

United Nations Study on Violence against Children

**Response to the questionnaire received from
the Government of ALBANIA**

QUESTIONNAIRE “VIOLENCE AGAINST CHILDREN”

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

1. Describe any developments with respect to violence against children, which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

With a view to bringing domestic legislation into line with the UN Convention on the Rights of the Child, the following laws and decisions have been adopted, contributing directly or indirectly to the exercise of the rights of the child in the Republic of Albania, and their protection from all forms of violence.

1. Law no. 5840, dated 20 January 1979, “For the Registration of the Registry Office Acts”; with regard to keeping a person's name or family name, it has been amended by Law no. 7682, dated 9 March 1993, “For Several Amendments to Legislation.”
2. Law no. 7635, dated 11 November 1992, “For Several Amendments to Law no. 4624, dated 24 December 1969, ‘For the Educational System’.”
3. Law no. 7650, dated 17 December 1992, “For the Adoption of Minors by Foreign Citizens and for Several Amendments to the Family Code.”
4. Law no. 7727, dated 30 June 1993, for the ratification of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.
5. Law no. 7768, dated 9 November 1993, for the ratification of the Convention on the Elimination of All Forms of Racial Discrimination.
6. Law no. 3766, dated 17 December 1963, “For the Health Care”, amended by Law no. 7718, dated 3 June 1993, and Law no. 7738, dated 21 July 1993.
7. Law no. 7761, dated 19 October 1993, “For the Prevention of and Fight against Infectious Diseases.”
8. Decision no. 39, dated 22. 08, 1994, “For the 8-year Education in the Mother Tongue of National Minority Persons.”
9. Law no. 7889, dated 14 December 1994, “For the Status of the Invalid.”
10. Civil Code, Law no. 7850, dated 29 July 1994.
11. Law no. 7833, dated 22 June 1994, for the ratification of the “Agreement between the Government of the Republic of Albania and the United Nations High Commissariat for Refugees.”

12. Criminal Procedure Code, Law no.7905, dated 21 March 1995.
13. Law no. 7939, dated 25 May 1995, "For Emigration", Article 15, prescribes facilities for obtaining the permit of stay for children under eighteen years of age.
14. Labour Code, Law no.7961, dated 12 July 1995.
15. Criminal Code, Law no.7895, dated 27 January 1995, reflecting amendments to Law no. 8279, dated 15 January 1998.
16. Law no 8045, dated 7 December 1995, "For the Interruption of Pregnancy".
17. Law no. 7986, dated 13 September 1995, "For the Labour State Inspectorate."
18. Law no. 8092, dated 21 March 1996, "For the Mental Health."
19. Civil Procedure Code, Law no. 8116, dated 29 March 1996.
20. Law no. 8153, dated 31 October 1996, "For the Status of the Orphan."
21. Law no. 8137, dated 31 July 1996, for the ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
22. Law no. 8096, dated 29 April 1996, "For the Cinematography", provides for the show of films in a differentiated manner, looking at their suitability to the minors' age, and determining the schedule for their showing.
23. Decision no. 384, dated 20 May 1996, "For the Protection of Minors at Work."
24. Law no. 8331, dated 21 April 1998, "For the Execution of Criminal Decisions."
25. Law no.7952, dated 30 July 1998, "For the Pre-university Educational System", amended by Law no. 8387, dated 21 June 2000, "For the Pre-university Educational System'."
26. Law no. 8432, dated 14 December 1998, "For the Asylum in the Republic of Albania."
27. Law no. 8410, dated 30 September 1998, "For the Public and Private Radio and Television Stations in the Republic of Albania."
28. Constitution of the Republic of Albania, adopted in November 1998, Articles 18 and 122.
29. Law no. 8328, dated 14 April 1998, "For the Rights and Treatment of the Convicts."
30. Law no. 8389, dated 5 August 1998, "For the Albanian Citizenship", Article 5, amended by Law no. 8442, dated 21 January 1999.
31. Law no. 8492, dated 27 May 1999, "For the Foreigners", providing for the right of a minor under 16 years of age to apply for entry clearance, or entitlement to enter the Republic of Albania with permission by the legal guardian. In furtherance of the present law, adopted by Decision of the Council of Ministers, no. 439, dated 4 August 2000, "For the Entry, Stay and Treatment of Foreigners in the Territory of the Republic of Albania", also including minors.
32. Decision of the Council of Ministers, no. 248, dated 28 May 1999, prescribes the submission of statement by the non-public educational institutions whereby committing themselves to observe the Convention on the Rights of the Child (CRC).
33. Law no. 8528, dated 23 September 1999, "For the Promotion and Protection of Breast-feeding."
34. Law no. 8525, dated 9 September 1999, for the ratification of the European Cross-border Television Convention.

35. Law no. 8503, dated 30 June 1999, "For the Right of Access to Information on Official Documents."
36. Law no. 8624, dated 15 June 2000, for the ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption.
37. Law "For the Organisation of the Judiciary in the Republic of Albania", amended by Law no. 8436, dated 28 December 1998, amended by Law no. 8546, dated 5 November 1999, amended by Law no. 8656, dated 31 July 2000, Article 25/a, prescribing the participation of the psychologist in a trial involving a minor.
38. Law no. 7710, dated 18 May 2000, "For the Social Assistance and Care", amended by Law no. 7886, dated 8 December 1994, and Law no. 8008, dated 5 October 1995, and the subsidiary legislation promulgated by the Ministry of Labour and Social Affairs.
39. Law no. 8689, dated 16 November 2000, "For the Prevention of the Spread of HIV-AIDS Infection in the Republic of Albania" (Articles 20-22).
40. Convention 182 on the Worst Forms of Child Labour, and Recommendation 190 on the Worst Forms of Child Labour, adopted by the Albanian Government in September 2000.
41. Law no. 8733, dated 24 January 2001, "For Several Additions and Amendments to Law no. 7895, dated 27 January 1995, 'The Criminal Code of the Republic of Albania'."
42. Law no. 9125, dated 29 July 2003, "For Several Additions and Amendments to Law no. 7961, dated 12 July 1995, 'The Labour Code of the Republic of Albania'," amended by Law no. 8085, dated 12 March 1996.
43. Law no. 9062, 8 May 2003, "The Family Code".
44. Law no. 9188, dated 12 February 2004 (addresses the issue of trafficking in minors).

As can be seen, a good number of the above-mentioned laws and decisions have been passed after the 1990's when political pluralism, the market economy and the rule of law were introduced in Albania. A large number of them are underlined by the principles and concepts contained in international Conventions and other important international instruments on children, and their rights. In examining cases of violence against children, the Albanian courts make reference to these laws only.

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

Violence against children is taken up both in the Constitution of the Republic of Albania, and the Criminal Code of the Republic of Albania. Article 54 of the Constitution of the Republic of Albania addresses violence against children specifically and directly, securing to children their fundamental rights. Under the present article, children have the right to special protection by the State (with children both above and under the age of fourteen years being entitled to enjoying this right). More specifically, paragraph 3 of the said article recognizes the right of every child to be protected from violence, ill treatment, exploitation and their use for work, especially under the minimum age for work (Albanian legislation establishes the minimum age of sixteen years for work), which may damage their health and moral, or put their life or normal development at risk.

The Criminal Code of the Republic of Albania addresses various forms of violence against children in a more specific and matter-of-fact way. Violence against children is the scope of the following articles in the Criminal Code of the Republic of Albania: Article 79/a.1 “Murder of a Minor”; Article 81 “Infanticide”; Article 83/a “Serious Threatening for Revenge, or Vendetta”; Article 100 “Sexual or Homosexual Relations with Minors”; Article 101 “Sexual or Homosexual Relations with Minors through the Use of Force”; Article 106 “Sexual or Homosexual Relations with Persons in Line of Gender or in Custodial Relationship among Themselves”; Article 108 prohibits commission of immoral acts against minors; Article 114.a (1) “Exploitation of Prostitution with Minors under Aggravating Circumstances”; Article 117 “Pornography”; Article 124 “Abandonment of Minor Children”; Article 125 “Denial of the Means for Subsistence”; Article 125 renders parents liable to their children in case of a divorce; Article 127 “Unlawfully Taking Away of the Child”; Article 128.b “Trafficking in Children”; Article 129 “Inducing Minors to Criminality”; Article 110/a, Article 128/b and Article 114/b handle trafficking in children.

Along with the above articles that look specifically into various forms of violence against minors, the Criminal Code of the Republic of Albania also contains a number of other articles intended to protect the individual overall (both adults and children) from various forms of violence: Article 73 “Genocide”; Article 74 “Crimes against Mankind”; Article 75 “War Crimes”; Article 86 “Torture”; Article 87 “Torture Entailing Serious Effects”; Article 93 “Interruption of Pregnancy without the Woman’s Compliance”; Article 97 “Refraining from Providing Help”; Article 99 “Causing Suicide”; Article 109 “Kidnapping, or Holding a Person Hostage”; Article 119 “Insulting”; and Article 120 “Libel.”

