.8%

Other activities: 11.5%

(c) Education of employed children: The evidenced children have the following educational background:

5.4% elementary education

90% 8-year education

4.6% secondary education

53. The inspections show that 86% of the actually employed children are insured, while 14 per cent are not. Certainly, the relevant measures were taken for these children for their insurance to the tax and duty offices. 78% of evidenced children have been medically examined. For the rest, the employers were informed, assigning concrete duties concerning the medical examination, depending on the job location of these children.

### **Measures adopted by the Public Health Institute (PHI)**

54. In the framework of the Labour Code, the two following decisions are already drafted:

Medical checks up for minor employees under 18 years before starting the labour relations;

Defined working hours, which should not exceed 48 hours weekly, including additional hours in dangerous jobs.

55. The political document of strategy and health at labour considers with priority the protection of this category of employed. Furthermore, the draft Law under preparation (on labour safety and health) has stipulated special provisions for the protection of minors at labour and the prevention of labour accidents and professional diseases. A round table was also arranged for the protection of employed minors with representatives from trade unions, employers' confederations and employees.

### **Albanian Embassies as Auxiliary Mechanisms for the Prevention of Trafficking Cases**

56. The consular officers are trained in such a way as to be capable of bringing to evidence the migrants who could be in danger and provide information without the violating human rights or to withdraw their visas for suspicion on trafficking. Information leaflets are prepared on the services provided to nationals by our representations abroad (in cooperation with IOM) in the context of Information campaigns stipulated in the National Strategy for Migration.

57. The continued free operation of the National Phone Line and cooperation with phone lines for family violence, to include the awareness on trafficking in human beings and the services available. It is also foreseen to make a phone number available to the Section of Public Relations at the Consular Department, aimed at maintaining direct contacts with the public. Meanwhile, the said Section is involved in hearings on possible cases and denunciations.

### **Raising capacities for reinforcing the coordinating and referral mechanisms for the identification of vulnerable persons at local level**

58. The Strategy seeks the institutionalization of protection, preventive and supportive mechanisms on local level for the vulnerable groups to trafficking. It foresees the establishment and strengthening of coordinating and referral mechanisms for the identification of vulnerable persons, while ensuring preventive and supportive interventions in the framework of the National Referral Mechanism. In order to ensure the best possible protection/support for the persons belonging to the category of vulnerable persons for trafficking, it is indispensable to ensure the appropriate support services for vulnerable groups and persons.

59. The National Coordinator and the Anti-Trafficking Unit have made ongoing trainings for the sensitization of all largest state entities and services on the anti-trafficking issues (police, local government units, social workers and others).

### **Local Activities: Anti-Traffic Regional Committees (ARC)**

60. The ongoing demand for the local authorities refers not only to the identification of the number of families with social problems and the children who have abandoned school, but also to insights on the causers and then, on the basis of the results from these insights, to identify measures to improve the situation.

61. Through the Educational Directorates, the ARCs have conveyed to the Office of the National Coordinator Anti-Traffic (ONCA) information on the number of children who have abandoned school, the causes and the measures adopted to take them back at schools. A good work in this regard was made in all the country's circuits also pursuant to the program of the MES "Second Chance". The REDs and EOs have worked on raising the awareness through the teaching-educational process for the prevention of trafficking, as well as through the active pupils' participation, having as a priority in this regard, and the observance of children rights at school.

62. Likewise, work has been going on with special programs for alternative education, including street children, the Roma, children with special needs, orphans and others. A special assistance in the ARCs was also provided by the Centers and NOGs, who have focussed their own activity in preventing and protecting children from trafficking through educational sessions with juveniles, by addressing various topics on family violence, trafficking, discrimination, prejudices, drug and others. Assistance and counselling are also provided in schools with children from the Roma community or those employed in black labour and others. In the school year 2008–2009, the EDs in all country's circuits have taken measures to set up and commission line transportation for pupils to school and vice versa.

63. Employment is a very important preventive instrument for the trafficking phenomenon. The Regional Anti-Trafficking Committees

and the Regional Labour Office respectively (represented at Regional Anti-Traffic Committees) should have updated information on the number of persons identified as unemployed and in cooperation with the MLSAEO, they should draft programs fostering employment and enhance labour capacities for job seekers at home. Through the Regional Employment Offices, the RACs have devoted particular attention to monitoring and assessment of labour market, the identification of unemployed persons, taking measures to address the requests by jobseekers and, in particular, female job seekers, who are also most vulnerable to trafficking. The Regional Employment Offices, in cooperation with other members of ARCs have made ongoing efforts to enhance their capacities, bearing in mind the labour market needs.

64. Launching ongoing awareness and information campaigns is a good way to ensure that the public and, in particular, the vulnerable groups would be well-informed, both on the causes and effects of trafficking at home. The campaigns are targeted to vulnerable groups and actors working with these groups; the intention for the future is the extension of these campaigns even to would-be exploiters.

65. These campaigns have made it possible for the participants to realize the significance of trafficking in human beings, identify the goals for trafficking the persons and the major routes of recruiting the relevant persons. Likewise, the participants have received information on the risks, the realities and the benefits of regular migration. The intention of the message is also to promote educational initiatives and professional education, as an alternative to trafficking and exploitation. During the reporting period, the age group 14–18 years was the most targeted.

66. The National Coordinator and the Anti-Trafficking Unit have monitored closely these awareness campaigns, so that they are well-coordinated and harmonized, ensuring that the conveyed messages are not stigmatizing and the information forwarded is kept updated.

67. Continuous efforts are made to encourage educational authorities in institutionalizing issues of awareness on trafficking as part of teaching curricula, so that the juveniles would be provided with ongoing and updated information. The Ministry of Education and Science has included anti-traffic topics in the curricula of the subject matters addressing social and gender themes; meanwhile, concrete measures are adopted so that special publications for teachers would issue guidelines advising teachers to attach priority to gender issues, trafficking and family violence during the class hours or in other outdoor events.

