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

Replies to the thematic questionnaire

ALBANIA

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

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Prevention

Online child safety is a new issue in Albania that has only taken attention the last years. The measures taken mainly relate to the protection of children when using the Internet as well as the safe use of information and communication technology. Awareness raising activities generally address the protection of children from the risks of using the Internet, without specifying it in a special way the risks when children face when they produce and/or share self-generated sexually explicit images and/or videos/self-generated sexual content. Below, we include some of the main awareness-raising activities that have been carried out by public institutions but also non-state actors, specifying where the specific issues at stake have been included. Information by Civil society as well as Child Protection Units at the local level, have also been included in the responses.

Question 1. Awareness-raising or educational activities/tools/materials/measures

1.1. *Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:*

- a. *self-generated sexually explicit images and/or videos?*
- b. *self-generated sexual content?*

1. As part of the #WEProtect Global Alliance, UNICEF Albania in collaboration with the government, launched an awareness raising campaign in 2016: #Open Your Eyes. Designed by a professional communication company the campaign #Openyoureyes used a combination of visual message channels (TV spots, billboards and posters) to say to the children: Yes, you are going to go online. Yes you are going to eventually experience content and behaviour that's risky. It happens to everyone. But by working together and supporting each-other, you can deal with those issues in a safe and healthy way. The campaign materials addressed:
 - a. The risk of sexual abuse that children face online
 - b. The risk that self-generated content/videos/images (not necessarily sexual content) may be misused by others.

<http://landmark.al/portfolio/open-your-eyes-2/>

2. One of the initiatives that addresses the issues of self-generated sexually explicit images is the National Platform for Child Safety Online (www.ISIGURT.al). This website was created in 2016 with the aim of informing, identifying and reporting cases of online sexual abuse of children. This website was created to address issues of safety internet for children. It is supported by UNICEF and the government of Albania and administered by an NGO: CRCA. This Platform, provides specific information directed to children and young people addressing also the risks of sharing self-generated images and videos of sexual nature, and how and where to report if such incident happens. The National Platform is accompanied by a Mobile App (called ISIGURT) where information is provided via smart phone, including direct links to reporting an incident or calling directly child helpline services. Meanwhile ALO 116-111 Albania (the Albanian National Child Helpline) and the Albanian National Youth Network (ANYN) have provided direct information sessions across Albania children and young people, on child safety online, risks and how to be protected, based on several manuals and guides drafted for teachers or young people. To children and young people the information is supported by an online Animated Film which provides an intro into risks that children and young people face online, how and where to ask for support and where to report.

3. An agreement was signed between the State Agency for the Protection of Children's Rights and Alo 116-111 Help and Hot Line, where every child, parent, professional or citizen has a number (116 111) reporting violence against children. The number has been widely publicised in 2016 and 2017 through an ongoing campaign #UneMbrojFemijet (I protect children), which aims at raising awareness on reporting violence against children, including the abuse that may incur online. However issues pertaining to the risks when children face when they produce and/or share self-generated sexually explicit images and/or videos/self-generated sexual content, have not been addressed specifically.
 - a. A mobile phone application was launched in 2016, #unembrojfemijet (#IProtectChildren) as one of the tools to report violence to children in a full anonymous. In this application, children can denounce cases when children have experienced a risk while navigating the Internet.
4. The State Agency for the Protection of Children's Rights in cooperation with Vodafone Albania organized awareness raising activities On the European Day of Safe Internet in 2016. The "[Children Safe Online](#)" brochure was presented which includes information about:
 - Sending or posting photos of other people without their permission (usually sexual or intimate / personal files) on the Internet.
 - Considering the risks of sharing and publishing self-generated materials, including of sexual nature.

This brochure contains information mainly directed at parents and carers, but it in a simple language so it is also addressed to children. It has been shared with children of 11-15 years old through activities organized by the Agency itself, local CPUs (see next activity) or NGOs.