Alongside the Constitution of the Republic of Albania and the Criminal Code of the Republic of Albania, other instruments have also been produced such as the new Family Code of the Republic of Albania, the National Strategy against Trafficking in Children and for the Protection of Child Victims of Trafficking (2001) (not yet endorsed), and the National Strategy for Children (2001) – all of which describe a number of terms and actions conducive to the achievement of children’s potentials and their protection from violence.

3. Provide details of any specific legislative provisions on:

- Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;
- Protection of children from all forms of violence;
- Redress, including compensation, for child victims of violence;
- Penalties for perpetrators of violence against children;
- Reintegration and rehabilitation of child victims of violence.

Prevention of various forms of violence

A number of legislative provisions in the Labour Code of the Republic of Albania, the Family Code of the Republic of Albania, as well as other laws, deal with prevention of various forms of violence.

A number of articles in the Labour Code afford protection to children and women during pregnancy. Thus, for instance, Article 19 of Law no. 9125, dated 29 July 2003, “For Several Additions and Amendments to Law no. 7961, dated 12 July 1995, “The Labour Code of the

Republic of Albania”, amended by Law no. 8085, dated 12 March 1996, stipulates that: “Pregnant women and breast-feeding mothers are not permitted to carry loads putting the health of mother and child at risk.” Under Article 104, paragraph 2, of the Labour Code: “Pregnant women or breast-feeding mothers may not be employed to do heavy or hazardous work, harmful to the health of mother and child. The Council of Ministers determines the difficult or hazardous work, harmful to the health of mother and child, as well as the special regulations relating to the working conditions for pregnant women and breast-feeding mothers.” Likewise, Articles 104 and 108 of Law no. 7961, dated 12 July 1995, “The Labour Code of the Republic of Albania”, deal with prevention of harm to the health of children and pregnant women. Article 104 sanctions that: “Work for pregnant women is prohibited during the thirty-five days prior to the anticipated date of childbirth and forty-two days after childbirth; the first period is sixty days when the pregnant woman has given birth before.” And Article 108 states: “(1) “Night work is prohibited for pregnant women. (2) The Council of Ministers sets out special regulations describing the cases where night work is allowed for women.”

Many articles contained in the Labour Code of the Republic of Albania provide a detailed description concerning prevention of damage to child’s physical and mental health at work. Under Article 2 of Law no. 7961, dated 12 July 1995, “The Labour Code of the Republic of Albania”, “Children aged 14-16 may be employed to do light work that is not harmful to their health and growth.” Under Article 98 of the same law: “The employment of children under the age of sixteen years is prohibited.” And: “Children aged 14-16 may be subject to counselling and vocational training, in compliance with the rules established by decision of the Council of Ministers.” Under Article 99 of the Labour Code: “(1) Children aged 14-18 may be employed to do light work that is not harmful to their health and growth, but only during the school vacations. (2) The Council of Ministers defines light work and establishes special regulations for the maximum duration of working hours and for the working conditions.” Article 100 of the Labour Code stipulates that: “(1) Adults only may be employed to do difficult work or work that is potentially hazardous to life or dignity. The Council of Ministers determines difficult or hazardous work. (2) The Council of Ministers establishes special regulations concerning the duration and conditions of hazardous or difficult work for children over the age of sixteen years and pregnant women.” Under Article 101 of the Labour Code of the Republic of Albania: “Employees under the age of eighteen years and those certified as disabled in accordance with the law for social security, are prohibited from working the night shift.” And Article 103 of the Labour Code specifies that: “(1) Children under the age of eighteen years may be employed only when it has been certified through full medical examination that they are able to work.” Under Article 78 of Law no. 7961, dated 12 July 1995, “The Labour Code of the Republic of Albania”: “For employees under the age of eighteen years, the daily working hours may not be more than six hours per day.” The Labour Inspectorate has been assigned with following up the implementation of the said laws. Paragraph 2 of Article 3 of Law no. 7986, dated 13 September 1995, “For the Labour Inspectorate”, specifies: “The Labour Inspectorate shall be entitled to: a) conduct regular checks... v) on the employment of children and women, the interns, and the family members.”

[Penalties for perpetrators of violence against children](#)

Penalties for perpetrators of sexual violence against children are prescribed in several articles of the Criminal Code of the Republic of Albania, in a detailed and specific way. The forms of penalties meted out in each and every case amount to imprisonment. Hence, under Article 9 of Law no. 8175, dated 23 December 1996, “For Several Amendments to Law no. 7895, dated 27 January 1995, “The Criminal Code of the Republic of Albania: Violent Sexual Relations””: “Any acts of sexual penetration whatsoever, committed against another person by making use of

physical violence, coercion, threat or taking him by surprise, are considered violent sexual relations, and are punished by thirteen years of imprisonment.” Article 10 of the Criminal Code specifically picks up sexual violence against minors: “Commission of immoral acts against persons under the age of fourteen years is punished by five years of imprisonment. Commission of sexual relations with persons who have not attained the age of fourteen years, or who have not obtained sexual maturity, is punished by ten years of imprisonment.” Under Article 11 (Sexual relations with Minors under Aggravating Circumstances): “Sexual relations with persons who have not reached the age of fourteen years, or who have not obtained sexual maturity, are punished not less than twenty years of imprisonment when: 1. they entail serious effects to the health; 2. they are committed by a person who is in the immediate line of gender or has the custody; 3. they are committed by making use of force or coercion; 4. they are committed by several persons acting in the quality of the perpetrator or in collusion.”

Article 100 (Sexual Relations with Minor Girls) of Law no. 7895, dated 27 January 1995, “The Criminal Code of the Republic of Albania”, sanctions that: “Commission of sexual relations with a minor girl who has not attained the age of fourteen years, or has not obtained sexual maturity, is punished by five to fifteen years of imprisonment. When sexual relations are committed by making use of force, or have entailed serious effects to the victim’s health, they are punished by ten to twenty years of imprisonment. When the offence has resulted in the death or suicide of the minor girl, it is punished not less than twenty years of imprisonment.” Under Article 101 (Violent Sexual Relations with Minor Girls between 14-18): “Commission of violent sexual relations with a minor girl between 14-18, and who has obtained sexual maturity, is punished by five to ten years of imprisonment. When it entails serious effects to the minor girl’s health, it is punished by ten to fifteen years of imprisonment. When the offence has resulted in the death or suicide of the minor girl, it is punished not less than fifteen years of imprisonment.” Article 103 (Sexual Relations with Handicapped Persons Unable to Defend Themselves) of the present law stipulates that: “Commission of sexual relations taking advantage of the physical or mental disability of the female victim who has attained the age of fourteen years and has obtained sexual maturity, or when it is had while she has lost consciousness, is punished by five to ten years of imprisonment. When it entails serious effects to the female victim’s health, it is punished by five to fifteen years of imprisonment. When the offence has resulted in the female victim’s death or suicide, it is punished by ten to twenty years of imprisonment.”

The Criminal Code of the Republic of Albania also provides for the punishment of sexual violence against minors perpetrated in collusion. Under Article 17 of Law no. 8733, dated 24 January 2001, “For Several Additions and Amendments to Law no. 7895, dated 27 January 1995, ‘The Criminal Code of the Republic of Albania’”, “Commission of violent sexual relations with minor girls is punished by three to ten years of imprisonment. When violent sexual relations are conducted in collusion or more than once, or they have entailed serious effects to the female victim’s health, they are punished by five to fifteen years of imprisonment.”

The Criminal Code of the Republic of Albania, likewise, prescribes punishments with regard to the homosexual forms of violence against minors. Article 15 of Law no. 8733, dated 24 January 2001, “For Several Additions and Amendments to Law no. 7895, dated 27 January 1995, ‘The Criminal Code of the Republic of Albania’”, “Commission of sexual or homosexual relations with minor children who have not attained the age of fourteen years, or with minor girls who have not obtained sexual maturity, is punished by seven to fifteen years of imprisonment. When sexual or homosexual relations are committed in collusion, more than once or by making use of force, or when they have entailed serious effects to the child victim’s health, they are punished by fifteen to twenty years of imprisonment. When the offence has resulted in the death or suicide of the child victim, it is punished not less than twenty years of imprisonment.” Article 19 (Sexual or

Homosexual Relations with Persons Unable to Defend Themselves) of the present law states: "Commission of sexual or homosexual relations taking advantage of the physical or mental disability of the victim, or when it is had while the victim has lost consciousness, is punished by five to ten years of imprisonment. When sexual or homosexual relations are committed in collusion or more than once, or when they have entailed serious effects to the victim's health, they are punished by seven to fifteen years of imprisonment. When the offence has resulted in the victim's death or suicide, it is punished by ten to twenty years of imprisonment."

