



T-ES(2014)GEN-AL

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

ALBANIA

Replies registered by the Secretariat on 31 January 2014

GENERAL FRAMEWORK

Question 1: Definition of “child”

- a. Does the notion of “child” under your internal law correspond to that set out in **Article 3, letter (a)**, i.e. “any person under the age of 18 years”?

According to the Law No.10 347, dated 04.11.2010 “On the Protection of Child Rights”, namely article 3/a “Child” refers to every individual born alive, up until 18 years of age.”

- b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with **Article 11, para.2**?

In instances in which the age of an individual is not entirely defined and there are reasons to believe that the individual is a child, this particular individual will be considered a child and will be subject to Law No.10 347, dated 04.11.2010 “On the Protection of Child Rights”, until such time as his age is clearly established.

- c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

In internal law, the legal age for sexual activities it is under the 18 years of age. According to Law no. 144/2013, dated “On some amendments to Law no. dated 27.1. 1995 “Criminal Code of the Republic of Albania”, as amended, namely article 100, paragraph 1, “Having sexual or homosexual relations with children that are less than 14 years old, or with a female child, who is not sexually matured, is punished by imprisonment from seven to fifteen years.

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in **Article 2**, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

The right to non-discriminations is universal, it applies to all the rights and obligations that are defined by internal law, to all persons in the Republic of Albania.

Law no.10 347, dated 04.11.2010 “Concerning the Protection of the Rights of the Child”, expressly provides namely:

Article 5 “General Principles”

The protection of the children’s rights will be guaranteed by ensuring:

1. The best interest of the child as the prevailing principle in all deliberations affecting the child by public and private social care providers, the courts and the administrative and legislative authorities.
2. Equality and non-discriminations irrespective of the child’s or his/her parents’ or legal representative’s race, colour, sex, language, religion, political belief, for any other belief, ethnicity, national, ethnic or social origin, property, disability, birth or other status.

3. Elimination of all forms of discriminations or punishment against the child due to position, actions, expressed opinion or beliefs of his/her parents/legal representative, or family members.
4. Compliance by child's parents, or legal representatives, with their responsibilities, rights and duties in relation to the child.
5. The best conditions possible for survival and development of the child.
6. The right of the child to be heard in accordance with his/her age and level of maturity.

Albania has ratified a number of international instruments relating to the protection of human rights, among which the Council of Europe Convention "On Protection of Children against Sexual Exploitation and Sexual Abuse". As above, regarding to this convention, the Constitution has defined the place of this international instrument in the domestic law, as well the mode of applications.

On the other hand, Law 10 221, dated 04.02.2010 "On Protection from Discriminations" is in accordance with EU Directives in the area of non-discrimination and aims to promote the principles of equality and non-discrimination and to ensure effective protection from discrimination and any form of behaviour that incites discrimination. In this context the law provides protection from discriminations in the enjoyment of fundamental rights recognized by the Council of Europe Convention "On Protection of Children against Sexual Exploitation and Sexual Abuse".

The law "On Protection from Discrimination" envisions the establishment of the office of the Commissioner for Protection from Discrimination (CPD) as a public institution and independent in the exercise of his duty, which "provides effective protection from discrimination and any form of conduct that encourages discrimination" (Article 21, Paragraph 1).

CPD Commissioner for Protection from Discrimination exercises its functions in the implementation of national and international legal mechanisms for the protection of human rights and fundamental freedoms ratified by the Republic of Albania. Law "On Protection from Discrimination" expressly stipulates the main areas of law enforcement:

- protection from discrimination in employment
- protection from discrimination in education
- protection from discrimination in the provision of goods and services.

Question 3: Overview of the implementation

Please indicate (without entering into details):

the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

The domestic legislation protects and guarantees children from sexual exploitation and abuse, and the main legislative acts are:

- **Constitution of the Republic of Albania**", law No. 8417, dated 21.10.1998 "The expressly provides specific dispositions on the protection of the children and juveniles. The Constitution recognizes children's rights and individual freedoms (protection of life), political, economic, social and cultural. In this context within its constitutional powers and means at its

disposal, state through its legal initiatives ensures fulfilling of the needs of child welfare, upbringing, education, employment, as well as his intellectual development. Within the protection of freedoms and economic, social and cultural rights, the state has the obligation to ensure mitigation procedures for children during the trial proceedings, and to ensure the protection of children from all forms of abuse as defined namely in **article 54 of the Constitution**:

1. Children, the young, pregnant women and new mothers have the right to special protection by the state.
2. Children born out of wedlock have equal rights with those born within marriage.
3. Every child has the right to be protected from violence, ill treatment, exploitation and their use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development.

- **Criminal Code**

Children's sexual exploitation and abuse constitutes criminal offense, as provided for by the Criminal Code. At the same time the latest amendments to the Criminal Code, by the Law no. 144/2013 dated 20.05.2013 "On some amendments to Law no.7895,dated 27.1.1995 "Criminal Code of the Republic of Albania", as amended, which focuses on the protection of the rights of the child, precisely affecting these provisions. These amendments, are leading to more severe sentences, by increasing margins (minimum and maximum) of imprisonment. Namely:

- **Article 100 "Sexual or homosexual relations/intercourse with minors/children"**
Having sexual or homosexual relations with children that are less than 14 years old, or with a female child, who is not sexually matured, is punished by imprisonment from seven to fifteen years
- **Article 107/a "Sexual Violence"**
against children aged fourteen to eighteen years, is sentenced by imprisonment from five to fifteen. When this offense is committed against a minor who has not attained the age of fourteen years or a minor who has not reached sexual maturity, regardless of whether is conducted violently or not, is sentenced by imprisonment of not less than twenty years.
- **Article 108 "Serious immoral acts"**
Serious immoral acts conducted with minors under the age of fourteen are punishable by up to five years of imprisonment".
Article 108/a "Sexual Harassment"
against children, is punishable by imprisonment from three to seven years.
- **Article 117 "Pornography"**
Producing, delivery, advertising, import, selling and publication of pornographic materials in minors' premises, by any means or form, constitutes criminal contravention and is punishable up to two years of imprisonment.
Producing, importation, offering, making available, distribution, transmission, use or possession of child pornography, as well as consciously creating access to it, by any means or form, is punishable by three to ten years.