5. Child Protection Units (CPUs) at the municipality level report that they have cooperated mainly with schools for carrying out awareness-raising activities in schools, generally addressing the issues related to child sexual abuse facilitated by ICTs, including, but not specifically focused on the risk caused by self-generated sexual images, videos or content. Awareness campaigns against different forms of child abuse include awareness of the risk of child abuse on the Internet. In these activities, participants are informed about the risk of child abuse on the Internet through exposure to their pictures and videos. The awareness raising meetings are held in schools and residential institutions for children. Brochures developed by the State Agency for the Protection of Children's rights ("Children safe online" see previous activity) were shared children. Meetings have informed children about the dangers they pose to them through the distribution of self-generated photos and videos with sexually online content. Children's awareness-raising classes have been developed both by the psychologist and the teachers.

On extracurricular subjects in the school, the themes on child safety on the Internet have been developed. In these lessons have participated besides teachers, the CPU and the school psychologist

6. On the international day for the safe internet in 2015, the National Information and Awareness Campaign for Children's Safety on the Internet has been launched. Organized by the CRCA organization, UNICEF Albania, the Albanian National Telephone Line in Albania - ALO 116, the National Youth Network in Albania - ANYN in cooperation with the Ministry of Education and Sports and State Agency for the Protection of Children's Rights information and awareness raising activities for online safety of children in 70 schools of 12 counties. It was have provided direct information sessions across Albania to teachers, parents, children

and young people, on child safety online, risks and how to be protected, based on several manuals and guides drafted for teachers or young people. To children and young people the information is supported by an online Animated Film which provides an intro into risks that children and young people face online, how and where to ask for support and where to report. Issues pertaining to the risks when children face when they produce and/or share self-generated sexually explicit images and/or videos were addressed during these activities.

7. In the framework of the project "Civil society in action for protection of child rights", financed by European Union and implemented by Save the Children and Terre des hommes, the sub granted organization Centre for Advanced Studies is creating a website to inform children and young people about how to protect themselves from sexual abuse and how to ask for help when needed. The website is called www.parandalojmesebashku.com. One of the issues that is being addressed from the website, is informing young people about the risks related to the self-generated sexual materials shared with other people.
8. World Vision Albania (WVA) study on Child Online Safety, published in February 2014, draw high attention of the public, media and decision makers on the risks of online Abuse for children in Albania. Following on these results, every February (the month of International awareness on Safe Internet) children from different regions had discussed safety and protection issues from online abuse and possible solutions to them. In local workshops, children that work with Child Protection programs on the child friendly referral and responding mechanisms, have organized workshops in their respective regions, in order to come up with recommendation on how they want their internet to be and how they want the responding mechanisms to be. Despite the mechanisms that exist to prevent and assist them from all types of abuse in the local level, they have identified the need to develop child friendly R&R mechanisms in national level that serve to every child facing online abuse.
9. "Different & Equal" in collaboration with University of Bedfordshire in the UK, supported by the Council of Europe and OAK Foundation," has implemented "Our Voices" project (2013-2016) which aims to promote youth involvement in efforts to prevent sexual violence in Europe, based on the ideas and experiences of Youth Advisers who come from different backgrounds. In the framework of this project, 15 awareness-raising meetings were held with young people. The meetings on the prevention of sexual violence were held in three cities Lezha, Tirana and Berat. The meetings were held in Universities, High schools, Youth Centres and Churches' Youth Centres. During the event, along with information, an awareness-raising video produced by the organization's beneficiaries, was shared with the participants. A poster also prepared by the beneficiaries was distributed in many schools and places populated by young people.
10. "Different& Equal" has implemented the project "*Empowering youth at risk to develop anti-trafficking awareness campaigns*". The special part of this project was that it was based on the *approach of young people for young people*, where initially a group of 60 young people was trained on issues related to trafficking and then they trained their peers in the regions where they live. The main objective of this project is to increase the capacity of a small group of vulnerable young people to design, develop and implement an awareness campaign against trafficking by empowering them as agents of change and also increasing community knowledge about trafficking. The project is being implemented in the districts of Dibra, Kukes, Lezha and Tirana. The young people were part of morning TV shows twice, and programs in local TV with the aim to raise awareness on anti-trafficking. These awareness raising activities addressed the risk of recruitment for sexual exploitation and trafficking

purposes through the internet, and sometimes as a result of, or based on the extortion using the self-generated images or videos by children.

- 1.2. *Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:*
- a. *self-generated sexually explicit images and/or videos?*
 - b. *self-generated sexual content?*

We are not aware of any activities specifically targeting children as bystanders or observers.