68. Likewise, a national phone line is set up for children, as a joint initiative by UNICEF and the Center for the Protection of Rights of the Child in Albania/International Children Protection in Albania. The National Line is responsible for delivering services in three phone numbers: 116000, 116111 and 116123, for all children in Albania, albeit their nationality. This line is available not only for Albanian but for European children in Albania as well. The National Line for Children has started to function early in 2009. The persons operating this phone line respond to children phone calls in a qualified and professional way, 24 hours during the 7 days of the week. This line is at the disposal of over 1 Million children from all Albania, 24 hours during 7 days of the week, free of charge and possible for access, both through fix and mobile numbers.

69. With regard to public awareness, the Regional Anti-Traffic Committees have held a series of activities assisted by NGOs and local media; TV debates have also taken place against family violence and on other issues related to trafficking; campaigns are also launched to raise the awareness by special groups and notably, Roma, street children, women, young girls and families with socio-economic problems; there are also produced and distributed materials and leaflets with topics on education and public awareness.

70. Special attention during the year 2009 was attached to the sensitization of governmental structures at local and central scale, media, public opinion by and large and the implementation of the National Strategy against Trafficking in Human Beings and the Additional Protocol, “The National Strategy for Combating Children Trafficking and the Protection of Children who are Victims of Trafficking.”

71. Meetings in the context of the European Day against Trafficking in Human Beings; In cooperation with the Office of the International Coordinator different activities were organized for the sensitization of the public opinion by actors directly committed to combating trafficking in human beings.

72. There are not yet surveys over statistical data, although at first glance, they seem to show positive performance.

## **V. Prohibition and related issues (arts. 3, 4, paras. 3, 5, 6 and 7)**

73. The Penal Code provisions criminalize: (a) the sale of children; (b) child prostitution; and (c) child pornography, as shown below.

(a) Article 128/b “Trafficking of Minors”: The first paragraph of this article defines recruitment, sale, transportation, transfer, hiding or receiving minors for the purpose of using them for prostitution or other forms of sexual exploitation, labour and other compulsory services, slavery or similar forms with slavery, using or transferring human organs and other forms of exploitation. While the third paragraph of this Article (128/b/3) defines complicity in a criminal offence as an aggravating circumstance.

(b) Article 113 “Prostitution” and Article 114 “The use of prostitution”: These articles make the definition of practising and using prostitution as a criminal offence in general, whereas exploitation of minors in prostitution is qualified as an aggravating circumstance in Article 114/a/1. Complicity in this criminal offence is also stipulated in the same Article 114/a/6, which mentions the following: “When this offence is perpetrated in cooperation or more than once or by persons entrusted with state and public office, it is sentenced with prison terms from 7 to 15 years.”

(c) Article 117 “Pornography”: The first paragraph of this Article (117/1) defines the production, distribution, advertisement, importation, sale and the publication of pornographic materials in the locations of minors. The second paragraph (117/2) defines that the engagement of minors in the production of pornographic materials and in the distribution or publication of these materials via internet or other forms.



74. Provisions that criminalize the sending, donation or admission of children for the purpose of sexual exploitation, transfer of their organs for profit and their engagement in forced labour are:

(a) Article 128/b "Trafficking of minors": "Recruitment, transportation, transfer, hiding or receiving minors for the purpose of engaging them in prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar forms with slavery, using or transplanting children organs and other forms of exploitation are sentenced with prison terms from 7–15 years and with penalties from 4–6 Million leks. The organization, guidance and financing of the trafficking of minors is sentenced with prison terms from 10–20 years and with penalties from 6–8 Million leks:

When this offence is perpetrated in cooperation or more than once, or when it is associated with mal-treatment and forced physical violence against the aggrieved, with the intention of carrying out different acts or when it causes serious effects to health, it is sentenced with prison terms not less than 15 years and with penalties from 6–8 Million leks

When the offence has caused the death of the aggrieved, it is sentenced with prison terms not less than 20 years, or life long imprisonment or with penalties from 8–10 Million leks

When the criminal offence is carried out by misusing the state or public office or service, the prison terms or the penalty are added with 1/4th of the judgment already rendered"

(b) Article 113 "Prostitution": Engagement in prostitution is punished with penalty or prison terms up to 3 years.

(c) Article 114 "Exploitation of Prostitution" of the Penal Code of Republic of Albania stipulates that: inciting, mediation or receiving rewards for conducting prostitution is fined with penalty or prison terms up to 5 years. Likewise, it emphasizes that when such an offence is committed against a minor or through the use of violence, it is sentenced with prison terms from 5–10 years.

(d) Article 114 (a) "Exploitation of prostitution in aggravating circumstances": Exploitation of the following persons through prostitution is punishable with prison terms from 7–15 years:

(i) Minors;

(ii) Over some persons;

(iii) With persons having closer gender ties, kinship or custody relations or by misusing official relationships;

(iv) Through deception, coercion, violence or taking advantage from the physical or mental incapacity of a person;

(v) Against a person pushed or forced to conduct prostitution outside the territory of Republic of Albania;

(vi) Carried out in cooperation or more than once by persons entrusted with state or public office.

75. The national legal provisions criminalizing an attempted offence or complicity in perpetrating the above-mentioned acts are shown below:

(a) Article 22 (meaning of attempted offence) makes the definition of the attempted commission of a criminal offence, when it states: "A criminal offence is considered to remain attempted crime when although a person undertakes direct acts to commit it, the offence is ceased and is not finalized on grounds independent from his/her own will."

(b) Article 23 "Liability for the attempted offence" defines the liability for an attempted offence as follows: "The person who attempts to commit a crime is liable for that and the Court, depending on the extent of the proximity of the consequence and the causes why the crime remained an attempt reduces and could diminish the punishment to the minimum term provided in the law or it could as well set a new kind of less severe punishment than the one provided by the law."

(c) Article 25 "Meaning of complicity" defines complicity while committing a criminal offence as follows: "Complicity is considered a criminal offence committed by two or more persons in agreement among them."