Besides prescribing punishment for the afore-mentioned forms of sexual violence, the Criminal Code of the Republic of Albania also provides for penalties with regard to the forms of sexual violence against minors committed by blood-relations. Article 22 (Sexual or Homosexual Relations with Persons in the Immediate Line of Gender, or in Custodial Relationship between Themselves) of Law no. 8733, dated 24 January 2001, "For Several Additions and Amendments to Law no. 7895, dated 27 January 1995, 'The Criminal Code of the Republic of Albania,'" states that: "Commission of sexual or homosexual relations between parent and offspring, brother and sister, between brothers, between sisters, between other persons in the immediate line of gender, between persons who have either custodial or adoptive relationship between themselves, is punished by up to seven years of imprisonment."

A number of articles in the Criminal Code prescribe penalties for the organisation and exploitation of children for purposes of prostitution. Article 17 of Law no. 8733, dated 24 January 2001, "For Several Additions and Amendments to Law no. 7895, dated 27 January 1995, 'The Criminal Code of the Republic of Albania,'" provides for penalties to ten years' imprisonment and confiscation of property for the persons recruiting, inciting and coercing a person to be involved in prostitution. Article 18 of the Criminal Code also addresses more specifically the exploitation of prostitution targeting minors, specifying that: "Exploitation of prostitution involving: 1. minors; 2. several persons; 3. one person who is incited or coerced into exercising prostitution outside the territory of the Republic of Albania; 4. a person in the immediate line of gender or in custodial relationship between themselves; 5. a person entitled to carrying a weapon; 6. use of physical or psychic violence; 7. several persons acting in the quality of the perpetrator or collaborator, and who do not form a criminal organisation, is punished by fifteen years of imprisonment, and by confiscation of the proceeds from the criminal offence." Article 20 of Law no. 8175, dated 23 December 1996, "For Several Amendments to Law no. 7895, dated 27 January 1995, 'The Criminal Code of the Republic of Albania,'" provides for penalties relating to prostitution exercised against minors by their blood-relations, stipulating that: "If the criminal offence is committed for the purpose of mediation for prostitution or recruiting, inciting or coercing minors, several persons, into exercising prostitution with a person with whom the mediator is in the immediate line of gender or in custodial relationship, for remuneration, or for exercise of prostitution outside the territory of the Republic of Albania, then the mediator is sentenced to nine years' imprisonment."

Trafficking in children for the purpose of material profit or prostitution is addressed in a number of articles in Law no. 8733, dated 24 January 2001, "For Several Additions and Amendments to Law no. 7895, dated 27 January 1995, 'The Criminal Code of the Republic of Albania,'" including Articles 2, 30, and 35. Article 2 prescribes trafficking in children in general, along with other kinds of trafficking. Article 35 affords in relation to measures of punishment against persons involved in child trafficking specific provisions, sanctioning that: "Trafficking in children for the purpose of material gain or any other gain, is punished by ten to twenty years of imprisonment. This same offence, when committed in collusion or more than once, or is accompanied by the ill-treatment and coercion of the inflicted by making use of physical or psychic force into committing various acts, or entails serious effects to health, is punished not less than fifteen years of imprisonment, and when it results in death, by life imprisonment." Article 30 addresses

specifically trafficking in females (including minor females) for prostitution, stipulating that: "Trafficking in females for prostitution, for the purpose of material gain or any other gain, is punished by seven to fifteen years of imprisonment. This same offence, when committed in collusion, or more than once, or is accompanied by the ill-treatment and coercion of the inflicted female by making use of physical or psychic force into committing various acts, or entails serious effects to her health, is punished not less than fifteen years of imprisonment, and when it results in death, by life imprisonment."

Article 38 of Law no. 8733, dated 24 January 2001, provides for measures of punishment against persons involved in the distribution of narcotics among adults, stating that: "Free provision or illicit selling of narcotics to certain persons for individual consumption is punished by thirteen years of imprisonment. Free provision or selling of narcotics, in the conditions referred to in the foregoing paragraph, to minor persons or in the penitentiary, schools, sporting institutions or in any other social activity, and the injection of narcotics against the will of the inflicted, is punished by fifteen years of imprisonment."

Along with the penalties prescribed for those perpetrating sexual violence against minors, trafficking in children, prostitution involving children and distribution of narcotics to minors, the Criminal Code also provides for penalties with regard to other forms of physical and psychological violence, including murder, injury, kidnapping or holding a person hostage, as well as threat for revenge. These are addressed in Articles 11, 12, 13, 15, 25, and 26 of Law no. 8733, dated 24 January 2001, "For Several Additions and Amendments to Law no. 7895, dated 27 January 1995, 'The Criminal Code of the Republic of Albania'." Article 11 sanctions that intentional murder of a minor is punished not less than or by twenty years of imprisonment, or by life imprisonment. Article 12 provides for punishment by up to three years of imprisonment or by fine for serious threat against a person or a minor for the purpose of revenge, vendetta, or to have them shut themselves indoors. Article 13 prescribes a punishment by up to five years of imprisonment against a person causing serious injuries to another person. (However, the present article handles injury caused to the individual in general, and does not contain any specific provisions with respect to children in particular). Article 25 addresses penalties for kidnapping or holding a person hostage, and specifically when a child is also involved, stipulating that: "Kidnapping or holding a person hostage to gain wealth or amass any other gain, to help create the facilitating conditions for the commission of a crime, to help hide or escape of perpetrators or collaborators in the commission of a crime, to evade punishment, to dictate the fulfilment of certain requests or conditions, for political purposes or any other purpose, is punished by ten to twenty years of imprisonment. This same offence committed against an under fourteen-year-old is punished not less than fifteen years of imprisonment. Kidnapping or holding a person or an under fourteen-year-old hostage, anticipated or accompanied by physical or psychic torture, when committed against several persons or more than once, is punished not less than twenty years of imprisonment, and when it entails death, by life imprisonment." Besides, Article 15 provides that: "Kidnapping or holding a person hostage is punished by life imprisonment, when anticipated or accompanied by the victim's torture, when the victim is of minor age, or when it is committed by a criminal organisation. If the minor or persons are voluntarily released before the expiry of seven days from the day when they were kidnapped or held hostage, and if no torture is exercised, or no serious and permanent damage is caused to their health, then the penalty is ten years' imprisonment."

Article 60 of Law no.7952, dated 21 June 1995, "For the Pre-university Educational System," specifies the measures of punishment against persons favouring violation of the child's right to schooling, sanctioning that: "Employment of children incorporated into the obligatory education is prohibited. When cases of employment of children at the compulsory education age are verified, the labour inspector punishes the state-run or private employer for administrative

contravention by fine to the tune of 100,000 lekë, and in the event of repetition, to the tune of 200,000 lekë.”

Protection of children from all forms of violence

Protection of children from the forms of violence is addressed specifically in Law no. 9062, dated 8 May 2003, “The Family Code”, in Law no. 7905, dated 21 March 1995, “The Criminal Procedure Code of the Republic of Albania,” as well as Law no. 7650, dated 17 December 1992, “For the Adoption of Minors by Foreign Citizens and for Several Amendments to the Family Code.” The Family Code contains a number of articles aiming at protecting children against forms of violence in the family relationships, and in the process of adoption. Protection during the process of adoption is also provided for in Law no. 7650, dated 17 December 1992, “For the Adoption of Minors by Foreign Citizens and for Several Amendments to the Family Code.” The above laws reflect the fundamental principles concerning the rights of the child laid down in the Convention on the Rights of the Child.

Article 2 of Law no. 9062, dated 8 May 2003, “The Family Code”, states explicitly that: “In their decisions and activities, the parents, the competent bodies and the courts shall have the best interest of the child as their primary concern.” Article 3 addresses, in a more specific manner, the State’s obligations towards protecting children against ill-treatment, specifying that: “The parents have the duty and right to care for the upbringing, development, well-being, education and schooling of children born in or out of lawful wedlock. The State and the society shall offer the necessary support for families to keep their children with them, to prevent their ill-treatment and abandonment, and to help maintain the stability of the family.” Article 5 lays emphasis on the right of children to be brought up in the family, in an atmosphere of joy, love and good understanding, contributing to the full and well-balanced development of the child’s personality. Article 215 highlights the parent’s responsibility to secure the child’s emotional, social and material well-being.

Besides, the above law also prescribes the measures for protecting the child in the event of ill treatment by parents. This is addressed in Articles 218, 224, and 228. Article 218 states that: “The parents may request from court the return of their minor child, if he does not live with them, and is unfairly kept by other persons. The court, due to serious circumstances, may rule against the [child’s] return, if it runs counter to the best interest of the child. The court also seeks the child’s opinion if he has obtained the age of ten years.” Article 224 specifies that: “If the parents of the child have died, are unable to fulfil their responsibility as parents by reason of their incapacity to act, [their] absence or for specially serious reasons, the child may be entrusted to a member of the family, to a person assigned as guardian, to a foster family, or even to a care institution. In this case, the opinion of the social assistance and service sector is sought, in compliance with the provisions for guardianship.”