- 1.3. *Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:*
- a. *self-generated sexually explicit images and/or videos?*
 - b. *self-generated sexual content?*

→ *Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.*

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

1. The #OpenYourEyes campaign (see above) had specific materials addressing parents, even though not specifically related to the risk of self-generated sexual materials by children.
2. The State Agency for the Protection of Children's Rights in cooperation with Vodafone Albania has organized awareness raising activities On the European Day of Safe Internet. In 2016, the meeting was addressed mainly to parents and teachers. The "Children Safe Online" brochure (see above for more info) was prepared and published by the State Agency for the Protection of Children's Rights. This brochure includes information about:
 - Sending or posting photos of other people without their permission (usually sexual or intimate / personal files) on the Internet.
 - Considering the risks of sharing and publishing self-generated materials, including of sexual nature.

This brochure contains information mainly directed at parents and carers, but it in a simple language so that it can also be shared and inform children. There is a specific section addressed to parents, which aims to provide general advice to parents and teachers on how they should teach children to be protected while using the Internet.

3. CPU-s have reported that parents, teachers, and school psychologists have been invited to meetings that have been organized with the children in awareness-raising activities. The CPUs have attended parents' meetings organized by the schools regarding online safety, with the aim of informing them about the risk of using children's uncontrolled internet. However issues of self-generated materials and content has not been reported specifically as an issue addressed during these activities.

4. The National Platform for Child Safety Online (www.ISIGURT.al) which was introduced above, provides specific information/guidelines and manuals directed to parents, teachers, child protection workers, law enforcement professionals addressing also the risks of sharing self-generated images and videos even though not specifically of a sexual nature, and how and where to report if such incident happens. Meanwhile 2 NGOs, ALO 116-111 Albania (the Albanian National Child Helpline) and the Albanian National Youth Network (ANYN) have provided direct information sessions across Albania to teachers and parents on child safety online, risks and how to be protected, based on these manuals and guides.
5. The State Agency for the Protection of Children's Rights in cooperation with the National Children's Telephony Line - ALO 116, organized a workshop for the child protection workers where [the "Influencing of Children on the Internet" manual](#) document was presented and discussed.
6. In the framework of the new law "For services of social care in the Republic of Albania", the NGO Terre des Hommes is modelling and supporting community centres in four regions of Albania. One of the core parts of the services offered to strengthen families, are the parental programmes. In these parental programmes there are organized training and activities with parents in topics related to net safety and the risks related to sexting and sextortion also as a result of self-generated materials by children which may be of a sexual nature.
7. D&E organisation provided one-day training for psychologists, deputy directors and directors of high schools in 2 regions, on "The psychologist's role in the prevention of trafficking and legal framework". The training was organized in the Education Directorate environment in Lezha. One training was organized by D&E staff in another region for different professional staff as police officer, psychologist in schools, social workers of different state institutions. The issues treated during the training were: what is the trafficking of human beings and consequences; what makes a "victim" vulnerable including the risk of increased vulnerability as a result of sharing self-generated materials of a sexual nature; the system of protection and services for Victims of trafficking in Albania and the needs of victims of trafficking during the reintegration process.

Question 2. Civil society involvement

2.1. *How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:*

- a. *self-generated sexually explicit images and/or videos?*
- b. *self-generated sexual content?*

Most of the activities carried out in this area come as a result of the collaboration between governmental institutions, civil society and international organisations as can be seen in the response to the first question.

The State Agency for the Protection of Child Rights has cooperated with civil society organizations and organizations working for children in Albania, ITC service providers in aim to organize awareness-raising campaigns, organizing activities and meetings with children's groups, parents and producing and distributing awareness-raising material.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. Self-generated sexual content?

Please refer to the explanations given to Question 1 above, where activities carried out in collaboration or solely by civil society organisations have been included.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

In the secondary school there are topics on safe use of internet, but there are no specific topics regarding self-generated sexually explicit images and self-generated sexual content.

In the framework of the implementation of the Memorandum of Understanding between the Ministry of Education and Sports and UNFPA, the Regional Education Departments and Education Offices are advised to consider with priority Health Education with focus on sexual education programs and life skills. The topic of sexual exploitation/ abuse is not specifically addressed in the actual curricula of the above mentioned subjects.