(d) Article 26 of the Penal Code provides the definition for the accomplices; the latter under the law are considered the following: organizers, executors, inciters and accessories. Organizers are considered those persons who stage and lead the activity in committing a criminal offence. Executors are the persons who carry out direct acts for the perpetration of the criminal offence. Inciters are the persons who incite other accomplices in committing the criminal offence. Accessories are considered the persons who through counselling, advice, providing the means, pledging to conceal accomplices, traces or even items stemming from that criminal offence assist in committing that offence.

(e) Article 27 "liability of accomplices": The organisers, inciters and accessories are equally liable as with the executors in committing a criminal offence. While rendering the sentence judgment for accomplices, the court should also take into account the degree of the participation of each accomplice and their role played in committing a criminal offence.

(f) Article 50 (g) defines among aggravating circumstances the degree of punishment terms for a criminal offence and this offence in complicity. Punishment terms for the above-mentioned crimes under aggravating circumstances are as follows:

76. The punishment terms provided in the Penal Code for the criminal offences of the sale of children, child prostitution and child pornography are as follows:

(a) For the criminal offences stipulated in Article 114/a/1 (engaging minors in prostitution) prison terms from 7–15 years;

(b)For the criminal offences stipulated in Article 128/b (sale, transportation, transfer, hiding or receiving minors for the purpose of engaging them in prostitution or other forms of sexual exploitation), prison terms from 7 to 15 years and penalties from 4 to 6 Million leks.

(c)For the criminal offences provided by Article 124/a (Seeking and receiving rewards for child adoption procedures), punishment with prison terms up to 7 years and a penalty from 300.000 to 3 Million leks.

(d)For the criminal offences provided by Article 117 (engagement of minors in the production of pornographic materials and distribution or publication of these materials in Internet or in other forms), punishment with prison terms from 1–5 years and penalty from 1 to 5 Million leks.

77.Albanian legislation and its social policies are continuously improving thanks to Albania’s gradual and speedy fulfilment of its obligations stemming from the process of integration to the EU.

78.The definition of the criminal liability for the legal persons is addressed in Chapter II of the Penal Code and in more concrete terms in the following:

(a)Article 12 defines the age for penal liability as follows:

Liability for crimes starts at the age of 14

Liability for criminal contravention starts at the age of 16

(b)Articles 17, 19, 20 and 21 of the Penal Code define the following exceptions to the criminal liability:

Due to the mental state

Necessary defence

Extreme need

Exercising a right or complying with one’s duty.

79.The legal, administrative and judiciary measures to ensure that child adoptions are carried out in compliance with the applicable legal international instruments.

80.Given the need for the approximation of supportive children policies and the compliance of national legislation with international standards, our state has taken a series of measures to ensure that children adoption is effected in harmony with the international instruments. Under the Law No. 8624 dated 15. 06. 2000, the Albanian State has acceded to the Hague Convention” For the Child Protection and Cooperation for Child Adoption Abroad”, whose goal is to take protective measures to ensure that child adoptions are effected to the best child interests and by observing their fundamental rights.

81.It is also intended to set up a cooperation system among states to ensure that these measures are also observed and in this way to prevent the child kidnapping, sale and trafficking.

82.Very important in this respect is the endorsement of Family Code, whose principles are guided by the primacy of the best interest of a child in all legal procedures and, in particular, those of child adoption, safeguarding his own fundamental rights.

83.Child protection during their adoption passes through two administrative and judiciary procedures:

(a)Pursuant to the Hague Convention, the Law No. 9695 dated 19. 03. 2007 “On child adoption procedures and the Albanian Committee of Child Adoption” was endorsed. The adoption of this law cultivates the institutional relations, it offers facilitating and accurate procedures for child adoption for the competent bodies and it sets up a monitor system over the children situation and their protection from hazardous phenomena in the future. Likewise, it defines the Committee as the competent authority for the realization of administrative procedures. The Committee’s goal is children protection through their permanent accommodation in an adoptive family and the follow up of post-adoption performance of children in the adoptive family.

(b)After the administrative procedure, the Family Code has also stipulated the judiciary procedure, with the courts making full inquiry on the whole administrative procedure, by legitimating the child adoption.

84.The provisions punishing the mediator’s role in a child adoption in contravention to legal international Instruments related to child adoption are as follows:

(a)Article 124/a “Seeking or receiving rewards for child adoption procedures”: This article defines all following acts as criminal offences: seeking, proposing, granting or admitting rewards and other benefits on account of omission or commission of an act related to the adoption of a minor. For the penal offences provided for in Article 124/a (Seeking or receiving rewards for child adoption procedures), punishment with prison terms up to 7 years and with penalties from 300.000 to 3 Million leks.

(b)Article 128/b “Trafficking of Minors”: The first paragraph of this article defines recruitment, sale, transportation, transfer, hiding or receiving of minors aimed at engaging them in prostitution or in other forms of sexual exploitation, forced labour or other services, slavery, or similar forms, making use or transferring human organs and other forms of exploitation. For criminal offences established in Article 128/b (sale, transportation, transfer, hiding or receiving minors aimed at engaging them in prostitution or other forms of sexual exploitation), punishment by prison terms from 7 to 17 years and with penalty from 4 to 6 Million leks.

85. Albania is a Party to this Convention as of the year 2000.

86. Article 117 of the Penal Code stipulates that production, dissemination, advertisement, importation, sale and publication of pornographic materials in the premises with minors constitute criminal contraventions and are punishable with penalties or prison terms up to 2 years. Likewise, the Second Paragraph of this Article stipulates that engaging minors in the production of pornographic materials and their distribution or publication via Internet or in other forms is punishable with prison terms from one to 5 years and with a penalty from 1 to 5 Million leks.

87. The legal measures concerning the definition of jurisdiction have been set in articles 5, 6, 7 and 7 (a) of the Penal Code as follows:

(a) Article 5 "Territory of Republic of Albania": In the legal sense, it is considered the land space, the space of territorial and internal maritime waters, the air space extending over the land area, over territorial and internal maritime waters, as well as each other locations, where the sovereignty of Albanian state extends, as the seats of the Albanian diplomatic and consular representations, the ships bearing the flag of Republic of Albania, the ships of the military fleet and military or civil planes, wherever they are located.