Recruitment, use, coercion or persuasion of a child to take part in the pornographic show, or taking part in pornographic performances involving children is punishable by imprisonment from five to ten years.

Article 124/b, “Maltreatment of minors”

Coercing, exploitation, push or use of minors to work, to obtain income, to beg or to perform actions that damage his mental and/ or physical development, or his education, is punishable by imprisonment from two to five years.

- **Law no.10347, dated 04.11.2010 “On Protection of the Rights of the Child”**, namely: article 21 and 24, children are protected from every form of violence, trafficking, any form of sexual exploitation and abuse”
- **Law No.9669, dated 18.12.2006 "On Measures Against Violence in Family Relations“** provides legal measures against violence and the establishment of a coordinated institutions network on the protection, support and rehabilitation of victims, mitigation of consequences and prevention of domestic violence, in particular to prevent violence against children.
- **Law no. 9205, dated 15.03.2004 "On protection of witnesses and collaborators of justice"**, regulates the special measures, methods and procedures for the protection of witnesses and collaborators of justice, and the organization, functioning, competencies and partnership relations between the bodies charged with the proposal, evaluation, approval and implementation of special protection measures, by providing as well the cases when the protected person is a minor.
- **European Convention "On relations with children"** (ratified by Law no. 9359, dated 24.3.2005).
- **European Convention "On the Civil Aspects of International Child Abduction"**, signed in The Hague (ratified by Law no. 9446, dated 24.11.2005).
- **Hague Convention "On Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children "**, (ratified by Law no. 9443, dated 16.11.2005).
- **The Optional Protocol to the Convention "On the Rights of the Child”, “On the Sale of Children”, “Child Prostitution and Child Pornography ”**, ratified by Law no. 9834, dated 22.11.2007).
- **Council of Europe Convention "On Protection of Children from Sexual Exploitation and Sexual Abuse "**(ratified by Law nr.10071, dated 9.02.2009).
- **Council of Europe Convention "On Measures against Trafficking of Human Beings"** (ratified by Law no. 9642, dated 20.11.2006).

- a. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

The Approval of the Action – Plan for Children 2012 – 2015, approved by the Council of Ministers no 182, dated 13.03.2013, aims to strengthen the functioning of institutional mechanisms to promote law enforcement and encourage local government to draft comprehensive policies for children. Also in its strategic objectives, it defines the right of children to protection from violence, abuse and economic exploitation.

Regarding to this, the action plan aims to achieve its strategic objectives:

1. Prevention and protection of children from violence and abuse.

This objective, it aims to reach:

- 1) Registration of all children with Albanian citizenship, born within and outside of the territory of Albania;
- 2) Establishment and functioning of institutional mechanisms at local level for the protection of children and the case management of children at risk;
- 3) Implementation of Combi program: “On a friendly school pro positive behaviours”;
- 4) The establishment and consolidation of the psychological services in all pre-school education, all schools of compulsory education and general secondary education;
- 5) Safe internet for children

State Agency for Protection of Child Rights, an institution under the Ministry of Social Welfare and Youth, is responsible for monitoring the implementation of the Action Plan for Children 2012-2015

- b. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

Question 4: Child participation

- a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (**Article 9, para. 1**);
- b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (**Article 14, para. 1**).

Question 5: Specialised bodies/mechanisms

- a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (**Article 10, para. 2, letter (a)**);

To ensure the implementation, of the Law 10347 “On Protection of Child Rights” are defined Institutional Structures for Protection of the Rights of the Child at central and local level

At central level structures include:

- a) National Council for Protection of Child Rights;
- b) The Minister responsible for coordinating action related to protection of child’s rights;

c) State Agency for Protection of Child Rights.

At local level structures include:

- a) Child Rights Units at Regional Council;
- b) Child Protection Unit at the municipality/commune level.

Actually there are established all institutional structures at central level, defined by the law. **National Council for Protection of Child Rights** is an advisory *ad hoc* body established by order of the Prime Minister. It is composed of ministers appointed by the Prime Minister among his cabinet members, the Ombudsman, one representative from the National Association of Municipalities and two representatives from the civil society sector and is chaired by the Minister Responsible for Coordinating Action Related to Protection of Child's Rights, actually this role is held by the Minister of Social Welfare and Youth

The National Council for Protection of Child Rights has the duty:

- a) to coordinate national policy for enabling child rights and providing protection to children.
- b) to analyze the implementation of national policies for child protection,
- c) to assess the current situation of implementation of the rights of the child and to produce recommendations and specific instructions for state authorities
- d) to recommend programs and services specially designed for children and their families, mainly those in need of urgent protection;
- dh) to submit proposals and recommendations towards improvement of laws concerning protection of the rights of the child.

The State Agency for Protection of Child Rights is established and functions by the Order of Prime Minister No 30, date 18.03.2011. It is an executive institution under the Minister of Labour Social Affairs and Equal Opportunities.