Article 228 provides for extreme measures in the event of misuse of the parental responsibility, stipulating that: “When the parent misuses his parental responsibility or shows serious neglect in its exercise, or by way of his actions exerts harmful influence on the education of children, at the request of the other parent, the child’s relatives or the public prosecutor, parental responsibility may be extinguished. Termination of parental responsibility occurs by court decision, summoning the parent for whom this termination is requested as defendant.”

A number of articles in Law no. 9062, dated 8 May 2003, “The Family Code,” aim at protecting children from plausible abuse in the process of adoption. Article 257 of the said law sanctions that: “The conditions for and effects of adoption announced in Albania are determined by the Albanian legislation.

“Inter-country adoption is not permitted when: a) adoption is not recognised in the State in which the adoptive persons live; b) the conclusion is reached that adoption entails serious effects to the minor; c) in the State in which the adoptive persons live the minor does not enjoy the same rights as in Albania. Inter-country adoption is permitted after the minor’s name has been recorded in the lists available to the Albanian Committee for Adoptions for six months, pending adoption, and all the possibilities to give him in adoption within the country have been exhausted over the said period.”

Article 246 underscores that, in the process of adoption, along with the parents’ opinion, the child’s opinion is also sought when he has obtained the age of ten years, and the child’s consent when he has obtained the age of twelve years.

Likewise, through Articles 1, 2, 5, 16, and 17, Law no. 7650, dated 17 December 1992, “For the Adoption of Minors by Foreign Citizens and for Several Amendments to the Family Code”, aims at protecting the child during the process of adoption. Article 1 stipulates that: “Adoption is permitted only in the event that it is in the best interest of the minor, and guarantees respect for his fundamental rights.” Article 2 contains special provisions to address the protection of the minor to be adopted, stating that: “The Albanian Committee for Adoptions is established for the purpose of assisting, urging and overseeing the protection of minors through adoption, and ensuring cooperation with the competent public authorities and known private bodies, both Albanian and foreign.” Article 5 specifies the powers and responsibilities of the Albanian Committee for Adoptions, which is also tasked to avoid different forms of violence against children, including kidnapping, selling, and trafficking in children, to exclude unfair material gains accruing from adoption, and bring forth proposals conducive to legislative amendments concerning adoption in the interest of the child.

Article 16 addresses the conditions in which adoption is not permitted, stating that: “The conditions for and effects of adoption announced in Albania are determined by the Albanian legislation. Adoption is not permitted when: (a) adoption is not recognised in the State in which the adoptive persons live; (b) the conclusion is reached that adoption entails serious effects to the minor; (c) in the State in which the adoptive persons live the minor does not enjoy the same rights as in Albania.”

Article 17 provides for penalties relating to cases where the child to be adopted is sold out for profit, stating that: “Acceptance, request to receive or receipt of money and other material goods by the parent, the guardian or any other person for himself or for third parties, in the process of adoption of a minor, is punished by five years of imprisonment.”

The judicial system affords protection to children in Articles 5, 6, 13, 42, 49, 81, 103, 230, 255 303, and 340 of Law no. 7905, dated 21 March 1995, “The Criminal Procedure Code of the Republic of Albania.” Article 5 sanctions the protection of an individual from a set of various forms of violence perpetrated in conditions of restricted freedom, stating that: “1. Freedom of an individual may be restricted by means of precautionary measures only in cases and forms established by law. 2. No one may be subjected to torture, punishment or degrading treatment. 3. A person sentenced to imprisonment shall be provided human treatment and moral rehabilitation.”

Article 6 deals with the provision of protection to the individual in general (children, as well) during court proceedings, stating that: “1. A defendant is entitled to self-defence or to defence by a defence lawyer. In case of insufficient means, he shall be provided free legal aid. 2. A defence lawyer shall assist the defendant to have all procedural rights guaranteed and his legitimate interests protected.” Article 13 contains more specific provisions regarding the conditions in which a juvenile is tried, stipulating that: “The district and the military courts try in panel consisting of three judges when crimes are involved, and by a judge and two assistant judges when criminal contraventions are involved. The trial versus a juvenile is conducted by judges

qualified for these trials, who have specifically been assigned this task, too.” Article 35 addresses the assistance to be provided to a juvenile defendant in the course of court proceedings, stating that: “1. A juvenile defendant is provided legal and psychological assistance, at any stage and instance of the proceedings, in the presence of the parent or other persons requested by the juvenile, and assented to by the proceeding authority. 2. The proceeding authority may carry out actions and compile acts for which the participation of the juvenile is required, without the presence of the persons indicated in paragraph 1, only when this is in the interest of the juvenile, or when the delay may seriously impair the proceedings, but always in the presence of the defence lawyer.” Article 42 of the present law handles the verifications on the personality of the juvenile defendant, stating that: “1. The proceeding authority gathers information on the personal, family and social life conditions of the juvenile defendant, with a view to elucidating his accountability and responsibility, and assessing the social importance of the fact, as well as imposing suitable criminal measures. 2. The proceeding authority gathers information from persons who have had relations with the juvenile, and hears the opinion of experts.”

Article 48 addresses the necessity for children to access legal aid during court proceedings, in the cases where they are physically or psychically disabled, stating that: “When the defendant is under the age of eighteen years or reveals physical or psychic defects preventing him from using the right to self-defence, the assistance by a defence lawyer is compulsory.”

Article 81 deals with legal issues affecting a juvenile in the juvenile court, stipulating that: “1. When some of the proceedings connected amongst them fall under the competence of the ordinary court whereas the others under the court trying cases where juveniles are involved, the latter shall be competent for all of the proceedings, except for cases where the court considers that they must be separate. 2. When at the time of the trial the defendant is an adult, but one or several offences have been committed by him when he was a juvenile, the case shall be tried by the court handling cases involving juveniles.”

Article 103 affords protection of the integrity and non-denigration to a juvenile during the court proceedings, specifying that: “The publication of the personal data and photographs of the juvenile defendants and witnesses, on charge of or inflicted by the criminal offence, is prohibited. The court may permit the publication only when this is in the interest of the juvenile, or when the juvenile has reached the age of sixteen years.”

Article 230, amongst others, picks up the specific criteria for imposing prison arrest for a juvenile, stating that: “2. Imprisonment may not be commanded for a pregnant woman or a breast-feeding mother, a person in a particularly serious health condition or over the seventies, or a person addicted to narcotics or alcohol that has joined a therapeutic programme in a special institution. 3. Imprisonment may not be commanded in the cases set forth in point 2 only when there are reasons of particular importance relating to crimes punished not less than a maximum of ten years’ imprisonment. 4. Juveniles may not be arrested on a charge of criminal contravention “. Article 255 provides that: “When the arrested or the detainee is a juvenile, notification to the parent or guardian is compulsory.”

Article 361 addresses the manners of questioning a juvenile during the court proceedings. Paragraph 5 of the present article states that: “Questioning of the juvenile witnesses may be made by the chairman of the panel on the basis of the requests and objections of the parties. The chairman may be assisted by a family member of the juvenile, or by an expert in the area of children’s education. Where considered that direct questioning of the juvenile does not impair his psychological profile, the chairman commands that questioning goes on in accordance with the provisions contained in paragraphs 1 and 2.”

Article 340 addresses cases of trials held in closed doors when this is in the interest of minors.

Article 6 of Law no. 9062, dated 8 March 2003, “The Family Code,” provides for the right of the child to be heard in conformity with his age and his ability, and in the presence of a psychologist during the trial of the child, sanctioning that: “In all the procedures concerning him, a juvenile has the right to be heard, in accordance with his age and his ability to understand, enjoying his right recognised by specific provisions guaranteeing his intervention and consent. In the cases where a juvenile requests to be heard, his request may not be rejected, except for serious reasons and by a highly motivated decision. A juvenile may be heard on his own, through a defence lawyer, or a person chosen by him. In a procedure concerning a juvenile, the presence of the psychologist is compulsory so as to weigh up the juvenile’s statements, in compliance with his mental development and social background.”

Care for child victims of violence

Law no. 9062, dated 8 March 2003, “The Family Code,” contains several articles addressing care for abandoned children. Article 250 of the said law deals with cases where a child may be considered abandoned, stipulating that: “The district court may declare a juvenile who is placed in a social care institution, either public or private, or with a person who has the care of the minor, an abandoned child, if his parents, in an obvious manner, have not taken any interest in him during the year before the submission of the request for declaring the abandonment. When a minor has from birth been placed in an institution, the time frame is limited to three months.

The parents who, on a voluntary basis, have not maintained with the child the affective relations necessary for his upbringing, and who have shown serious neglect in the exertion of the parental responsibilities, are considered obviously uninterested.

The court requires the person submitting the request to provide explanations if he has made efforts to trace the child’s birth parents, and to return the child to his biological family, if possible.

Abandonment is not declared when, during the time-limit fixed by the first paragraph of the present article, a member of the family has asked to assume responsibility for raising the child, and this request is considered to be in conformity with the interest of the child.”