(b) Article 6 "Applicability of the criminal law for criminal offences perpetrated by Albanian nationals": For criminal offences committed within the territory of Republic of Albania, the Penal law of Republic of Albania is applicable. For criminal offences committed by Albanian nationals within the territory of Republic of Albania, the penal law of Republic of Albania is applicable. The penal law of Republic of Albania is also applicable for an Albanian national who commits a crime in the territory of another state, when that crime is also punishable and unless a final judgment is rendered by a foreign tribunal. In the meaning of this Article, Albanian nationals shall be also considered those nationals, who apart from Albanian, they do also possess another citizenship.

(c) Article 7 "Applicability of the criminal law for criminal offences committed by foreign citizens": A foreign citizen who commits a penal offence in the territory of Republic of Albania is liable under the penal law of Republic of Albania. The Penal Law of Republic of Albania does also apply to a foreign citizen outside the territory of Republic of Albania, when he/she commits the following crimes that are detrimental to the interests of the Albanian state:

(i) organization of prostitution, illegal trafficking in human beings, children, women, manufacturing and illicit trafficking of arms, drugs, other narcotic and psychotropic substances, nuclear substances, pornographic materials and illicit trafficking of art works and relics of historical value;

(ii) crimes that are detrimental to the life and health of Albanian citizens, for which the law stipulates punishment with over 5 year prison terms or any other more severe punishment.

88. Legal provisions that establish the extension of criminal law over persons with Albanian citizenship found to be in the territory of Republic of Albania, but who have committed a crime in another country are stipulated in Article 6 "Applicability of the criminal law for criminal offences committed by Albanian citizens." The second Paragraph (6/2) of the Penal Code that reads as follows: "The Penal Law of Republic of Albania does also apply to an Albanian citizen who commits an offence in the territory of another state, when the crime is also punishable, unless a foreign court has rendered a final judgment." In the meaning of this law, Albanian citizens shall be also considered those persons, who apart from Albanian bear another citizenship, too.

89. The legal provisions of domestic legislation permitting the extradition of nationals from States Parties to this Protocol are as follows:

Extradition for this category of offences is established in extradition agreements

When this Protocol has the value of an extradition agreement

Extradition is not conditioned by the existence of an agreement

90. The Penal Code of Republic of Albania defines in its Article 11 "Extradition" whether extradition is permitted as follows:

Extradition may be permitted only when explicitly stipulated in the international agreements in which Republic of Albania is Party

Extradition is permitted when a criminal offence, which is subject to the application for extradition, is also stipulated as such in the Albanian and foreign legislation

91. Extradition is not permitted in the following cases:

(a) If the person due to be extradited is an Albanian national, unless the Agreement defines it otherwise;

(b) If the criminal offence forming the object of the application for extradition has a political or military character;

(c) When there are reasons for suspicion that the person requested to be extradited shall be prosecuted, punished or when he is wanted on the account of his political, religious, national, racial or ethnic grounds;

(d) If the person sought to be extradited has been judged by an Albanian competent court for a criminal offence for which extradition is demanded.

92. Extradition and the modes of its realization are stipulated by law. Article 504 of the Code of Criminal Procedures "Application for extradition" defines the procedures to be pursued. Among others, this article states the following:

(a) The Ministry of Justice has the competence to demand from a foreign state the extradition of a person, criminally prosecuted or punished, who should be subject of the execution of a measure that restricts the personal freedom. To this end, the prosecutor of the

Court in whose territory prosecution takes place or where the judgement is rendered, files an application with the Ministry of Justice, sending the attached necessary acts and documents. In the case when it does not accept the application, the Ministry notifies the applicant authority.

(b)The Ministry of Justice is competent to decide on the conditions eventually placed by a foreign state to make extradition, when they do not run contrary to the fundamental principles of the Albanian juridical order. The prosecution authority is obliged to observe the accepted conditions.

(c)For extradition purposes, the Ministry of Justice may decide to search abroad for the person prosecuted or punished and his provisional arrest.

(d)Pre-detention abroad, as an outcome of an extradition application submitted by the Albanian state is accounted for in the time duration of the pre-detention terms, under the rules defined in Title V of this Code.

93.For this category of crimes, the defendant is penally accountable both in the location of his crime and country of origin. Article 488 of the Code of Criminal Procedures “Meaning of Extradition” stipulates that:” Handing over a person to a foreign country for the execution of a decision with imprisonment or of an act proving his prosecution for a criminal offence maybe done only through extradition”.

94.Article 489 of the Code of Criminal Procedures “Application for Extradition” stipulates as follows:

(a)Extradition is permitted only on the basis of an application filed with the Ministry of Justice.

(b)The following documents are also attached to the application for extradition:

Copy of the judgment for imprisonment or the prosecution act;

A report on the criminal offence charged to the person whose extradition is sought, indicating also the time and venue of the commission of the offence and its legal qualification;

The text of legal provisions to be applied, indicating whether for the offence for which extradition is required is stipulated by the laws of the foreign state for capital punishment;

Individual data and any other possible information serving to define the identity and nationality of the person, whose extradition is demanded.

(c)In the cases of a competition of a series of extradition applications, the Ministry of Justice defines the order of review. To this end, it takes into account all the case circumstances and, in particular, the date of the application receipt, the significance and the location where the criminal offence was committed or the nationality and dwelling place of wanted persons as well as the feasibility of an re-extradition by the applicant state.

(d)If a single case of extradition is simultaneously requested by several states, it will be awarded to the state against which the criminal offence is directed or that state over whose territory the offence is committed.

95.Under Article 490 of the Code of Criminal Procedures “Terms of Extradition”:

(a)Extradition is permitted when explicitly provided that the extradited person shall not be prosecuted, punished and handed over to another state for a criminal offence committed prior to the application for extradition and which is different from the one for which extradition is granted.

(b)The terms indicated by Paragraph 1 are not taken into consideration in the following cases:

When the extraditing Party gives the explicit consent that the extradited person could be prosecuted even for another criminal offence and he/she is not opposed to that;

When an extradited person, although he/she has had the opportunity, he/she has not left the territory of the state to which he is handed over, after 45 days following his release or after leaving that territory, he has returned voluntarily.