The Agency is headed and represented by its Chairperson appointed by the Prime Minister. His mission is:

- to monitor the implementation of this law, of the Action Plan for Children 2012-2015, the fulfilment of international obligations of Albania concerning protection of the rights of the child;
- to guarantee the collaboration among state structures in central and local level and NGO for the realization of child rights.
- to establish a systems for collection of statistics related to children's issues in cooperation with the Institute of Statistics and relevant governmental institutions,
- to impose fines for violators of legal provisions as determined in Article 40 of the law.
- to coordinate its operations with counterpart agencies in foreign countries;

In Local level are established 170 Child Protection Units at municipal/commune level and 12 Child Rights Units at Regional level.

Child Rights Units at Regional Level

Child Rights Units are established as part of the administration of the Regional Council, has the mission:

- a) to monitor and evaluate the implementation of laws and policies related to protection child rights, in the jurisdiction of the regional council;
- b) to identify and coordinate referrals of abuse and violation of the rights of the child

Child Protection Unit at the Municipality/Commune Level

The Children's Protection Unit, are established as part of the administrative structure of municipality/commune, and has the mission:

- to identify cases of children at risk and coordinate, with actors of the multidisciplinary group for the assessment, protection and referral of cases within the territory of the municipality/commune
- to assess and monitor the situation of child at risk and his families until the child is considered "not at risk";
- to cooperate with social administrators, school psychologists, family doctors, police authorities, social workers at the public and non-public service centers, on improving the situation of protection of children in the territory of the municipality/commune.

The independent institution that are involved with the protection of the child's rights, are the Ombudsman and the Commissioner from Discrimination.

- b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (**Article 10, para. 2, letter (b)**);

Pursuant to the Law "On Protection of the Rights of the Child", was adopted **DCM No. 267, dated 12.04.2012 "On Types and Methods of Sharing Information and Statistical Data Requested by the Agency and the Other Responsible State Institutions, at Central and Local Level"**

DCM clearly defines the types and sources of statistical data, to be collected by the State Agency for the Protection of Children's Rights, as well as other responsible structures at central level. One of the indicators that is collected through this decision, it's the indicator on violence and abuse, which it collects the data by the sex gender on the number of children who have been abused, and number of child victims according to the type of violence they have suffered(domestic violence, sexual exploitation, abuse, trafficking). These indicators are annually collected by the General Directorate of Police.

Meanwhile, collected through this decision is as well, the number of denunciations according to the type of violence, the number of persons detained for committing violence and abuse against minors and the number of offenders related to the victim. While in terms of number of cases where the perpetrator was convicted or has started prosecution against the perpetrator, this information is collected annually by the Ministry of Justice.

- c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (**Article 37, para. 1**).

Question 6: National or local coordination, cooperation and partnerships

- a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (**Article 10, para. 1**);

Besides the responsible institutions at central and local levels for the protection of children's rights mentioned in the answer to question 5 there are also some specialized national mechanisms against human trafficking / children including sexual exploitation and abuse of children.

The State Committee for the Fight against Human Beings- an inter-ministerial body, set up in 2002, which devises and implements governmental action against trafficking in human beings with the support of the National Antitrafficking Coordinator. This committee is chaired by the Minister of Interior and composed of:

- Deputy Minister of Interior/National Antitrafficking Coordinator
- Deputy Minister of Justice
- Deputy Prosecutor General
- Deputy Minister of Labour, Social Affairs and Equal Opportunities
- Deputy Minister of Education and Science
- Deputy Minister of Foreign Affairs
- Deputy Minister of Defence
- Deputy Minister of Health
- Deputy Director of the State Intelligence Service.

2. *National Coordinator for the Fight against Trafficking in Human Beings* who is Deputy Minister of Interior. The National Coordinator is the chair of the Antitrafficking Unit, a structure within the Ministry of Interior, established in 2005 responsible for monitoring, analyzing and reporting on the situation of trafficking of Albania; it supervises the implementation of national antitrafficking strategies and draws up periodical reports on the state efforts to combat trafficking; it is responsible for collecting and managing data on trafficking and for the coordination of all antitrafficking actions in the country.

3. *National Antitrafficking Task-Force* is composed of specialists from central and local authorities involved in combating trafficking in human beings. It assists the State Committee in devising the Government response to trafficking in human beings and monitoring developments in the country, particularly at regional level.

4. *Regional Antitrafficking Committees* are chaired by the prefect and composed of representatives of local agencies responsible for preventing and combating trafficking in human beings and for protecting the victims of trafficking. The role of these regional committees is to assess the situation and needs at local level, with a view to improving the identification, protection, assistance and rehabilitation of victims of trafficking. They set priorities and draw up programs paving the way for and supporting action locally. In addition, the regional committees ensure that municipal/local bodies implement national norms via a monitoring and quality control procedure. They also guarantee access to services for vulnerable individuals/groups and victims of trafficking at regional/local level, and intervene, as a last resort, in difficult cases of victim referral.

The members of the regional antitrafficking committee are:

- the Prefect
- the Deputy Prefect
- the Chairman of the Regional Council
- the Mayor of the central town of the region
- the Regional Office of the State Social Services
- the Regional Employment Agency
- the Regional Police Directorate
- the Regional Director of the State Intelligence Service
- the Regional Education Directorate
- the Regional Public Health Directorate
- the Social and Protection Assistance Offices

In addition, representatives of the following entities are invited to take part in the meetings:

- the Regional Prosecutor's Office
- local NGOs.

b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (**Article 10, para. 3**)? If so, please specify how;

The agencies responsible for the enforcement of criminal laws against child trafficking, commercial sexual exploitation, and/or use of children in illicit activities are:

- Ministry of Social Welfare and Youth
 - o State Social Services
 - o State Agency for Protection of Child Rights
- State Police:
 - o Sector on the Fight against Illicit Trafficking;
 - o Border and Migration Police;
 - o Sector on the Protection of Minors and Domestic Violence;
 - o Directorate on Witness Protection;
- Prosecutor's Office:
 - o Serious Crimes Prosecutor's Office:
- First Instance Court for Serious Crimes;
- Appeal Court for Serious Crimes.