Article 263 of the present Code focuses on the State’s special protection of and care for the young children considered abandoned, stating that: “Young children are placed under the guardianship of and enjoy special protection by the State when their parents are unable to exert their parental responsibilities, because both parents have died or are unknown, have been declared unfound, have been deprived of their parental responsibility, or their capacity to act, and on any other account assented to by the court. The court having jurisdiction over the minor’s place of stay or residence is the competent court responsible for placing the minor under guardianship.”

Articles 266 and 267 of the present law prescribe the conditions for choosing the foster family or institution that will take care of the abandoned children. Article 266 sanctions that: “The foster family is an alternative family, decided by the court, to provide the child with a family setting, the conditions for upbringing, the physical care and the emotional support. The identification of foster families is the responsibility of the social assistance and service sector at the municipality or commune where the minor lives, whereupon the family willing to have the custody signs up a statement of willingness. The number of children to be put into care of a foster family shall be limited, giving priority in face of such placement to children who are sisters and brothers with one another.” Article 267 specifies that: “In the event the parent exerting his parental responsibility last has not assigned a guardian, the court gives priority to choosing a guardian among the predecessors, persons who are minor’s relatives, a foster family, and as the last alternative, a public or private institution. Before choosing a guardian, the judge shall listen to the

person chosen as such, and seek the opinion of the minor when he has reached the age of ten years. The court, in all cases, seeks the opinion of the social assistance and service sector at the municipality or commune of the place where the trial takes place, basing itself on the examination of the development of the child's personality in a family, educative and social setting, and the examination of the conditions and child's adaptability to the would-be guardian. In assigning the guardian, the court considers the qualities of the guardian, the foster family or institution chosen to provide care, in accordance with paragraph three of the present article, and after having obtained the opinion of a psychologist, who shall be present during the trial."

Article 12 of Law no. 7650, dated 17 December 1992, "On the Adoption of Minors by Foreign Citizens and for Several Amendments to the Family Code," addresses the conditions in which a minor is considered abandoned, and the measures for the care of the child: "The district court may declare a minor placed in an institution taking care of him (infant home and child home), or with a person taking care of him, an abandoned child, when the minor's father and mother have obviously not taken any interest in him during the year before the submission of the request for declaring the abandonment.

"If the minor has from birth been placed in an institution, the time-frame is limited to six months. The father and mother who, on a voluntary basis, have not maintained with the child the affective relations necessary for his upbringing, and have shown serious neglect in the exertion of their parental responsibility, are considered to be obviously not interested in their child. The request for declaring the abandonment is submitted by the head of the respective institution in which the minor is placed, or by persons taking care of him. The request is addressed to the district court, which has jurisdiction over the institution or the place of residence of the person taking care of the minor. The court takes the relevant decision following full investigation into the circumstances relating to the abandonment. Any person with a legitimate interest in the child's protection may intervene in the trial process. In the same decision declaring the minor abandoned, the court also provides for the manner of the minor's arrangement."

Articles 1, 4, 5, 12, and 13 of Law no. 8153, dated 31 October 1996, "For the Status of the Orphan," fix the criteria for determining the status of the orphan and the care measures.

Article 1 states that: "The status of the orphan benefits the persons aged 0-25 who have or have not been placed in state-run or private social care institutions, and who comply with the following criteria as: a) persons born out of lawful wedlock; b) persons with none of the parents alive; c) persons whose parents have by a final court decision been deprived of their parental right, or one parent of whom is deprived by his parental right and the other parent is not living; d) persons abandoned by both parents and whose parents' identity is unknown."

Article 4 addresses the measures for the orphans' housing and employment, stipulating that: "The institutions dealing with orphans, including the educational ones, at the completion of the penultimate school year are duty-bound to deliver accurate statistics to the Ministry of Labour and Social Affairs, and to the social assistance and care offices at the municipalities and communes, so as to ensure that measures are taken to provide them with employment and housing, in compliance with the regulations established by the Council of Ministers."

Article 5 fixes the criteria for the education of the orphans, stating that: "1. Orphans are kept in state-run or private social care institutions until the age of fourteen years. In the cases where he has not succeeded in finishing eight-year schooling by this age, the child is kept until the age of seventeen years. After attaining this age, Article 6 applies to those benefiting the status of the orphan. 2. At the completion of the eight-year schooling, the directorate of the social care institution, in cooperation with the Ministry of Education and Science and the local government bodies, plans out admission to school for orphans according to their inclinations and skills. These persons receive full scholarship from the State, in compliance with the criteria laid down in the subsidiary legislation."

Though it does not focus specifically on minors, Law no.8092, dated 21 March 1996, “For the Mental Health,” addresses a number of preventive measures to help protect the individual’s health in general, and in this framework, that of children’s. Article 3 of the said law affords the preventive policies, stating that: “The preventive policy contributing to the protection of mental health rests on:

1. The application of the mental health protection principles in the educational and health institutions, workplaces and military units.
2. The establishment of preventive and counselling institutions.
3. The support for bodies and initiatives relating to mental health care.
4. The incorporation of mental health care elements into training programmes for persons involved in education, social care, health, administration, and organisation of recreation activities.
5. The conduct of research to improve mental health and prevent mental disorders.
6. The recovery of mental health for the sick.”

Article 6 of the Law “For the Mental Health” addresses the facilitating conditions for care towards children with mental problems placed in various institutions, stating that: “The persons with mental retardation and mental disorders receive free treatment in the public treatment, rehabilitation, educational and educative institutions. When these persons are under the age of eighteen years and are placed in private institutions, the State covers the part of expenses comparable to the treatment costs in public institutions.”

Article 9 of the Law “For the Mental Health” specifies that: “The Ministry of Health and Environmental Protection, jointly with the Ministry of Education and Science and the Ministry of Labour, Emigration, Social Assistance and Former Politically Persecuted, determines the underlying principles of the rehabilitation and educative policy with respect to children and youth with different levels of mental retardation.”

Along with the above-mentioned specific legislative provisions on the protection of children from violence inflicted in different forms and manners, the Criminal Code also provides for criminal offences perpetrated intentionally against the individual, without specifying the victim’s age. Thus, “Torture” is prescribed as one of the forms of perpetrating violence. Under Article 86 of the present Code, “Torture, as well as any other degrading or inhuman treatment, is punished by five to ten years of imprisonment.” Likewise, under Article 90 of the Criminal Code, “Chastisement”, as any other act of violence, constitutes criminal contravention and is punished by fine. And “the interruption of pregnancy without the woman’s consent” is punished by fine, or by up to five years of imprisonment. This legislative provision could be interpreted to understand that the pregnant woman may be under the age of eighteen years, and the perpetrator may resort to one of the forms of violence to commit this criminal offence.

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:

- The family/ home;
- Schools and pre-school care and education (both formal and non-formal, state and private);
- Military schools;
- Institutions including care, residential, health and mental health;
- The context of law and public order enforcement including in detention facilities or prisons;

- The neighbourhood, street and the community, including in rural areas;
- The workplace (informal and formal);
- Sports and sporting facilities.

Overall, legislation on the different forms of violence against children is of a general nature, meaning that it does not contain specific legislative provisions to address its occurrence in given settings. Hence, there are no specific laws to address the various forms of violence against children in the family, in school, in the institutions including health and mental health institutions, and in dormitories. And there are no specific laws to address violence against children on the street, in the community, in rural areas, and in the sporting facilities. Hence, except for Article 22 of Law no. 8733, dated 24 January 2001, “On Several Additions and Amendments to Law no. 7895, dated 27 January 1995, ‘The Criminal Code of the Republic of Albania’,” prescribing the measures of punishment relating to sexual violence inflicted on minors by blood-relations (i.e. sexual violence perpetrated in the family), the rest of articles in the other laws on sexual violence do not deal with sexual violence perpetrated in specific settings. Overall, the above are the only one laws relating to violence against children, which, seemingly, according to occasion, apply in all the settings in which violence against children may arise.

Of all the laws relating to violence against children, the package of laws addressing the prevention of various forms of violence against children in court proceedings seems to be of a more specific character. This unfolds in Articles 5, 6, 13, 42, 49, 81, 103, 230, 255 303, and 340 of Law no. 7905, dated 21 March 1995, “The Criminal Procedure Code of the Republic of Albania,” of which contents is examined earlier on. The Criminal Procedure Code affords legal aid to a juvenile defendant and defence in the court proceedings. Under the present Code, a juvenile defendant is provided legal and psychological aid, at any stage and instance of the proceedings, in the presence of the parent or other persons requested by the juvenile and assented to by the proceeding authority. Likewise, under the present Code, when the defendant is an under eighteen-year-old, assistance by a defence lawyer is obligatory.

The Criminal Code provides for the exclusion of a juvenile from punishment. Hence, considering the dangerousness of the criminal offence, the circumstances under which it was committed, and the previous conduct of the juvenile, the court may rule against inflicting punishment on him. In these cases, the court may decide to place the juvenile in an educative institution. Likewise, Article 46 of the Criminal Code stipulates that educative sanctions may be decided with respect to minors who are excluded from punishment, or, because of their age, do not bear criminal responsibility. Placement of a minor in an institution for education is prescribed as an educative sanction.