(c)The Ministry of Justice may also place other conditions it deems appropriate.

96.Under Article 491 of the Code of Criminal Procedures “Non-Admission of the Application for Extradition”: Extradition cannot be executed in the following cases:

(a)For an offence with a political character or when it turns out that it is being demanded on political motives;

(b)When there are grounds to think that the person wanted shall be subject to prosecution or discrimination on the account of race, religion, sex, citizenship, language, political conviction, personal or social status, severe punishment and inhuman or cruel treatment or actions that constitute violations of a fundamental human right;

(c)When the person wanted has perpetrated a criminal offence in Albania;

(d)When prosecution is initiated or when it is judged that it is carried out abroad;

(e)When the Albanian legislation does not provide for as such the criminal offence;

(f)When the Albanian state has made an amnesty for a criminal offence;

(g)When the person wanted is an Albanian citizen and there is no agreement to stipulate it otherwise;

(h)When it stipulates criminal prosecution or punishment under the laws of the applicant state.

97.The amended Law No. 7895, dated 27.01.1995 “The Criminal Code of Republic of Albania on the sale of children sale, child prostitution and child pornography” establishes the following articles on criminal offences:

(a)Article 114/a of the Penal Code stipulates as one of the aggravating circumstances of the offence against minors their engagement in prostitution, which is punishable from 7 to 17 years of prison terms.

(b)Article 128/b of the Criminal Code stipulates “trafficking of minors” with the following contents:

(i)“Recruitment, sale, transportation, transfer, hiding or receiving minors aimed at engaging them in prostitution or other forms of sexual exploitation, forced labour or services, slavery or other similar forms, using or transferring human organs and other forms of exploitation are sentenced with prison terms from 7 to 17 years and with a penalty from 4 to 6 Million leks.

(ii)The Second paragraph of this Article stipulates that: the organization, leading and financing the trafficking of minors are sentenced with prison terms from 10 to 20 years and with a penalty from 6 to 8 Million leks.

(iii)When this offence is committed in complicity and associated with maltreatment and physical or psychic violence, or when it produces serious health effects, it is sentenced with prison terms of not less than 15 years and with a penalty from 6 to 8 Million leks.

(iv)The Fourth Paragraph of this Article stipulates that when the offence has led to the death of the aggrieved, it is sentenced with prison terms not less than 20 years or life imprisonment as well as with a penalty from 8–10 Million leks.

(v)If this offence is committed while using the state office or public service, then 1/4th of the term is added to the punishment with prison terms and penalty.”

98.Article 7 of our Penal Code stipulates that even for foreign nationals committing criminal offences in the territory of Republic of Albania, which in a concrete include the above-mentioned criminal offences, are liable under the Penal Law of Republic of Albania.

99.Likewise, pursuant to Letter (d) Article 7 of the Penal Code, the Penal Law of Republic of Albania is also applicable to the foreign nationals outside the territory of Republic of Albania and who commit the following crimes to the detriment of the Albanian state or Albanian nationals: organization of prostitution, illegal trafficking in human beings, children and women.

100.The legal provisions, which foresee the confiscation of the means used to commit or facilitate the commission of offences, or the proceeds from these crimes are Articles 30 Point 2 (30/2) and 36 of the Penal Code, whereas the procedure to be followed in these cases are stipulated in Article 274 of the Code of Criminal Procedures.

101.The legal provisions that define the closure of premises and the provisional or definitive lifting of the right to exercise an activity used for committing criminal offences are Article 274 (object of preventive sequestration) in the Code of Criminal Procedures and Article 39 (lifting the right to exercise an activity or trade) of the Penal Code.

102.With regard to protection of privacy and identity and prohibition of distribution of information that could lead to the identification of child victims, legal provisions prescribing the protection of privacy and identity of minors is Article 103/4 (Prohibition of publication of an act) in the Code of Criminal Procedures, which foresee the prohibition of publication general data and photos of children. Their publication may take place solely upon a Court decision, when the minor interests require such a thing.

## **VI. Protection of the rights of victims (arts. 8 and 9, paras. 3 and 4)**

103.The reform in the social protection system launched by the Ministry of Labour, Social Affairs, and Equal Opportunities is designed to boost the quality of services offered in the social care institutions, focusing on the client needs – children. The standards on social care are already adopted and in the process of implementation in the residential centers for the persons already trafficked or vulnerable to trafficking, under the Decision of the Council of Ministers No. 195 dated 11.04.2007; under this decision, the service providers should introduce the victims to their own rights.

104.For the implementation of these strategies, a Draft – Guideline is prepared, with instructions and forms aimed at assisting the beneficiaries in becoming familiar with their own rights, in order to benefit services even in the cases when they do not denounce their own tutor.

105.Pursuant to the Law No. 9669, dated 18.12.2006 “On measures against violence in the family relations regarding the rights of the victims of family violence and their procedural remedies”, the Ministry of Justice has prepared leaflets and has posted them in places with public access.

106.Article 13 point 2 of the same Law emphasizes that the Application for the Order of Protection on behalf of a minor maybe submitted by the following persons:

(a)The parent or the custodian of the minor;

(b)The legal representative or the victim’s lawyer;

(c)Relatives;

(d) Representatives of the office of social services at the commune or the Municipality, where the victim is a permanent or provisional domicile, who is knowledgeable for the exercise of violence;

(e) The centers and services for the protection and rehabilitation of the victims of family violence, acknowledged/licensed by the Ministry of Labour, Social Affairs and Equal Opportunities.

107. The following documents and forms have become available for the regional and local structures of the police and social services in each commune and Municipality:

Request for a Legal Suit "On the issuance of the Order for Protection"

Request for a Legal Suit "On the issuance of the Instant Order for Protection"

Request "On amending an Order for Protection"

108. All Police Directorates in the country's circuits have drafted and distributed the Handbook of the Department for Serious Crimes and the Department of Public Order and Security "On the Standard Procedures to be Followed by an Officer of the State Police in taking the measures for the prevention of violence, care and protection for the victims of this violence for all specialists and officers of the State Police":

(a) Acceptance of their needs and concerns, when their personal interests are affected (no information);

(b) Support by social services for the victims-children during the whole duration of this process.