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. Self-generated sexually explicit images and/or videos?
- b. Self-generated sexual content?

We have no information of education curriculum or continuous training programme that addresses explicitly issues mentioned in point a) and b) of the question.

Question 5. Research

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

There has been no research commissioned from the Government authorities in this regard.

5.2. *Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:*

- a. *Self-generated sexually explicit images and/or videos as children have been shared online?*
- b. *self-generated sexual content as children has been shared online?*

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2)

No, there is no research in Albania focused on this topic.

Protection

Question 6. Assistance to victims

6.1. *What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:*

- a. *self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?*
- b. *self-generated sexual content are provided with the necessary support, assistance and psychological help?*

The Law 18/2017 “On the Rights and protection of the child” has introduced the obligation of everyone to report cases of abuse and violence against children, even when there is a reasonable doubt. The obligation is for the whole public, however it is more specifically directed to professionals, who may incur penalties if failing to report such cases.

The National Platform for Child Safety Online (www.ISIGURT.al) is a tool for reporting illegal or unsafe content for children and young people or any incidents. The National Platform is accompanied by a Mobile App (called ISIGURT) that has direct links to reporting incidents or calling directly child helpline services.

ALO 116-111 (the Albanian National Child Helpline) provides free of charge 24/7 access to children and young people to report any incidence or ask for information on internet safety, personal safety etc.

A counselling website has been launched in 2016: www.nukjevetem.al where children and young people can seek advice on issues that concern them.

The State Agency for the Protection of Children’s Rights has established memorandum of understanding and protocols with both these services (helpline and website) to ensure timely and effective reporting to authorities of cases of child abuse. The State Agency for the Protection of Children's Rights signed in April 2016 the cooperation agreement with the National Children's Counselling Line Alo 116 111. This agreement aims to improve the referral system for children at risk, through increased cross-sector co-operation and co-ordination work between public and non-public structures. The agreement also aims to improve the data collection, analysis and reporting system as well as the broader awareness of children and the public in general about the rights and protection of the child.

The National Police Authority also provides a free phone number (112) and a web-based reporting when it comes to cybercrimes, but not specifically for children and young people.

6.2. *What legislative or other measures have been taken to ensure that child victims of online exposure of:*

- a. *self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?*
- b. *self-generated sexual content are provided with the necessary support, assistance and psychological help?*

Law no. 18/2017 "On the Rights and Protection of the Child" provides for the protection of children from any form of violence and abuse, including those forms of violence and abuse facilitated by the digital environment. It also provides protection against Trafficking and any Form of Sexual Exploitation and Abuse of (Article 26) and Protection of the child from access to materials of harmful or illegal content on Internet (Article 27).

This law provides a good entry point for taking action to block content that can be inappropriate or is illegal for children and young people. The new law stipulates that Internet providers, educational institutions and any other public or private institution providing Internet access shall apply technical tools and other measures for the protection of children from access to materials of harmful or illegal content on the Internet, according to the legislation in force.

Most importantly the law establishes the legal framework for an integrated child protection system, which provides assistance and support to all children at risk. Children that are victims of exposure of self-generated sexually explicit materials are subject to the protection granted from this law. The law has established child protection workers and units in all municipalities, that adopt a case management approach, i.e. evaluate and establish an individual protection plan based on the needs and the risk situation of each specific child. The law has also introduced a multi-agency approach to child protection obliging other professionals to collaborate in the case management and service provision for each child as per the child protection plan.

However, difficulties have been encountered in cases of children victims of sexual abuse, in providing adequate and quality psychological support. This is due to the profession of the psychologist being a very new profession in Albania, and lack of professionals at the local level.

In 2016, the "Child Safety Cooperation Agreement on the Internet" was signed between the four ministries: the Ministry of Innovation and Public Administration, Ministry of Education and Sports, Ministry of Social Welfare and Youth and Ministry of Internal Affairs. This agreement was supported by UNICEF Albania and a local NGO, CRCA. Based on this agreement, the signatories undertake to strengthen the right legal framework, protect victims of online sexual abuse and exploitation, identify abusers and establish a constant dialogue with civil society actors and communication industries and the online child safety online. An action plan has been drafted to implement the agreement but not yet officially approved.