The package of laws relating to the manner of serving sentence by juveniles is also somewhat more specific. Article 33 of the Criminal Code establishes that juveniles serve imprisonment sentences separately from the adults. Under Article 5 of Law no. 8331, dated 21 April 1998, “For the Execution of Criminal Decisions,” execution of decisions with respect to juveniles takes place in separate and favourable institutions and manners, laid down in the present law or other provisions. In the case of a juvenile convict, the execution bodies also deliver in advance notification to the parent or the guardian; in the event of a female convict with minor children the spouse, and in default of a spouse or if the spouse’s whereabouts are unknown, notification is delivered to the convict’s local custody board.

Law no. 8328, dated 16 April 1998, “On the Rights and Treatment of the Convicts,” affords protection of the rights and treatment to juveniles sentenced to imprisonment. The largest part of the provisions in the present law applies to minors, too. According to Article 9 of the said law,

convicts shall be made subject to a treatment aiming at their re-education conducive to their re-entering social life.

The above law establishes the programmatic approach for and realisation of the treatment, the individualisation of treatment in compliance with a convict's profile, the kinds of institutions for the execution of the penal sentences, and the provision of the medical treatment and jobs.

The Albanian legislation does not address given forms of violence against children, including emotional violence or neglect. It mostly deals with the "so-called" serious forms of violence, including physical violence, sexual violence, incest, trafficking, pornography, and prostitution. Furthermore, there are loopholes in the Albanian legislation in terms of sanctions against persons who are witnesses to violence against children, and refrain from reporting it.

The Albanian legislation provides for the termination of the parental rights in cases involving abuse (very serious forms of abuse) of children by parents: for instance, abandonment of children, or their trafficking. However, the said legislation declines to fix punishments for other cases involving abuse. When children have been placed in residential centres and other institutions, and their parents' custodial right towards their children have not extinguished, legal problems have also been encountered.

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

Corporal (physical) punishment is explicitly prohibited only in point 2 of Article 36 in the Fundamental Normative Provisions, based on Law no. 7952, dated 21 June 1995, "On the Pre-university Educational System," sanctioning that: "The individuality and human dignity of the pre-school child and pupil is respected. It is protected from physical and psychological violence, discrimination and isolation. In kindergartens and schools, it is categorically prohibited to have children made subject to corporal punishments or hazing." Likewise, point 3 of Article 36 of the foregoing provisions recognises the right of the child not to be made subject to psychological and emotional violence through failure in academic performance. It prescribes the manners for the assessment of pupils, and the latter's right to complaint in the event they feel the teacher has fallen short of an appropriate assessment.

With the exception of the above, children's corporal punishment is not explicitly addressed by any other provisions in the legal system of the Republic of Albania.

Article 90 of Law no. 7895, dated 27 January 1995, "The Criminal Code," fixes punishments on persons resorting to physical violence (chastisement). If it does not entail temporary disability, chastisement is punished by fine. If it entails temporary disability for work up to nine days, it is punished by fine or by up to six months of imprisonment. The present law, however, does not contain special provisions with respect to minors. Neither does it specify whether chastisement constitutes a penal contravention if administered in the family, or by family members against their child.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under eighteen-year-olds.

On no occasion does the Criminal Code permit the corporal punishment of the under eighteen-year-olds. A juvenile, likewise, is not sentenced to life imprisonment. Article 31 (point 2) in the Criminal Code excludes under eighteen-year-olds from life imprisonment. Capital punishment has been abolished. The Criminal Procedure Code does not prescribe violence as a form for

obtaining evidence. (For the commission of a serious crime the court pronounces a sentence to life imprisonment. In specific cases, the court may pronounce capital punishment for an extremely serious crime. The sentence to life imprisonment or capital punishment (both of them addressed in the provisions contained in the Special Part of the present Code, Article 31) is not passed on persons who, at the time they have committed the crime, have been under the age of eighteen years, and on women.)

Along with the special provisions with respect to juveniles, the Criminal Code also contains provisions that do not exclude this age-group from penalties. (Under Article 51 of Criminal Code, for juveniles, who at the time they have committed the criminal offence have been under the age of eighteen years, the imprisonment sentence may not exceed half of the term of punishment provided for in law for the criminal offence committed). The maximum imprisonment sentence for this category is 12.5 years.

Article 52 of the Criminal Code stipulates that: “Considering the dangerousness of the criminal offence, the circumstances under which it was committed, and the previous conduct of the juvenile, the court may rule against inflicting punishment on him. In these cases, the court may decide to place the juvenile in an educative institution.”

7. [Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.](#)

The phenomenon of sexual harassment is addressed in Article 32 of the Labour Code: “The employer is prohibited from engaging in any act that constitutes sexual harassment against the employee, and may not tolerate such acts from other employees. Sexual harassment means any harassment that noticeably harms the psychological state of the employee on the basis of sex.” As is seen, this article does not explicitly address sexual harassment against children, but sexual harassment against the individual in the workplace, in general. The present Code does not define the forms of sexual harassment in the workplace. Except for the said article, no other article contained in the Albanian legislation handles the phenomenon of sexual harassment.

Meanwhile a number of articles deal with threat, bullying, and imposing oneself, especially in the cases relating to sexual violence and prostitution. Hence, for instance, Article 9 of Law no. 8175, dated 23 December 1996, prohibits any act of sexual penetration, whatsoever, committed against another person by making use of physical violence, coercion, threat, or taking him by surprise.

The Criminal Code devotes a special “section” to violent sexual or homosexual crimes against minors. Detailed measures of punishment have also been provided for in the present Code, taking account of the conditions and circumstances in which these criminal offences have been committed. The latter are specifically addressed in Article 108 of the Criminal Code under the title “Serious Immoral Acts,” stating that: “Commission of serious immoral acts against persons under the age of fourteen years is punished by up to five years of imprisonment.” The present article does not specify the meaning of serious immoral acts.

8. [Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.](#)

There seems not to be many violent traditional practices, with the vendetta being one of them. This phenomenon dates back to ancient times. Law enforcement has been successful in controlling it for several decades. The past decade, however, has seen more of a revival of this phenomenon, implying that, under certain circumstances, one feels he is entitled to carry out self-judgement and take another person’s life. Legal provisions on this phenomenon are laid down in Article 83/a “Serious Threat for Revenge, or Vendetta” of Law no. 8733, dated 24 January 2001.

The customary law, under which, one takes the child's life when he/she has dishonoured the family and the parents, is also related to the tradition of safeguarding the honour. This phenomenon is also addressed in Articles 79 and 81 of Law no. 7895, referring to "Murder of a Minor" and "Infanticide", respectively.

The weak performance of the State during the past years led to the flourishing of such phenomena as the exploitation of minors for prostitution. The sanctions for its punishment are set forth in Article 114.a.1.

The child marriage tradition is very old, featuring only in certain regions in Albania. It seemingly re-emerged during the past decade. And no legal provisions to address it are in place.

The legal framework also provides for intentional criminal offences that have entailed mutilation, interruption of pregnancy, or have been harmful to life at the moment they are committed. Under the said circumstances, commission of similar offences is punished by three to ten years of imprisonment.

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

Law no. 3920 of the year 1964, "On the Civil Rights of Foreigners, and the Enforcement of the Law for Foreigners," provides for the protection of and respect for the rights of non-citizens and stateless children, sanctioning that: "Foreign citizens enjoy in the Republic of Albania those same civil rights recognised to the Albanian citizens." Likewise, in compliance with Article 10 of the Convention for the Protection of the Rights of the Child, Article 16/1 of the Constitution of the Republic of Albania specifies that: "The fundamental rights and freedoms and the duties contemplated in the present Constitution for Albanian citizens are also valid for foreigners." Under such circumstances, the legislative provisions promulgated in furtherance of the Constitution of the Republic of Albania and in accordance with the international instruments to which the Albanian State is a party, have also provided for the legal protection of children who are foreign citizens. The Albanian State is duty bound to protect the rights of both the Albanian children who have emigrated or have been trafficked to other States, and the rights of foreign children in Albania.

Under Article 3 of the Civil Code of the Republic of Albania: "Foreigners enjoy the same rights and have the same obligations as those recognised to Albanian citizens."