109. For the reception, accommodation and rehabilitation of the victims of trafficking or vulnerable persons (even children) the National Reception Center for the Victims of Trafficking (NRCVT) is set up, as an important institution reporting to the State Social Service (MLSAEO). The Center operates on the basis of a close cooperation with the Ministry of Interior and IOM, with a capacity of nearly 100 persons.

110. The NRCVT is assisting as of July 2003 for the reception, accommodation, recovery, referral for integration and readmission (even the beneficiaries are foreign nationals) of the following three major target groups:

Women and girls trafficked or vulnerable to trafficking

Children trafficked or vulnerable to trafficking

Irregular migrants

111. This Center offers the following:

Psycho-social aid provided by a qualified staff with social workers

Assistance and legal support for the eye-witnesses in court proceedings

Security and protection for 24 hours for the eye-witnesses (in cooperation with the Ministry of Interior and the State Police structures)

Medical aid (by the Center staff, the Public health Institute, the Hospital Center "Mother Thereza" and others)

Recovery and re-integration activities

Referral for integration

Return and family reunification

Follow up for the victims even when they leave the Center (when possible)

Food, clothing, provisional accommodation (covering all emergent needs)

112. Thanks to its activity, the Center has had an impact on the elimination of illicit trafficking, family protection and reunification, and when possible, even the pre-preparation of the victims for their integration into social life. The main concern for the minors treated in the NRCVT is security and welfare.

113. The adopted standards for the services offered by the Center envisage the obligation for the service provider to make available for the Law Enforcement Agency (LEA) (police and prosecution bodies) the information required on the related case.

114. Access to the data of the persons accommodated in the Center is provided in accordance with the legal and sub-legal provisions in force:

Law No. 9887, dated 10.03.2008 "On the protection of personal data"

Law No. 9959, dated 17.7.2008 "On the foreigners"

DCM No. 195, dated 11.04.2007 "On the standards of services for the trafficking victims" and others.

115.Regarding protection from intimidation and blood feud, see the provisions of the Law “On the protection of Eye-Witnesses”, which could be as well replied by the Ministry of Interior.

116.Article 49 of the Code of Criminal Procedures “The appointed Defence Lawyer” in its Second Point underlines as follows: “When the defendant is under 18 years old or with mental and psychic disabilities that prevent him/her to realize his/her own defence, then the aid from a defence lawyer becomes obligatory”. Point 7 of this Article states that when a defendant does not have sufficient means, then the protection expenses are born by the State (it is understood also in children cases). Article 50 (e) of the Penal Code defines as an aggravating circumstance the criminal offence committed against children.

117.Under the Law "On the measures against Violence in the Family Relations and namely Article 6 and Article 7, points 2 (a), 3 (a), 4 (a) and (c) explicitly stipulating the responsibilities of liable authorities for the training of persons who shall deal with the victims of family violence.

118.Pursuant to this obligation and given the structure of the General Directorate of State Police from July 2007 onwards, the Section for the Protection of Minors and Family Violence has been set up to the General Directorate of Police and respective sections at local level. These structures are tasked to protect the minors from any form of violence, exploitation or maltreatment and prevention and striking violence in the family ambiances. 119.In 2008, a psychologist was added to the organizational chart to take part in each case when the police treat minors, starting with the accompaniment of minors, questioning, detention and others. The Department for Police Training in the General Directorate of State Police has adopted the holding of a series of training cycles with local police structures on the role of police in treating the minors and family violence.

120.Article 10 of the Law 9669 “On the measures against Violence in Family Relationships”, points 1, 2 and 3 provide for the protection measures from family violence as follows:

(a)Protection from family violence, pursuant to this Law shall be ensured in the following ways:

(i)Ordering instantly the sued person/violator not to commit or intimidate that he/she would conduct violence in the family against the suitor or other members of the victim’s family, as defined in Article 3 point 3 of this Law or as it mentioned in the Order;

(ii)Ordering instantly the sued person/violator not to harm, harass, contact or communicate directly or indirectly with the victim or members of the victim’s family, as defined in Article 3 point 3 of this Law, or as it is named in the Order;

(iii)Taking the sued person/violator immediately away from the house for a defined period of time upon court orders and not permit him/her to re-enter the house without the court’s authorization;

(iv)Prohibiting instantly the sued person/violator to get closer than a certain distance to the victim or the family members of the victim, as mentioned in Article 3 point 3 of this Law or as it is stated in the Order;

(v)Prohibiting instantly the sued person to get close to the house, work location, the house of the family of the origin or the house of the would – be couple or other persons, to the children school or locations frequented mostly by the victim, except for the cases when such an attendance takes place on working grounds;

(vi)Placing instantly the victim(s) and the minors in temporary shelters, taking into consideration in every case the highest interest, the interest of the minor;

(vii)Restricting or prohibiting the sued person/violator to meet the family of the victim, under conditions which should be appropriate;

(viii)Prohibiting the sued person/violator(s) entry to the temporary or permanent house of the victim, or in any other part thereof, albeit the property rights or the violator’s possession;

(ix)Ordering a person duly authorized by the court (officer of public order or official of the office for the execution of court decisions) to accompany the victim or the sued person/violator(s) to the victim’s house and to supervise the removal of personal assets;

(x)Ordering the law enforcement agencies to confiscate any weapon in the possession of the violator during the inspection carried out or to order the violator to hand over any weapon belonging to him/her;

(xi)Ordering the sued person/violator(s) to permit the victim to possess the house used together by the victim and the violator or a part thereof;

(xii)Ordering the sued person/violator to pay the lease for the permanent or temporary house of the victim and the food obligation for the victim, the children or other family participants he is in charge of;

(xiii)As long as the protection order is valid, the treatment of assets shall be done in harmony with the Family Code, Articles 57, 58 and 60;