The above mentioned agencies coordinate their actions accordingly within the procedural rules under the Criminal Procedural Code, bypass laws. General Prosecutor's Office is responsible for conducting the prosecution process and representing the State in the court. The prosecutor leads the investigation with the assistance of the judicial police. It is the prosecutor who is in charge of leading the criminal investigation. The prosecutor and judicial police finds out about crimes either by themselves or after having being informed by someone else. During the preliminary investigation the prosecutor, assisted by the judicial police, collects information and evidence about the crime in question and against the defendant suspected of having committed the crime. When the prosecutor has completed the pre-trial investigation, the prosecutor submits the request for trial to the court together with the file. The request for trial is notified to the defendant. The defendant or the defence lawyer has the right to examine the case file.

At State Police child sexual abuse cases are investigated by the Sector on the Protection of Minors and Domestic Violence and child trafficking cases by the Sector against Illicit Trafficking. Throughout the country in 12 qarks there are sections on the prevention and investigation of crimes (subordinates of the Sector on the Protection of Minors and Domestic Violence) and in the 12 qarks there are local sectors against illicit trafficking.

In July 2011 “Standard Operating Procedures for the Identification and Referral of Victims/Potential Victims of Trafficking” were approved by Decision of Council of Ministers No. 582 and the purpose is to standardize the whole process of the identification and referral of the victims of trafficking.

Whenever a child is a victim/potential victim of trafficking for whatever purposes, including sexual exploitation, all the structures involved in the whole process communicate through the National Referral Mechanism for the identification of and assistance to victims of trafficking. This mechanism details the roles and responsibilities that each actor has from the moment of identification of the victim till s/he gets assistance in order to be reintegrated and rehabilitated.

In accordance with the Law for Protection of Child Rights, adopted by the Government of Albania in 2010, the Ministry of Social welfare and Youth has established the Referral Mechanism of children at risk in order to ensure that the rights of the children involved are protected and that they receive proper services in accord with their needs.

According to **DCM No. 265, dated 12.04.2012** *"On the establishment and functioning of coordination mechanisms between national authorities responsible for the referral of cases of children at risk"* CPU identifies children at risk and ensure effective communication and collaboration among actors of the multidisciplinary group aiming a multi - agency approach for the protection of children at risk, within the territory of the municipality/commune.

A multidisciplinary technical group is composed of professionals such as: police, health worker, teacher, psychologist, social service providers, NGOs, etc., has the legal responsibility to offer services according to the needs of the children at risk and their families. Children managed by CPU workers are poor children, sexually abused, children who do not attend or have dropped out school, children who work or beg in the streets, abandoned by parents, unregistered children etc.

- c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (**Article 15, para. 2 and Article 16**)?

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (**Article 38, para. 4**)? Please give examples.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

- a. Which legislative or other measures have been taken to:
- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities?(**Article 6, Explanatory Report, paras.59-62**).Please also specify whether this information includes the risks of the use of new information and communication technologies(**Article 6, Explanatory Report, para. 63**);

Ministry of Education and Sports in collaboration with Terre des Hommes Organization is establishing a child protection system at school. This system targets and assists abused children and children at risk. It is designed “The Manual and Practical Guideline for the Protection of Children at School”. The established child protection network at school cooperates with Child Protection Units (CPU) at local level, on solving problems involving children at risk, including the abused children.

In the framework of the implementation of school-based curriculum, regarding sensitive issues of community, which includes the problem of violence against children in the family and outside it, school directories are developing and implementing educational modules with students in grades I - IX.

In Pre- University education, students are learning through special subjects about their rights and the risks related to various forms of physical, emotional and sexual violence. MoES in cooperation with UNFPA has implemented the curriculum package on health and sexual education. It has been drafted didactical Package on the "Teachers and students Text" “Life Skills and Sex Education" for primary education and is in the process of drafting the didactical package on "Life Skills and Sex Education" for secondary education (for students aged 12-16 years). The Package it helps teachers and students, to inform and equip them with knowledge of basic education and appropriate skills for their age, to avoid situations that carry sexual violence and to become aware of their sexuality as well as the information on HIV and other diseases transmitted sexually.

- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (**Article 5, para. 1**);

Based on Article 37 of the Law "On the Rights of the Child" State Agency Protection of Child Rights (SAPCR) has responsibility to implement training activities for public administration employees on issues of child protection.

During the period November 2012 - May 2013 SAPCR in collaboration with UNICEF organized a 2-day training in 12 regions of the country, associated with knowledge, awareness of stakeholders at the local level regarding new national policies for the realization of children's rights.

The training delivered knowledge on the Action Plan for Children 2012-2015, social inclusion policies vulnerable children, the law "On the Protection of the Rights of the Child, and 5 sublegal act for its implementation. The training focus has been on local administration

In the 12 districts were trained 430 persons in total, of which:

- 265 representatives of regional institutions, such as the county Department of Public Health, Department of Education Regional SSS, Police Regional Directorate, Office of Labour, Prefectures .
- 90 CPU
- 75 representatives from NGOs that provide services to children in the community.

The Ministry of Health is implementing a training program to medical care (health center staff, doctors, nurses, midwives, staff counselling to women and children, maternity and emergency hospitals) associated with identification, violence prevention and treatment from the health system.