Protection of children and prevention of violence against minor asylum-seekers is likewise addressed in Law no. 8432, dated 14 December 1998, "On Asylum in the Republic of Albania." Article 16 of the present law stipulates that: "In compliance with the international standards on the rights of the child, which the Republic of Albania has ratified, unaccompanied minor asylum-seekers under the age of sixteen years are not taken to prison, except in extreme cases. In all other cases, appropriate measures applicable to children are taken against them." Article 18 states that: "The National Commissioner for Refugees provides each and every unaccompanied asylum-seeker, who is under the age of eighteen years or mentally disabled, with a guardian, assigned in accordance with the Albanian legislation on the representation and protection of the interests of the asylum-seeker." Article 1 of the said law sanctions that: "The right to asylum, enjoying the same status, is recognised to the spouse, the under eighteen-year-olds, and any other relative lawfully dependent on the refugee who is granted asylum, provided that they live together." Article 5 of Law no. 8389, dated 5 August 1998, "On the Albanian Citizenship," stipulates that: "Acquisition and reacquisition, as well as renunciation of Albanian citizenship by minors take place with the consent of parents. Any change in the citizenship of minors between fourteen and eighteen is also made with the consent of the child."

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:

- The sex or sexual orientation of the victim and/or of the perpetrator;
- The age of the victim and /or of the perpetrator;
- The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.

The Albanian legislation does not specify the sexual orientation of the violence victim and the perpetrator.

Meanwhile the Albanian legislation is sensitive to the age of the violence victim. Thus, as pointed out earlier on, commission of sexual or homosexual relations with minors, who have not attained the age of fourteen years, or with a minor girl who has not obtained sexual maturity, is punished by seven to fifteen years of imprisonment. Legislation, however, does not specify the age of the perpetrator.

Besides providing for the age of the violence victim, the Albanian legislation also prescribes cases involving minors committing criminal offences. In terms of these cases, as described earlier on (see the answer to question 3 of this Questionnaire), the Albanian legislation affords a number of facilitating measures.

The Albanian legislation provides for more severe penalties with respect to relationship between the perpetrator and the victim if violence is involved. Thus, for instance, under Article 101 of Law no.7895, dated 27 January 1995, “The Criminal Code of the Republic of Albania,” commission of violent sexual or homosexual relations with a minor who is between fourteen and eighteen, and who has obtained sexual maturity, is punished by five to fifteen years of imprisonment.

In addressing the sexual relations between the perpetrator and the victim, the Albanian legislation also takes account of the blood relations (the genetic factor). Thus, under Article 106 of the Criminal Code of the Republic of Albania, commission of sexual or homosexual relations between parent and offspring, brother and sister, between brothers, between sisters, between other persons in the immediate line of gender, between persons who have either custodial or adoptive relationship among themselves, is punished by up to seven years of imprisonment. Besides addressing sexual abuse within the family, the Albanian legislation does not contain any specific provisions on sexual violence in marriage, infanticide, and physical chastisement within the family.

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

A large number of laws addressing violence against children have been written between 1990 and 2000. In this aspect, the penal legislation has constantly been amended with a view to handling issues relating to children. Amendments to the Criminal Code in 1995 affect the child victim’s profile. In 2001, Law no. 8733, dated 24 January 2001, “For Several Additions and Amendments to Law no. 7895, dated 27 January 1995, “The Criminal Code of the Republic of Albania,”” was promulgated. The present law includes a number of articles addressing intentional murder of a minor, the serious threats against a person or a minor for the purpose of revenge, vendetta or having them shut indoors, as well as kidnapping or holding a person and especially a child hostage, prescribing the relevant punishments to that effect.

Likewise, Law no. 8733, dated 24 January 2001, "For Several Additions and Amendments to Law no. 7895, dated 27 January 1995, "The Criminal Code of the Republic of Albania'," contains a number of articles dealing with the trafficking in and prostitution of children, fixing the measures of punishment on those instigating and exploiting these phenomena. Besides, Article 38 of the present law prescribes the sanctions for punishment of persons distributing narcotics among adults. Article 22 of the said law also addresses the forms of sexual violence perpetrated against minors by blood-relations.

A number of articles of Law no. 9062, dated 8 May 2003, "The Family Code," aim at protecting a child against plausible abuse as the process for his adoption is under way. The present law devotes several articles to the care for abandoned children. It also provides for sanctions with a view to protecting a child against ill treatment at the hands of parents, whatever the reasons.

In furtherance of the legislative amendments to Law no. 9188, dated 12 February 2004, the concept surrounding trafficking in minors has changed.

12. Provide information on any studies and surveys, which have been undertaken to assess the impact of legal measures to address violence against children.

No studies or real surveys have been undertaken to assess the impact of legislation to address violence against children. General public is not familiar with the classified reporting applied by governmental bodies.

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

At present, juvenile courts are inexistent in Albania. The "family sections" set up in the first-instance courts in the judicial regions handle cases involving juveniles. This is a transitory period until the establishment of juvenile courts. The new Family Code renders cooperation between courts and psychologists compulsory. In the course of practice, this applies especially in divorce cases where the psychologist's opinion is taken account of. This is a recent innovation expected to apply in other cases, and it seems it is working.

Several fundamental rights are conferred to children to ensure their defence in the court proceedings. For instance, children over the age of fourteen years have the right to testimony in the court proceedings, and to be questioned by the head of the judicial panel, if this does not impair their psychological profile, making sure that they are assisted by their family, or persons specialised in children's education; children have the right to a court sitting behind closed doors if this influences the child's psychological profile; children have the right to free legal aid if their family cannot afford to pay for the court expenses. In the course of practice, cases involving minors as the subject and object of the hearing are not frequently handled by judges specialised in this area alone. Neither are social workers or psychologists always present in a hearing.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

The Albanian legislation declines to explicitly establish the minimum age for an individual, either male or female, to start sexual activity of their choice. No specifications regarding boys or girls, as well as heterosexual or homosexual activities, are set forth in legislation.

In the court practice this age is established in analogy with the minimum age for a minor to bear penal responsibility, i.e. the age of fourteen years. This is based on Article 10 of Law no. 8175, stating that: "Commission of immoral acts against persons who are under fourteen years of age, is punished by five years of imprisonment. Commission of sexual relations with persons who are under fourteen years of age, or who have not obtained sexual maturity, is punished by ten years of imprisonment."

15. [Provide information on the minimum age of marriage for women and men.](#)

Under the Family Code of the Republic of Albania, marriage may be concluded between a female and a male over the age of eighteen years. It also provides that, for important reasons left at the discretion of the court sitting in the area where it is contracted, marriage may by court decision be permitted to take place before this age is attained (Law no. 9062).

Sexual exploitation of children

16. [Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.](#)

Law no. 8733, dated 24 January 2001, "On Several Additions and Amendments to Law no. 7895, dated 27 January 1995, 'The Criminal Code of the Republic of Albania,'" addresses the phenomenon of trafficking in children for material gain or for purposes of prostitution. (For more information on the articles set forth in the present law see above the answer to question 3 of this Questionnaire.) More specifically, the said law provides for severe penalties against the perpetrators of this criminal offence. Penalties vary from seven to twenty years' imprisonment, and in the event of a violent death, to life imprisonment.

Likewise, Law no. 9188, dated 12 February 2004, dwells on a number of changes brought about in the concept of trafficking in children, and sets forth measures of punishment against those behind the trafficking. Thus, in compliance with Article 3 of the present law, trafficking in children consists in: "The recruitment, transportation, transfer, hiding or receiving of minors for the purpose of exploitation through prostitution or other forms of sexual exploitation, forced labour or services, enslavement or other forms similar to enslavement, use or transplantation of organs, as well as other forms of exploitation." This offence is punished by seven to fifteen years of imprisonment, and by fine ranging from 4 to 6 million lekë.

When it is offence is committed in collusion or more than once, or is accompanied by ill-treatment and physical or psychic inducement of the afflicted person into various acts, or entails serious effects to their health, this offence is punished not less than fifteen years of imprisonment, or by fine ranging from 6 to 8 million lekë.

When the offence has resulted in the death of the afflicted person, it is punished not less than twenty years of imprisonment or life imprisonment, as well as by fine ranging from 8 to 10 million lekë.

When the criminal offence is perpetrated through abuse of state function or public service, the sentence to imprisonment and fine is extended by one fourth."

This provision affords increased measures of punishment, and helps develop the concept of trafficking in compliance with international instruments governing this area, and specifically, the UN Convention for the Trans-national Organised Crime.

Law no. 9062, dated 8 May 2003, “The Family Code of the Republic of Albania”, provides for penalties up to five years’ imprisonment for parents trading their children in the process of adoption.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the Internet.

Article 117 of the Criminal Code of the Republic of Albania provides that delivery, advertising, selling and publication of pornographic materials in minors’ premises constitutes criminal contravention, and is punished by fine or by up to two years of imprisonment. No legal provision to address the dissemination of pornographic information through the Internet is in place so far.

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

Law no. 8096, “On Cinematography”, prescribes the differentiated manner for showing films, in conformity with the children’s age, and the ban at certain hours on the show of films for children between fourteen and eighteen, or under fourteen-year-olds. Likewise, the present law prohibits the transmission of commercials impairing children’s health, and of commercials featuring alcoholic drinks in the hands of children or used by children.

Law no. 8387, dated 21 June 2000, “On the Pre-university Educational System,” sanctions explicitly that: “Ideological and religious indoctrination is prohibited in public educational institutions.”