(xiv)Passing over to the victim the right of provisional custody over the children and lift temporarily the parental/violators’ responsibility/s;

(xv)By deciding and ordering, case by case (competence of the court) the intervention of social public and private services of the dwelling location or the organizations whose goal is to support and receive persons violated in the family;

(xvi)Ordering the sued person(s)-violation to effect a periodic payment in favor of the cohabitating persons; the latter, for the purpose of the above-mentioned shall remain deprived from the living means. To ensure the payment, the Court may rule that the employer should credits the said amount to the benefit of the beneficiary. Such a decision is an executive title;

(xvii) Involving the victim of family violence in rehabilitation programs;

(xviii) Ordering the sued person (violateur(s)) to take part at rehabilitation programs; if the suitor person/violator(s) is ordered to attend a rehabilitation program, then those responsible for the program are required to report each week to the court, if the violator attends or takes part in that program. Should the sued person/violator not attend it, then, upon the request of the subjects mentioned in Article 13 of this Law, the Court shall summon him/her and shall apply the relevant provisions of the Penal Code, for impeding the execution of the court decisions.

(b) The Order for Protection, issued upon the Court decision, may establish some of the protective arrangements provided for in Point 1 of this Article.

(c) The immediate Order for Protection, issued by Court decision, may establish the measures mentioned from the letter (a) to (g) of this Article.

121. Point 27 contains information on the NCRVT, an important institution reporting to the State Social Service (MLSAEO), which cooperates closely with the Ministry of Interior and IOM, with a capacity of nearly 100 persons. This Institution implements state policies and programs on social protection and re-integration of children who are victims, under the acts foreseen in the Protocol.

122. No distinctions are made in Albania in the treatment of children who are victims of these crimes, albeit their citizenship, if these crimes are committed in the territory of Republic of Albania; yet, there are no such cases to date.

## **VII. International assistance and cooperation (art. 10)**

123. In the context of international cooperation, a series of agreements and protocols are signed on the mutual juridical aid and police cooperation.

124. An important instrument on child protection is also the adoption of the bilateral agreement with Greece "On the protection and assistance for the children who are victims of trafficking" signed in Tirana, in February 2006. The ratification by the Greek side in December 2008 has in fact paved the way to its correct implementation. This is the first agreement of this kind in the region; it is also a very important document in preventing, protecting and integrating children who are victims of trafficking in Greece, as one of the major countries for the exploitation of children for labour and other unlawful services. During August – September, pursuant to this Agreement, the first cases referred by the Greek side are also addressed.

125. In the framework of strengthening regional cooperation on issues of combating and preventing trafficking in human beings, the National Coordinator, supported by the Anti-Traffic Unit has organized and held cross-border meetings with Macedonia and Kosovo. These meetings were targeted at the materialization of this cooperation through signing bilateral agreements and protocols on police and cross-border cooperation in the context of combating trafficking in human beings.

126. In September 2007, the signature of the Additional Protocol "On the intensification of Cooperation in Combating Trafficking in Human Beings through state borders and on the identification, notification, referral and return of the victims and suspected persons as victims of the trafficking in human beings" with the Ministry of Interior of Macedonia;

127. In October 2007, a meeting was organized with the Kosovo authorities of Border Police, Section of Illegal Trafficking, which discussed on the improvement of cooperation methods between the two countries and the Draft – Protocol with Kosovo "On the intensification of Cooperation in Combating Trafficking in Human Beings through state borders and on the intensification of Cooperation in Combating trafficking in human beings through state borders and the identification, notification, referral and return of the victims and persons suspected as victims of trafficking in human beings."

128. As of the year 2007, in the framework of ICMPD Project "On the establishment of Transnational Mechanisms of Referral in South eastern Europe" Albania has organized trainings for the introduction of Operating Standard Procedures of National and Transnational Referral of the Victims of Trafficking; its target are major actors involved in the implementation of procedures and namely, social workers of regional offices, officers of the Border and Migration Police and others. These trainings are organized in cooperation with the Ministry of Interior and the support by ICMPD.

### **Anti-Traffic National Day – 18 October**

129. In the framework of the European Day against Trafficking in Human Beings, it is already a tradition that Albania, like other European countries stages various events to raise the awareness of the citizens concerning trafficking in human beings.

130. On the National Anti-Traffic Day, on 18 October 2008, the National Anti-Traffic Coordinator and the Anti-Traffic Unit organized a public event under the motto "Trafficking is a no-return alley. Say No to trafficking!" This event was extensively broadcasted by the largest country's TV channels. It was also attended by several persons and students involved in combating trafficking.

131. On 20 October 2009, CIES (The Information and Education Center for Development) in cooperation with the Anti-Traffic National Coordinator's Office, in the framework of the EU-financed project "Albania, Italy and Greece against trafficking of females and children" organized the ceremony of the inauguration of the Inter-active Theatre "I travel...alone" – the first of this kind in the countries of the region.

**Free Phone Line 0 800 1212**



132. The free phone line 0 800 1212 was put in place in November 2006; it is fully operational, serving not only as a public information means on regular migration but also as a preventive means for the trafficking cases in the country.

### **Promotion for the implementation of the code of conduct in tourism**

133. Albania has no registered case of child exploitation for sexual tourism; nevertheless, all necessary mechanisms are in place in Albania for the identification of these cases and their referral. In 2007, the Ministry of Interior signed a Memorandum of Understanding with the Ministry of Tourism, Culture, Youth and Sports and the OSCE Presence in Albania "On the promotion and Implementation of the Code of Conduct for the Prevention of Sexual Exploitation of Children in Tourism". After signing this document, 22 tourist operators (tourist agencies and hotels) signed a Cooperation Agreement for the implementation of the Code of Conduct in their activities. The Ministry of Tourism, Culture, Youth and Sports has initiated the establishment of an Inter-Ministerial Working Group, which would be responsible for the monitoring of the implementation of the Code of Conduct. The Group shall be composed of representatives from the Ministry of Interior, MLSAEO and the Albanian Association of Tourism.