The training program is certified by the National Center of Continuing Education and trained personnel to receive credit for the training on which it is assessed the performance of their work. It is currently preparing the set of training regarding this program (module trainers, presentation materials) for health personnel associated with gender -based violence and violence against children.

All Departments of Public Health at regional level are in the process of training TOT. In all public health departments in all regions, there are contact persons responsible for issues of violence in health care.

In 2011 was completed the roadmap for the prevention of gender based violence. This is a unified protocol for identification, prevention, treatment and referral of victims of gender-based violence by health care personnel. A chapter of this book addresses the issues of identification, prevention, and treatment of violence against children. Roadmap implemented by all health system in addressing violence in the services they provide.

A specific help on the specialised treating of school violence cases, is given by Psychosocial Service at school. The psychosocial employees address with priority violence problems and not only in treating concrete cases, but even through explanatory, sensitizing and training sessions of teachers, pupils and parents on occurrence of violence.

The psychosocial employees are persons who master appropriate and deep knowledge regarding sexual abuse of children. At the school community, they are responsible on handling and informing the pupils and school personnel concerning the risk on violence and sexual exploitation of children

- ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts?(**Article 5, para. 2**).

- b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details(**Article 8, para. 1**);

Addressing the problem of violence against children, the Ministry of Education since 2008 onwards, has issued a special circular "On Measures for Improving Educational Work in School and Preventing Violence" to all schools in the country. Pursuant to this circular, in each school year, according to the annual work plan of Regional Educational Directorates, Educational Offices and School Directorates, are scheduled and conducted preventive, awareness raising and training activities, regarding violence.

Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (**Article 8, para. 2, Explanatory Report, para. 66**).

Question 9: Recruitment and screening

- a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (**Article 5, para. 3**). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

In employment procedures of professionals who work with children, in all cases is required the document "criminal record".

- b. Does the screening of candidates apply to voluntary activities (**Explanatory Report, para. 57**)?

Question 10: Preventive intervention programmes or measures

- a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (**Article 7, Explanatory Report, para. 64**);
- b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (**Articles 15 to 17**). Please indicate in particular:
- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
 - how the appropriate programme or measure is determined for each person;
 - whether there are specific programmes for young offenders;
 - whether persons have a right to refuse the proposed programme/measures?

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

- a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (**Article 9, para. 2, Explanatory Report, paras. 68-73**);

Safe internet for children

With the growth of children's access to Internet services and electronic communications networks, there is a need to establish rules in order to protect children from harmful information that can circulate from these sources.

By DCM No.182 dated 03.13.2013 was adopted Code of Conduct "For Safe and Responsible use of Electronic Communications Networks" between electronic communications operators: AMC, Vodafone Albania, Eagle Mobile, Plus, Albanian Association of Information Technology (AITA) and ISP Provider: Albtelecom Abcom, Abissnet, Tring Communications.

At the present there are no clear standards and regulations regarding the classifications of the commercial content and the above entrepreneurs, agree that have no control over the content offered on the Internet, but through this code they ensure that the commercial content offered by or through them will be controlled and will be classified within a suitable framework. Commercial content will be "marked" to distinguish whether it is suitable for children less than 18 years of age. Under this code to entrepreneurs engage on helping of children and parents on the use of networks or Internet services, by reflecting the guidelines for parents on their web sites.

- b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (**Article 9, para. 3, Explanatory Report, para. 74**);

The Albanian Parliament, approved Law No. 97/2013, date 4.03.2013 "On Audiovisual Media in the Republic of Albania"

This law it harmonises the diversity of programming with the need to protect special groups such as minors. The law also introduces specific technical regulations for such cases (see Art. 27 AVMSD).

- c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (**Article 9, para. 4, Explanatory Report, para. 75**). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (**Article 27, para. 5, Explanatory Report, para. 193**).

Question 12: Effectiveness of preventive measures and programmes

- a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;
- b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

**PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS
OF SEXUAL EXPLOITATION AND SEXUAL ABUSE**

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

- a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (**Article 12, para. 1, Explanatory report, para. 89**);

Based on DCM 265 dated 12.04.2012, the Referring of cases to Child Protection Unit for an assessment of whether the child is in danger done by:

- a. child
- b. parent or legal guardian / legal representative of the child,
- c. any person who becomes aware of a violation of the law because of duty or function,
- d. any other person who has family ties with the child,
- e. any person who becomes aware of a violation of the right of the child,
- f. anonymous subject

Child Protection Unit begins the assessment procedure, if there is a referred case or the CPU suspects that there has been a violation of the law, always with the consent of the child, parent, guardian or legal representative of the child.

In specific cases of violation of child rights, made public, the Child Protection Unit begins the assessment procedure on its own initiative, even if there was no reference of the entities defined in Article 1 of this chapter or when guardian / legal representative of the child fails to act. CPU may require the consent of the injured child, when age and his level of maturity allow it.

Is in the process of drafting of a new Protocol on Work for the Protection of Child, which will serve as a Methodological Guide , where will be specified in details the ways of following procedures for managing child at risk, as defined in Decision No. 265 dated 13.04.2012.

- b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (**Article 12, para. 2, Explanatory Report, para. 91**). Please provide examples of good practice.

Question14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (**Article 13, Explanatory Report, para. 92**).

National phone helpline for children (116), is an initiative of UNICEF in Albania and the Center for Protection of Child Rights (CRCA / DCI Albania). This line is intended psycho-social counselling for children by phone, referring any problem child the responsible state bodies, Child Protection Units in municipalities and NGOs.

