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LANZAROTE CONVENTION

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

Comments on the replies to the thematic questionnaire

ALBANIA

ECPAT, CRCA, ALO 116 and ANYN

2nd thematic monitoring round

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

Prevention

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?

Yes there are.

The National Platform for Child Safety Online (www.ISIGURT.al) which is run by CRCA Albania provides different tools and levels of information for children, young people, parents, teachers and experts about the risks 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 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.

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?

Same as above.

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?

Same as above. There are no such materials or information specifically designed for health care professionals, however at the National Platform there is information provided in general for any professional working with / for children. The platform is open for any interested party to place information, education or awareness materials, videos etc.

→ 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.

The National Platform www.ISIGURT.AL is managed by CRCA Albania (Children's Human Rights Centre of Albania – a major national child advocacy civil society organisation) and is supported by a joint-Agreement of four Ministries of the Albanian Government (the Ministry of Interior, the Ministry of Social Welfare {now Ministry of Health and Social Care}, the Ministry of Education and the Ministry for Innovation {that as of Sept 2017) it doesn't exist anymore}). The Platform was supported by UNICEF and works in cooperation with all public institutions and CSO's to provide information, guidance, awareness and reporting on any issue related to child safety online. CRCA coordinates the work and actions among different stakeholders' part of the Platform.

At the Government level the Ministry for Innovation had the coordination role. However, with the changes in the Government as of Sept 2017, the Ministry was closed and currently there is a lack of clarity when it comes to which government body or Ministry took over their overall roles and responsibilities.

→ 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).

www.ISIGURT.al

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?

A 3-year National Plan of Action was drafted among the four Ministries that signed the MoU – as explained above. The Action Plan is not yet approved pending clarity on the side of the Albanian Government on which will be the Ministry to take over their mandate. The draft Action Plan among other objectives and activities requires a close cooperation among state agencies and CSO's to initiate new programmes and projects for prevention, awareness, education etc.

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?

The National Platform for Child Safety Online (www.ISIGURT.al) which is run by CRCA Albania provides different tools and levels of information for children, young people, parents, teachers and experts about the risks 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 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.

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?

Only partially. The National Agency for Education Development in Albania (IZHA), a body mandated by the Ministry of Education, working for the curricula development and teachers training has started to introduce awareness guidelines and extracurricular activities for children and teachers, but only for ages 12-13, thus the rest of the education system is not covered by such activities.

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 are not aware that such activities take place.

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?

No. In our knowledge there has been no research commissioned from the Government authorities in this regard. Few studies that are available, have been funded by NGOs.

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?

No. In our knowledge there has been no research commissioned from the Government authorities in this regard.

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

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 National Platform for Child Safety Online (www.ISIGURT.al) is the designed tool for anyone to report 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.

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. The capacities of the Police are limited only to illegal content and because the legislation in Albania is limited to such protections, often they find themselves unable to protect children and young people from online abuse or exploitation.

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?

Albania has limited legislative and institutional capacities to protect children from online abuse and exploitation. Despite the efforts to work seriously on these issues, there is an immense difference between the reality of the online threats against children and young people and what the Government, Police and Justice System does to protect them.

The Albanian Criminal Code provides little protection to almost nothing when it comes to crimes committed online against children. The Criminal Code lacks basic concepts and protections for any form of online abuse and exploitation, unless it is child pornography. However, the Code doesn't cover crimes committed against children online such as grooming, sexting, identity theft, sexual content and chatting etc.

CRCA Albania during 2016 drafted legal recommendations to amend the Criminal Code and submitted them for consideration and approval to the Albanian Parliament. As of October 2017, the recommendations haven't been taken yet in consideration.

The new law on Child Rights and for Child Protection in Albania (of 2017) provides a good entry point for taking action to block content that can be inappropriate or is illegal for children and young people. However due to the fact that content is regulated also by the freedom of information legislation, new methodologies, guidelines and bylaws may be needed to be developed and approved by the National Council for Child Rights and Child Protection in Albania.

Finally, Albania it does a lesser faire legislation when it comes to the regulation of ISPs and the content they maintain or keep online. The National Authority of Communications and Posts doesn't have (unless is related to cyber security or child pornography) any regulations when it comes to blocking access to certain types of online information or imagery. The lack of regulations has made it almost impossible to block content that could present a real danger or risk to children and young people.

→ 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).

ALO 116-111 in Albania provides assistance to almost 100 children and young people every year. Meanwhile, there are more than 1,000 children and young people in a year that would call ALO 116-111 to ask for information on these issues.

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.

Prosecution

Question 8. Legislation

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

No.

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

No.

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

No.

Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:¹
- possess child self-generated sexually explicit images and/or videos?
 - distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
 - distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

No. The relevant article (117) of the Criminal Code doesn't make the point when it comes to the question of who generated the image, the adult or the child. The article translated as following:

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.

"Article 117 - Pornography

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.

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.

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?

No.

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

See above.

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

In our understanding Article 117 of the Criminal Code lacks clarification when it comes to self-generated sexual content.

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

Yes.

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?

No. However Article 117 of the Criminal Code lacks clarification when it comes to self-generated sexual content.

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.

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

See above.

9.7. Does national law criminalise cases when children:³

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

No.

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

No, unless they are above 14 years old.

c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?

No, unless they are above 14 years old.

d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?

No.

e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?

No, unless they are above 14 years old.

f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

No, unless they are above 14 years old.

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?

Children below 14 years old do not have criminal responsibility.

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

Law stipulates that the child below do not hold criminal responsibility and alternative care shall be provided to them through education or medical services (depending on the case).

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?

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.

f. distribute or transmit self-generated sexual content of other children to adults?

Same answers as question 9.7

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?

Same as above.

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

Same as above.

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 2⁵

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?

For children below the age the law provides a degree of clarity that they cannot be criminalised, but when it comes to children above 14 and below 18 years old such clarity is lacking, which means that they could be exposed to criminal investigation or process.

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2⁶

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?

Same as above.

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.

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?
- b. self-generated sexual content?

There are no laws or regulations related to ICT's apart from the Criminal Code of Albania. However, there is lack of awareness and knowledge on this issue when it comes to people working with such technologies, apart from Mobile companies that usually have some form or policy in place in relation to the issues.

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):

- a. in law enforcement?
- b. in prosecution?
- c. in courts?

No.

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.)?

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

Not that we are aware of.

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?
- b. self-generated sexual content?

In our opinion the law enforcement etc. lack financial and technological support, knowledge (know-how), training, expertise and focus on such crimes. There is no policy on place yet on how to protect children, how to raise awareness and better cooperate to identify and criminalise such acts. The Albanian law enforcement and justice institutions are still living on 20th century, while the technology and the risk faced by children and young people are immense.

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)?
- b. prosecutors?
- c. judges?

Few training courses have been provided to police offices. We are not aware if such training courses are provided to prosecutors, meanwhile judges have not received such training from their Magistrates' School.

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

CRCA Albania provided a joint training session with Cyber Crime Section of the Police Authority in Albania for police officers. However the number of police officers working on cybercrimes (which would include also child pornography) it's very small and unless there is a major change we don't see this number increasing in the near future.

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?

We don't have information in this area.

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?

We don't have information in this area.