134. The signing operator is obliged to pursue an ethical policy for the company concerning the sexual exploitation of children for profit purposes, train the tourist staff, introduce a point in the contracts with the suppliers which would jointly condemn sexual exploitation of children for profiting purposes, provide information to passengers through catalogues, brochures, travelling movies and others related to the issue, ensure information on the focal points on the Code of Conduct and report each and every year on the implementation of the Code of Conduct for the protection of children from sexual exploitation in tourism.

135. The major TV country's channels broadcasted a televised message on sexual exploitation by the National Anti-Traffic Coordinator; it continues to be re-broadcasted both in the winter and summer peak tourist seasons. This spot is aimed at informing the public by and large on the legal provision that "Sexual exploitation of minors is a crime and it is punishable. It is also designed to sensitize the hotel staff as the primary persons of impact and all those known as "key persons".

### **Stands in the border crossing points**

136. With the assistance of OSCE and the Council of Europe in the largest part of the border crossing points and customs stands and posters are placed to promote the implementation of the Code of Conduct and the prevention of children sexual exploitation.

137. Some joint projects and initiatives with countries of the region (mainly Former Yugoslav Republic and Italy) in cooperation with the USA, which are aimed at combating trafficking in human beings, with a special emphasis on combating children trafficking have been also carried out.

138. Cooperation with UNICEF, addressed in the above-mentioned points is a good example of cooperation.

139. The sectoral strategy on Social Protection 2007–2013 is already adopted by DCM no. 80, dated 28.1.2008; it relies on the priorities of the Governmental Program priorities on social policies, poverty alleviation, the boost of life quality for vulnerable groups and their empowerment to get involved in community developments.

140. Reforming the scheme of economic aid and other payments shall rely on the identification of the needs of poor families on the basis of the absolute poverty indicators, the better coverage of needs with funding and ensuring dignified living standards for the families, persons with disabilities and others. In the area of social services, at the foundation of this reform is the need to upgrade services at community level, where beneficiaries are located, to support and help the individual families, the group or community, so that it could self-function, be independent and get on board as equals with other members of the society.

141. These developments shall proceed in harmony with the process of the decentralization of powers and responsibilities of local government.

142. The intention of the Sectoral Strategy for Social Protection is to ensure a clear policy for the reform of the payment system and social services, not only for vulnerable groups, but for the whole society. Its major objectives for cash payments are: (i) reduction of poverty for capita to 10% of the population until 2013, in compliance with the results of LSMS (survey of measuring the family living standards); (ii) improvement of targeting the beneficiaries in the scheme of economic aid, coverage of poor family needs in compliance with the absolute poverty line, under LSMS; (iii) increase of the average extent of economic aid; (iv) conditionality of distributing the Economic Aid with community labour throughout the country's territory; (v) improvement of the administration of energy subsidy; (vi) improvement of the system of assessment for the Persons with Disabilities; (vii) escalation of payments for persons with disabilities, depending on the social situation and needs.

143. The major objectives for social services shall be as follows: (i) decentralization, shifting all residential services to the unit administration within the year 2007 (ii) diversification of community services and covering all groups with basic services at all country's districts; (iii) extension of community services until year 2013 also in the municipalities that do not currently have such services; (iv) piloting the custody service 2008–2010 in two municipalities and until year 2013 the extension of this service to other local units, in harmony with the budget needs and potentials; (v) de-institutionalization, consolidation of the service model "house-family" for children and Persons with Disabilities, extension of these services to other social groups (juveniles, the elderly); (vi) implementation of service standards and the boost for the service quality for children, Persons with Disabilities, the elderly; (vii) inspection twice a year of all services of residential and daily care offered by public and private operators; (viii) licencing new providers and periodic relicensing of all NGOs offering caring services.

144. It is already drafted and under implementation the new legislation of social protection, the law and other sub-legal acts for its implementation.

145. On the Economic Aid: the collection of evidence on the number of poor families in the economic aid scheme gaining under 2 US

Dollars daily per person in 2008 was done in compliance with the poverty map, relying on the LSMS 2002, 2005. The data were included in the program of economic aid for the year 2009.

146.Evidence of the poor families for the year 2009 in the economic aid scheme relied on the analysis of the LSMS 2008 data and on the complex analyses, thanks to the findings of LSMS 2002 and 2005. The map of poverty distribution in the country was reviewed and it will serve to define the number of families and funding for the economic aid for the year 2010.

147.A new draft-law is prepared, which ameliorates the Law 9355 “On the Economic Aid and Social Services”, ensuring facilities for the inclusion in the EA scheme:

(a)Orphans who are not at institutions;

(b)Victims of trafficking after leaving the institutions of social care;

(c)Victims of the family violence for the period of the validity of the Order for Protection or the instant Order for Protection.

148.This draft Law exempts from the calculation of incomes for the purpose of EA the benefits for the families in distress who have as the house master:

(a)One of the children under working age due to the death of both parents;

(b)One of the children under working age, when one of the parents is punished for criminal offences or penal contravention on the court’s final ruling, while the other parent is not alive;

(c)One of the children under working age, when one of the parents is deprived from the parental right on court’s decision, while the next parent is not alive;

(d)The Mother, while the next parent is not alive as well as when the family members are under and above working age, who do not benefit retirement reward;

(e)A family member under working age and who does not gain pension and when the members of his family are over and under working age and who do not benefit pension.

## **VIII.Other legal provisions (art. 11)**

149.There is no national or international legislation valid in Albania, which would better meet the interests of children and their protection in terms of sale, prostitution or children pornography.

150.Albania is a party to all international instruments for children rights. In particular, the Convention of the Rights of the Child has anticipated the domestic legislation improvements. The integration process to the EU has an exceptional impact in this regard; the same applies to the newly finalized NATO accession process; they have made it possible for Albania to approximate its own legislation and practices to the highest European and world standards on the realization of human rights as a whole and those of children in particular.

151.Special attention is devoted to combating trafficking, having as the major goal the fight against trafficking in human beings, as one of the fundamental EU conditions for including Albania in the free travel area.

152.This Report is approved by the Council of Ministers by Decision No. 415, of 02.06.2010.