Question 15: Assistance to victims

- a. Please indicate which types of assistance described in **Article 14** are provided to victims of sexual exploitation and sexual abuse of children. (**Explanatory Report paras. 93-100**) Please specify:
- How the assistance is adapted to the victims' age and maturity;
 - how due account is taken of the child's views, needs and concerns;
 - if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care. caring for the child are involved in his or her sexual exploitation or sexual abuse.

REFER ALSO QUESTION 13

Law No.9669, dated 18.12.2006 "On Measures Against Domestic Violence", compels the Ministry of Health, to establish adequate capacity on identifying domestic violence cases among the relevant medical documentation and has the obligation to diagnose, treat, orient and refer the victims near other services.

In the framework of legislation on domestic violence / violence against children, Ministry of Health enforces Orders issued by Minister and Decisions of Council of Ministers:

- ❖ **Order No. 13, dated 23.01.2008** issued by Minister of Health "On Equipping of persons abused by domestic violence with relevant medical report"
- ❖ **Order No. 14, dated 01.23. 2008** issued by the Minister of Health "On the recording of domestic violence cases, to the register and the individual file for domestic violence victims.
- ❖ **Order No. 15 dated 24.01.2008** issued by the Minister of Health "On the Medical Treatment at Public Health Institutions to Persons Subject to Domestic Violence"
- ❖ **Order No. 410, dated 12.07.2010** issued by the Minister of Health "On the reorganization of health and psychosocial services for persons subject to domestic violence submitted to health care" orders the health personnel to provide medical and psychosocial assistance at any time for abused persons, to implement the protocol approved by the Ministry of Health for the prevention, treatment and referral of all domestic violence cases submitted at health institutions.
- ❖ DCM No 334, dated 17.02.2011 "On the Work Coordination Mechanism, for the referral of the domestic violence cases and its proceeding ways.
On implementation of all these legal acts, health personnel offer special preventive health care and treatment for abused persons, particularly for women and children.

- b. Please specify if and to what extent internal law provides for the possibility of removing(**Article 14, para. 3, Explanatory Report, para. 99**):
- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
 - the victim from his or her family environment when parents or persons

Based on Law No. 9669, dated 18.12.2006 "On Measures Against Domestic Violence "in cases of sexual abuse against a person (child) in family relationships, is required from the court an „Emergency Protection Order“. After evaluating the case, one of the measures that can be undertaken by court, is the immediate establishment of victim / s (minor) in temporary shelters, by considering in any case the best interests, of the child (Article 10)

In the meantime at the National Center for Rehabilitation of Domestic Violence, victims are provided with psychological, rehabilitation and educational services.

- c. If internal law does provide for this:
- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?
 - are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (**Article 11, Explanatory Report, paras. 87-88**).

Prevention of violence against children, the protection and assistance that shall be provided to all domestic violence victims is the responsibility of all public and state institutions, as well as all other actors of society. Each procedure in the child protection system is being performed based on the principle of the best interest of child, which is provided in domestic legislation. Regarding this issue, Ministry of Health works closely with the Ministry of Social Welfare and Youth, NGO, UNFPA, UNICEF, OBSH, Save the Children, etc...

Near each municipality, are established the Governing Committees on coordination of work between responsible authorities, at local level and the referral of domestic cases, consisting of representatives of 36 district directorates. The Ministry of Health, since three years is implementing a training program on identifying, preventing and treating of domestic violence by health system for health care employees (health center staff, doctors, nurses, midwives, staff counselling to women and children, maternity and emergency departments staff of hospitals).

The training program is certified by, the National Center of Continuing Education, and trained personnel receives credits and gets evaluated on their work performance for such trainings. Currently is being prepared a set of trainings regarding this program (the trainer modules, presentation materials) for health personnel associated with gender-based violence and violence against children. Starting from 2010 up to the present time, about 2000 health workers received training in all district of the country. In all regional Directorates of Public Health, are established local capacities by training the trainees, who will serve in the future as the regional health trainers, in the identification and treatment of violence in particular gender-based violence and violence against children. Within, all regional Directorates of Public Health there are contact persons responsible on domestic violence issues in health care system.

- d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (**Article 38, para. 2, Explanatory Report, paras. 258-259**).

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;
- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;
- c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;
- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

a. All the “intentional conducts” in the box below are considered as criminal offences in internal law. According to Law no. 7895, dated 27.1.1995 “Criminal Code of the Republic of Albania”, as amended, and to Law no. 144/2013, dated 20.5.2013 “On some amendments to Law no.7895, dated 27.1.1995 “Criminal Code of the Republic of Albania”, as amended, namely articles:

b. Article 100 “Sexual or homosexual relations/intercourse with minors/children”

Having sexual or homosexual relations with children that are less than 14 years old, or with a female child, who is not sexually matured, is punished by imprisonment from seven to fifteen years.

When the sexual or homosexual intercourse was committed with accomplices, more than once or by violence, or when the child victim had serious health consequences; this is punished by imprisonment not less than twenty five years.

When that act brought as a consequence the minor’s death or suicide, this is punished by imprisonment not less than thirty years or life imprisonment.

- Article 101 “Sexual or homosexual intercourse by violence with a minor who is fourteen-eighteen years old”

Having sexual or homosexual relations by violence with children that are fourteen to eighteen years old, or with a female child, who is sexually matured, is punished by imprisonment from five to fifteen years.

When the sexual or homosexual intercourse by violence was done with accomplices, more than once, or when the child victim had serious health consequences; this is punishable by imprisonment from ten to twenty years.