In 2017, the Albanian government adopted [the National Agenda for the Protection of Child Rights 2017-2020](#). One of the key objectives of the Agenda is to strengthen the protection of the children online through the strengthening of legislation and policy framework, and adoption of standards for safe internet, capacity building of professionals, monitoring and inspection.

Another important development in the framework of improving the legislation in the last year is the approval of the legal package on the justice reform, where emphasize the adoption of the Juvenile Justice Codes (Law No. 37/2017) as very important. This law contains several instruments and more safeguards for child protection and makes a fuller adjustment to many aspects of juvenile justice. Along with the package of other adopted laws as well as the other steps of reform on justice, it is expected that there will be a direct impact on child protection in court proceedings where they are involved.

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

Current data from the child protection structures show that no such specific cases have been identified or referred to the referral system related to the specific issues covered in this questionnaire.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

Some of the cooperation with non-governmental organisations are mentioned above.

The State Agency for the Protection of Children's Rights signed in April 2016 the cooperation agreement with the National Children's Counselling Line Alo 116 111. This agreement aims to improve the referral system for children at risk, through increased cross-sector co-operation and co-ordination work between public and non-public structures. The agreement also aims to improve the data collection, analysis and reporting system as well as the broader awareness of children and the public in general about the rights and protection of the child. The State Agency has also signed a cooperation agreement with the Together Albania Foundation. The agreement aims at informing all institutions, civil society organizations, children, young people about the online counselling service www.nukjevetem.al which offers free help to children and young people, while respecting their anonymity and referral of child cases at risk that is signalled via the web site www.nukjevetem.al

According to the study conducted by Terre des Hommes "Sexual abuse in the circle of trust", there is a strong need for specialized assistance to children victims of sexual abuse, especially when it comes to psychological support. This need is not accomplished by the actual system of services in Albania. A great number of NGOs in the country support the child protection workers in case management, including in ensuring access of child victims of sexual abuse to quality psychological services.

Terre des Homa organisation, as part of #WePROTECT, a global initiative guided by the government of United Kingdom and UNICEF, Albania has signed the so called agreement "The National Model", where state parties engage in preventing and tackling the online child sexual abuse and exploitation. This model aims to: a) Enable a country to assess its current response and identify gaps, b) Prioritise national efforts to fill gaps, c) Enhance international understanding and cooperation.

"Different and Equal (D&E)" organization cooperate closely with public institutions and agencies on various aspects of child protection, including projects for preventing and combating trafficking, particularly against the sexual exploitation of children. D&E provides a full package of reintegration

assistance to women and girls victims of trafficking through three phases 1) initial crisis intervention in Shelter, 2) stabilization and transition and 3) social inclusion and reintegration. A full package of reintegration services D&E offered at each of these three stages to victims of trafficking, including shelter and community services. D&E has assisted in the program children over 15 years old and 0-18 years old accompanied by parents who are victims of trafficking or victims of sexual abuse. Some of victims of trafficking, especially young girls have fallen prey to trafficking because they have sent their photos in Facebook to the traffickers. The categories of children who are assisted are: victims of trafficking, exploitation, victims of sexual abuse, victims of domestic violence, and children of victims of trafficking, abuses and domestic violence.

Prosecution

Question 8. Legislation

- 8.1. *Does national law contain any reference to:*
- a. *self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?*
 - b. *self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?*

The Penal Code of Albania in the section of “Sexual Crimes” does not contain any reference self-generated sexually explicit images.

Article 117 of the Criminal Code criminalizes “*production, importing, offering, making available, distribution, transmission, use or possession of child pornography, as well as creating access to it consciously, through any means of form, is punishable with prison from 3 up to 10 years*”, but in this article, there is no reference to self-generated sexually explicit materials by children. This means that child pornography is criminalized, and there is no provision regulating cases where sexually explicit materials are generated by children themselves.

- c. *non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?*

The national law does not contain any specific references to the non-pictorial self-generated sexual content in the above mentioned laws.

- 8.2. *Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:*
- a. *self-generated sexually explicit images and/or videos?*
 - b. *self-generated sexual content?*

The national law does not contain any reference to the above points.

- 8.3. *Are there specificities related to the fact that more children appear on the:*
- a. *self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?*

The national law does not contain any reference to the above points.

- b. *self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?*

The national law does not contain any reference to the above points.