When that act brought as a consequence the minor’s death or suicide, this is sentenced by imprisonment not less than twenty years

- Article 106 “ Sexual or homosexual intercourse with persons that are related (of the same blood) or persons under custody”

Having sexual or homosexual intercourse between parents and children, brother and sister, between brothers, sisters, between persons that are related in a straight line or with persons that are under custody or adoption, is sentenced by imprisonment up to seven years

- **Article 107/a “Sexual Violence”**

Exercise of sexual violence, by performing actions of a sexual nature in the body of another person with objects, constitutes a criminal offense and is sentenced by imprisonment from three to seven years.

When this is done in collaboration, against several persons, more than once, or against children aged fourteen to eighteen years, is sentenced by imprisonment from five to fifteen years.

When this offense is committed against a minor who has not attained the age of fourteen years or a minor who has not reached sexual maturity, regardless of whether is conducted violently or not, is sentenced by imprisonment of not less than twenty years.

When that act brought as a consequence the victim’s death or suicide, is sentenced by imprisonment of not less than twenty five years.

- **Article 108 “Serious immoral acts”**

Serious immoral acts conducted with minors under the age of fourteen are punishable by up to five years of imprisonment.”

The same act, if committed against a minor who has not attained the age of fourteen years of age, to which the offender has any familiar relationship, shall be punishable from five to ten years.

Intentional involvement as a witness, in action with a sexual character, of a minor who has not attained the age of fourteen years of age or a minor who has not reached sexual maturity, constitutes a criminal offense and is sentenced by imprisonment from one to five years.

The proposal made by an adult, by any means or form, to meet a of a minor who has not attained the age of fourteen years of age or a minor who has not reached sexual maturity, with purpose of committing any of the criminal offenses set forth in this section or in section VII of chapter II of this Code, constitutes a criminal offense and is punishable by one to five years.

- **Article 114 “Exploitation of prostitution**

Inducing prostitution, mediating or gaining from it is punishable by a fine or up to five years of imprisonment.”

The same act, when committed by minors, against some persons, with persons within close consanguinity, in-laws or custodial relations or by taking advantage of an official rapport or conducted on collaboration or more than once or by persons who have state and public functions/duties, is punished from seven up to fifteen years of imprisonment.

- **Article 117 “Pornography”**

Producing, delivery, advertising, import, selling and publication of pornographic materials in minors’ premises, by any means or form, constitutes criminal contravention and is punishable up to two years of imprisonment.

Producing, importation, offering, making available, distribution, transmission, use or possession of child pornography, as well as consciously creating access to it, by any means or form, is punishable by three to ten years.

Recruitment, use, coercion or persuasion of a child to take part in the pornographic show, or taking part in pornographic performances involving children is punishable by imprisonment from five to ten years.

c.

Another criminal offense, which is not included in the box below, is sexual harassment, added with the latest amendments of Criminal Code, the Law 144/2013 “On some amendments to Law no. dated 27.1. 1995 “Criminal Code of the Republic of Albania”, as amended, namely:

Article 108/a “Sexual Harassment”

Conducting of sexual behaviors, that violate the dignity of a person, by any means or form, by creating a threatening, hostile, degrading, humiliating or offensive environment constitutes criminal offense and is sentenced by imprisonment from one to five years.

When the offense is done with accomplices, against several persons, more than once, or against children, is punishable by imprisonment from three to seven years.

d.

The age of a child plays a role in determining the gravity of the sentence for the perpetrator, as regards the punishments for the offenses against children under fourteen, are more severe than for the 14-18 age group. This is clearly seen in the articles cited above.

Sexual Abuse (Article 18)

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
2. Engaging in sexual activities with a child where
 - use is made of coercion, force or threats;
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution;
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
3. Having recourse to child prostitution.

Child Pornography (Article 20)

1. Producing child pornography;
2. Offering or making available child pornography;
3. Distributing or transmitting child pornography;
4. Procuring child pornography for oneself or for another person;
5. Possessing child pornography;
6. Knowingly obtaining access, through information and communication technologies, to child pornography.

Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with **Article 26**? Please specify under which conditions.

Our legal system provides maintaining of criminal liability from a legal person, for acts committed in the name of their bodies and their representatives. According to Law no.7895, dated 27.1. 1995 “Criminal Code of the Republic of Albania”, as amended, namely:

Article 45 “The Application of the criminal law on legal persons/entities”

The legal persons, with the exception of the state, are criminally responsible for criminal acts performed by their bodies or representatives on their behalf or for their benefit.

The local government entities are criminally responsible only for the actions performed during the exercise of their activity that may be exercised by the delegating public services.

The criminal responsibility of the legal persons does not exclude that of the physical persons that have committed criminal acts or are collaborators for the committal of the same criminal acts.

The criminal acts and the sanctioning measures taken against the legal entities, as well as the procedures for the approval and application of these measures are regulated by a special law

Question 18: Sanctions and measures

- a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (**Article 27, Explanatory Report, paras. 182-193**);
- b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (**Article 29, Explanatory Report, paras. 203-208**).

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required please indicate which jurisdiction rules apply. Please specify under which conditions, if required (**Article 25, Explanatory Report, paras. 165-176**).

Associated with regard to the offenses cited in the response to question 16 of the questionnaire, the jurisdiction rules that apply are set to Law no.7895, dated 27.1. 1995 “Criminal Code of the Republic of Albania”, as amended, namely:

Article 5 “Territory of the Republic of Albania”

The Republic of Albania's territory in the sense of criminal law, is defined as the land space, the width of the territorial and internal maritime waters, the air space extending over the land space and over the territorial and internal maritime waters space, as well as over any other place under the sovereignty of the Albanian State, such as the residencies of the Albanian diplomatic and consular missions, the ships carrying the flag of the Republic of Albania, the ships belonging to the military navy, [the carriers] and civil and military aviation wherever they happen to be.

Article 6 “The applicable law on criminal acts committed by Albanian citizens”

As concerning criminal acts committed by Albanian citizens within the territory of the Republic of Albania, the criminal law of the Republic of Albania shall apply.

The criminal law of the Republic of Albania shall also be applicable to the Albanian citizen who commits a crime within the territory of another country, when that crime is concurrently punishable, unless a foreign court has given a final sentence.

In the sense of this article, Albanian citizens shall also be considered those persons who apart from the Albanian citizenship hold another one too.

Article 7/d/g/j “The applicable law on criminal acts committed by foreign citizens”

The foreign citizen who commits a criminal act within the territory of the Republic of Albania is held responsible on the basis of the criminal law of the Republic of Albania.

The criminal law of the Republic of Albania is also applicable to a foreign citizen who, outside of the Republic of Albania, commits one of the following crimes against the interests of the Albanian State or an Albanian citizen:

- d) organizing the prostitution, illegal trafficking of human beings, children and women, manufacturing and illegally trafficking arms, drugs, other narcotic and psychotropic substances, nuclear substances, pornographic materials, and illegal traffic of art works, and objects that have historical, cultural, and archaeological values;
- g) crimes which affect the life or health of Albanian citizens, to which the law provides for a punishment by imprisonment of five years or any other heavier punishment;
- j) criminal offences in the area of information technology.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in **Article 28**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 194-202**).

In our internal law, as aggravating circumstances in the determination of the sanctions, in relation to the offenses established in accordance with this convention, are being taken into consideration according to Law no.7895, dated 27.1. 1995 “Criminal Code of the Republic of Albania”, as amended, namely:

Article 50/c/e/g/gj/h/j “Aggravating circumstances”

The following circumstances aggravate the punishment:

- c) When the criminal act is committed savagely and ruthlessly;
- e) When the act is committed against children, pregnant women, or other people who, for different reasons, cannot protect themselves;
- g) When the act is committed by taking advantage of family, friendship, or hospitable relations;

- gj) When the act is committed in collaboration;
- h) Committing the penal act more than once;

Question 21: Measures of protection for the child victim

- a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (**Article 31, para. 1, letter (a) and para. 2**). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;

According to the Regulation "On the Public and Court Interaction" public relation office, it provides the required information in real time and is responsible for the update of the website of the court, about the considered lawsuits processed by court, are displayed in real time.

- b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (**Article 31, para. 1, letter (c)**);
- c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (**Article 31, para. 1, letter (d)**);
- d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (**Article 31, para. 1, letter (e)**);
- e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (**Article 31, para. 1, letter (f)**);
- f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (**Article 31, para. 1, letter (b)**);
- g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (**Article 31, para. 1, letter (g)**);
- h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (**Article 31, para. 3**).

According to Code of Criminal Procedure

Article 361 / a of the: "The question of justice collaborators and protected witnesses"

The question of collaborators of justice and witnesses protected place under special measures for their protection, which are determined by the court, primarily or at the request of the parties.

When available technical means, the court may decide questioning in the distance through audiovisual connection. When the person to be questioned, has changed his identity, the court shall order appropriate measures to enable the person's face and voice are not distinctive. If necessary knowledge or examination of the person's identity, court orders or call for compulsory accompaniment for fulfilment of this action. In this case the court orders necessary measures to avoid distinct facial appearance of a person whose identity is changed.

The law "On legal aid", is to determine the conditions, type, method and procedures for granting legal aid from the state, for the protection of freedom of the fundamental rights of the individual, as well as other legitimate of his interests. In this law it is provided legal aid for juveniles in conflict with law. Specifically, in paragraph 2 of Article 13 of Chapter III "Legal Aid Services and its beneficiaries," the draft stated expressly that "entitled to legal assistance even minors, to whom the defence in criminal proceedings and the trial is mandatory by law".

Question 22: Investigations and criminal measures to protect the child victim

- a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (**Article 30, para. 2, Explanatory Report, paras. 211-215**);
- b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (**Article 32, Explanatory Report, para. 230**);
- c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with **Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b**, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (**Article 33, Explanatory Report, paras. 231-232**);
- d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (**Article 31, para. 4**). Please also describe under which conditions it is possible;
- e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (**Article 31, para. 5**). Please specify under which conditions, if so required;
- f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (**Article 30, para. 5**);
- g. Please also describe what techniques have been developed for examining material containing pornographic images of children (**Article 30, para. 5**).

Question 23: Child friendly interviewing and proceedings

- a. Please describe how interviews (**Article 35**) with child victims are carried out, indicating in particular whether:
 - they take place without unjustified delay after the facts have been reported to the competent authorities;
 - yes
 - they take place, where necessary, in premises designed or adapted for this purpose;
 - they are carried out by professionals trained for this purpose
 - the same persons are, if possible and where appropriate, conducting all interviews with the child;
 - the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;

- the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

During 2012-2013 there was conducted an adaptation of facilities of police for interviewing minors. In collaboration with French Embassy in Tirana and Save the Children Organization was signed a Cooperation Agreement "Providing special facilities for interviewing minors victims, witnesses and / or involved in crimes, based on international best practices". There are approved Standard Procedures on "Treatment of Minors in a preliminary investigation Interviews are conducted by police officers trained for this purpose. The child is accompanied by psychologist, parent and / or lawyer

- b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;
- c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (**Article 36**).

Code of Penal Procedures

- Article 340 "Cases closed door trial" point "ç"

The court decided that the question of witnesses takes place behind closed doors, when questioning of minors

- Article 361 "Questioning of witnesses ", point 5,

The question of minor witnesses can be done by the judge. The judge may be assisted by a family member or a specialist in the field of education of children.