Question 9. Criminalisation

9.1. *Does national law criminalise cases when adults:*¹

- a. *possess child self-generated sexually explicit images and/or videos?*

Yes, the article 117 of the Penal Code provides that possessing materials related to child pornography is a crime that can be sentenced to jail from three to ten years. Although, this article does not mention specifically the possession of self-generated sexually explicit images, it is formulated in general terms that could be interpreted to cover self-generated sexually explicit images and/or videos.

- b. *distribute or transmit child self-generated sexually explicit images and/or videos to other adults?*

Yes, based on the article 117 of the Penal Code distributing or transmit pornographic materials of children is forbidden by law and can be sentenced to jail from three to ten years. Although, this article does not mention specifically the distribution or transmission of self-generated sexually explicit images, it is formulated in general terms that could be interpreted to cover self-generated sexually explicit images and/or videos.

- c. *distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?*

Yes, it is foreseen in the above mentioned article 117./1

The relevant article (117) of the Criminal Code doesn't specify as to who receives the child pornography materials: all distribution and transmission are criminalized and thus point c) of the question can be considered covered by the legislation.

The article translated as following:

"Article 117 - Pornography

1. The production, distribution, advertising, import, sale and publication of pornographic materials in children's premises by any means or form constitutes criminal contravention and is punishable by up to two years of imprisonment.

2. Producing, importing, offering, making available, distributing, transmitting, using or possessing child pornography, as well as allowing access to it by any means or form, is punishable by imprisonment of three to ten years.

¹ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

3. Recruitment, use, coercion or conviction of a child, participation in pornographic performances, or participation in pornographic performances involving children is punishable by five to ten years of imprisonment.

9.2. *Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?*

There is no information. Based on the legislation related to the above point there are no mitigating circumstances.

9.3. *What are the legal consequences of the above behaviours (9.1.a-c)?*

For points **a**, **b** and **c**, the legal consequences are a sentence of imprisonment of 3-10 years according to the definition of point 2 of subsection 117 above.

9.4. *Does national law criminalise cases when adults:²*
a. possess child self-generated sexual content?

The Criminal Code only mentions 'child pornography' without defining what it includes. It is up to the court to interpret what constitutes 'child pornography'. If the self-generated sexual content can be defined as 'child pornography' by the court, then it can be prosecuted under the article 117 of the Penal Code.

b. distribute or transmit child self-generated sexual content to other adults?

If the content can be defined as 'child pornography' by the court, then it can be prosecuted under the article 117 of the Penal Code.

c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

If the content can be defined as 'child pornography' by the court, then it can be prosecuted under the article 117 of the Penal Code.

9.5. *Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?*

We are not aware of cases pertaining to 9.4 in our justice system.

9.6. *What are the legal consequences of the above behaviours (9.4.a-c)?*

The Criminal Code only mentions 'child pornography' without defining what it includes. It is up to the court to interpret what constitutes 'child pornography'. If the self-generated sexual content can be defined as 'child pornography' by the court, then it can be prosecuted under the article 117 of the Penal Code. In this case, it incurs 3 to 10 years of imprisonment.

² If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

- 9.7. *Does national law criminalise cases when children:*³
- a. *produce self-generated sexually explicit images and/or videos?*
 - b. *possess self-generated sexually explicit images and/or videos?*
 - c. *distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?*
 - d. *distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?*
 - e. *distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?*
 - f. *distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?*

Response to a-f:

Not specifically provided. But according to paragraph 2 of Article 117 / Criminal Code this relates to the age of criminal responsibility, if they are over 14 years – the age of criminal responsibility- potentially the child could be criminalized.

- 9.8. *Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?*

*(*In our knowledge such cases have not de facto been prosecuted. We are collecting more precise data on this point to provide the Lanzarote Committee).*

- 9.9. *What are the legal consequences of the above behaviours (9.7.a-f)?*

For children above the age of criminal responsibility (14 years old), the consequences could be imprisonment 3-10 years old.

- 9.10. *Does national law criminalise cases when children:*⁴
- a. *produce self-generated sexual content?*
 - b. *possess self-generated sexual content?*
 - c. *distribute or transmit self-generated sexual content to peers?*
 - d. *distribute or transmit self-generated sexual content to adults?*
 - e. *distribute or transmit self-generated sexual content of other children to peers?*
 - f. *distribute or transmit self-generated sexual content of other children to adults?*

The Criminal Code only mentions ‘child pornography’ without defining what it includes. It is up to the court to interpret what constitutes ‘child pornography’. If the self-generated sexual content can be defined as ‘child pornography’ by the court, then it can be prosecuted under the article 117 of the Penal Code. In this case, it incurs 3 to 10 years of imprisonment.

- 9.11. *Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?*

No information so far (**We are still collecting information on this point*)

³ This question does not in any way suggest that these behaviours should be criminalised.

⁴ This question does not in any way suggest that these behaviours should be criminalised.

9.12. *What are the legal consequences of the above behaviours (9.10.a-f)?*

The Criminal Code only mentions ‘child pornography’ without defining what it includes. It is up to the court to interpret what constitutes ‘child pornography’. If the self-generated sexual content can be defined as ‘child pornography’ by the court, then it can be prosecuted under the article 117 of the Penal Code. In this case, it incurs 3 to 10 years of imprisonment.

Question 10. *Production and possession of self-generated sexually explicit images and/or videos by children for their own private use*

10.1. *For Parties having made a reservation in accordance with Article 20(3) indent 2*⁵

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

10.2. *For Parties that have not made a reservation in accordance with Article 20(3) indent 2*⁶

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

As explained above, the current provision of the Criminal Code can be interpreted to include such criminalisation.

Question 11. *Reference in law to ICT facilitated sexual coercion and/or extortion*

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

a. self-generated sexually explicit images and/or videos?

The law does not explicitly mention ICT facilitated sexual coercion or extortion of children depicted in the self-generated sexually explicit images or videos.

Coercion is a criminal offence according to Art. 109/b of the Criminal Code, which includes a general criminalisation of coercion “through threatening or violence, to do or not do a certain action, in order to gain money”.

On the other hand Art. 100 and 101 of the Criminal Code contain a general provision of criminalising sexual abuse with children under the age of sexual consent, and criminalizing the use of force to engage in sexual activities with children.

⁵ Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

⁶ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

b. *self-generated sexual content?*

Same as above.

Question 12. Jurisdiction rules⁷

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

Based on the current legislation, the Albanian law enforcement and justice would not have jurisdiction to follow up such cases, unless the victim or the perpetrator are in Albania or the storage is made in the country or the image was generated in the country.

Question 13. Specialised units/departments/sections

13.1. *Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):*

There are specialized units working on 'cybernetic crimes' both at the Police and in the Prosecutor's office (including at the regional level).

a. *in law enforcement?*

Yes

b. *in prosecution?*

Yes

c. *in courts?*

Yes

13.2. *Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.*

NO.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

With regard to specialized structures in the Police, within the field within ICT is the Computer Crime Investigation Sector at the Department of Criminal Police This structure has 8 (eight) employees and at the Tirana Regional Police Director 2 (two) employees. The offense applied in this field is act 117/2 of Penal Code "Pornography".

There are prosecutors assigned in the Prosecution who deal with criminal offenses of cybercrime and who pursue the criminal offense of "Pornography" provided by Article 117/2 of the Criminal Code.

⁷ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

→ As regards law enforcement, please indicate if:

a. *there is a victim identification function?*

Collection of information in order to identify it is done according to state police systems.

b. *there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?*

So far there are no cases of the use of ICSE but maybe INTERPOL has used it for cases that do not belong to 117/2 "Pornography".

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

a. *self-generated sexually explicit images and/or videos?*

Yes

b. *self-generated sexual content?*

Yes

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

a. *law enforcement agents (in particular for front desk officers)?*

Computer Crime Investigation Sector pursues only criminal offenses of "Pornography" Article 117/2

b. *prosecutors?*

c. *judges?*

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

There have been trainings from various international institutions dealing with the prevention, identification and impact of the phenomenon provided by the criminal offense of pornography.

CRCA Albania provided a joint training session with Cyber Crime Section of the Police Authority in Albania for police officers.

Partnerships

Question 16. International co-operation

16.1. *What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:*

- a. *preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?*
- b. *protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?*
- c. *investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?*

16.2. *What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:*

- a. *preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?*
- b. *protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?*
- c. *investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?*

*(*Still collecting information in this area)*