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

Under the law, every citizen is required to report any criminal offence punished more than five years of imprisonment (to which he is a witness), including criminal offences against children. The law, however, declines to provide for sanctions on failure to comply with this obligation. And professionals working with children have the obligation to report every case of violence against children. Several professions, on the contrary, are required by the code of conduct to adhere to confidentiality.

The Albanian legislation seems to contain no special binding provisions on reporting acts of violence against children perpetrated by citizens. Thus, reporting of these acts is a matter of personal consciousness. The professional groups are of course required to report their suspicions concerning violence against children, or facts on hand. There is no information on the approach to cases of failure to report these acts.

It is expected that the Rules of Procedure of the public prosecutor's office will prescribe failure by public prosecutors and judicial police officers to enforce minors' minimum rights in the court proceedings as one of the reasons to start administrative proceedings against them.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:

- The family/ home;
- Schools and pre-school care and education (both formal and non-formal, state and private);
- Military schools;
- Institutions, state and private, including care, residential, health and mental health;
- The context of law and public order enforcement, including in detention facilities or prisons;
- The neighbourhood, street and the community, including in rural areas;
- The workplace (informal and formal);
- Sports and sporting facilities.

Law no. 8454, dated 4 February 1999, "On the People's Advocate", states that: "Any individual, group of individuals or non-profit organisation claiming that their rights and freedoms and legitimate interests have been violated through illegal or regular action or inaction by public administration bodies, are entitled to file a complaint with or report to the People's Advocate, and require his intervention to reinstate the violated right or freedom. The People's Advocate shall maintain confidentiality if he deems so, and if that is what the person lodging the complaint, the request, or notification, requires."

In schools, children are told to submit complaints of violence against them perpetrated also in the family, but it could be said that this is a rare occurrence. Children attending these institutions are required to report cases of violence against them. After being introduced to human rights, they are still further encouraged to lodge complaints about cases of violence against them. In the course of practice, pupils would feel more encouraged and would rather enforce their right to complain about violence inflicted on them by their peers, or other persons. However, they are rather unlikely to be willing to complain about their teachers; in doing so, they would feel unprotected. What happens is that the school management would have the complaints considered by those same teachers affected by them.

Under the rules in place, detainees are introduced to their rights, and are urged to bear them in mind. Likewise, under paragraph 5 of Article 28/3 of the Criminal Procedure Code, every prisoner has the right to humane treatment and the right to respect for his own dignity.

Meanwhile, there exist no complaint procedures relating to violence against children in the family, dormitories, and mental health institutions.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

Children can access complaint procedures, but this is not clear under the Albanian legislation. However, the latter puts it very clearly that adults may not proceed without support from the child.

Legal aid is offered to children in this aspect, by the Office for Children's Legal Protection which has been set up in Albania. The said Office, offering free services, is run by the non-profit organisation Centre for the Protection of the Children's Rights in Albania. This Office's mission is to provide protection to children who have come into conflict with the law, or who are victims of crime. The Office for Children's Legal Protection offers free legal and psychosocial aid: it receives complaints, and passes them on to the respective institutions, ensuring the children's rehabilitation and the perpetrator's punishment. This Office provides also advocacy services with a view to ensuring enforcement of the rights of children, as well as raising the awareness of children and public opinion at large concerning cases of violations of children's rights in Albania.

Likewise, the Legal Clinic for Minors (a non-profit organisation) offers legal aid to help file complaints about violence against children.

As already said (see account in answer to question 3 of this Questionnaire), the Criminal Procedure Code provides for legal aid to a minor defendant, and their defence in the court proceedings. Under the said Code, a minor defendant is provided legal and psychological aid, at any stage and instance of the proceedings, in the presence of his parent or other persons requested by the minor and assented to by the proceeding authority. Likewise, under the present Code, when the defendant is under the age of eighteen years, assistance by a defence lawyer is compulsory. The right to complaint is prescribed in the context of defence.

When juvenile justice bodies handle cases, the children's relatives and/or representatives have access to complaint procedures. In other cases, i.e. in the event a case is not examined by the justice bodies, children and their representatives find it difficult to reinstate the violated rights, and to have the perpetrator punished, and to ensure children's rehabilitation from violence inflicted on them.

22. Describe steps, which have been taken to raise awareness of possibilities to submit complaints about violence against children.

Non-profit organisations have overall sponsored activities to raise public awareness concerning violence against children. Meanwhile, no initiative has been launched to increase public awareness concerning complaints about violence against children.

23. Provide information on any special procedural or evidentiary rules, which may apply in proceedings with respect to violence against children.

The Albanian legislation does not provide for special procedural rules with respect to violence against children. The general procedural rules, very much detailed at that, seemingly apply in cases where violence against children is reported to the public prosecutor's office. Cases of violence against children in the family, institutions or public settings, which are not reported to the public prosecutor's office, are for the most part dealt with on a case-by-case basis in the family setting, or by the managements of the institutions, without resorting to any particular proceedings.

As already mentioned, the Albanian legislation provides for a number of special proceedings with respect to criminal offences against minors.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

As mentioned earlier on, family sections are set up at the courts with a view to dealing with complaints of violence against children. During 2001, for instance, courts examined 127 cases of violence against children. In 2002, they handled 313 cases, and in 2003, 292 cases.

The answer to question 53 of this Questionnaire gives a detailed account of the kinds of punishments courts pass on perpetrators.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

There have been cases where minors have been found guilty, and have been sentenced to imprisonment. Likewise, a large number of minors who have committed crimes have joined rehabilitation programmes. Community service has not been made use of as a form of penalty. No cases of family therapy are reported, either.

The information available to the Attorney's General Office indicates that, in 2001, three minors were sentenced for the offence of "Serious intentional injury", provided for in Article 88 of the Criminal Code of the Republic of Albania. In 2002, four minors were sentenced under Article 88 of the Criminal Code of the Republic of Albania, and one minor was sentenced under Article 89/a ("Light intentional injury"). And six minors have been sentenced under Article 114 of the Criminal Code of the Republic of Albania, "Exploitation of Prostitution." In 2003, one minor was sentenced on the charge of "Serious intentional injury", when this offence entails mutilation, ugliness, or some other permanent harm to health.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level that are currently responsible for addressing violence against children? If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

In Albania, the establishment of the children's defence system is under way. This means that the appropriate legislation is in place, and is being amended. There are shortcomings with regard to the establishment of the relative infrastructure necessary to cope with problems. Positive initiatives are launched at several levels.

At present, no structure either at a central or local level is specifically addressing the problem of violence against children. As becomes clear later on, certain sectors at a central level, which are not set up specifically for that scope, deal with violence against children, as well.

A number of central state departments, including the Ministry of Education and Science, the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of Justice, the Ministry of Public Order, the Ministry for Local Government and Decentralisation, the Ministry of Culture, Youth and Sports, the Committee for Equal Opportunity and the State Social Services, cover issues relating to children's rights in accordance with the Constitution of the Republic of Albania, the Albanian legislation and the international Conventions. Given that they handle general problems of concern to children such as health, education, social protection, safety, and their rights, these institutions are also involved in problems concerning violence against them. Several of these institutions, including the Ministry of Culture, Youth and Sports, the Ministry of Health and the Ministry of Education and Science, do not have in place the appropriate

structures to specifically address protection of children from violence. Some other institutions have set up sectors dealing specifically with problems concerning minors. Thus, the Minors' Sector set up at the Ministry of Public Order has the scope of focusing on minors – as an object and subject of crime; the Minors' Sector at the Ministry of Justice is established with the scope of developing the legislation on minors and following up cases involving minors who have come into conflict with the law; locally, the Municipality of the Capital city is the only one structure having a Sector for Children.

The Human Service Directorate in the Attorney's General Office includes a Sector for the Protection of Children's Rights. It addresses the protection of children's rights with a focus on all aspects of their development and well-being: economic, psychological and social, seeking the involvement of the existing structures and the non-profit organisations dealing with children. In its activity, the Sector for the Protection of Children's Rights abides by the Convention on the Rights of the Child, adopted and ratified by the Parliament of the Republic of Albania. The said Sector builds up cases of violence against and abuse of children on the basis of the reports by citizens, other public or non-public structures, and organisations. Then the cases of violence against children are referred to police stations, which in turn take action towards the perpetrators.

The civil society has also launched a number of initiatives to set up offices specialised in addressing violence against children, including at the level of the municipalities of Elbasan and Shkodra.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children? If YES, provide details.

An Inter-ministerial Committee has been established, which deals with children's problems, in general. The said Committee does not specifically address violence against children. Violence against children is part of all children's problems it handles.

Likewise, the former National Committee for the Woman and the Family addressed the violence against children. The said Committee, is now converted into the Committee for Equal Opportunities, which is much less involved in these issues.

28. Are specific financial and/or human resources allocated by your country to address violence generally? If YES, indicate the extent of these allocations.

Overall, there are initiatives in favour of addressing violence in general. However, no specific financial resources are allocated.

29. Does your country allocate specific financial and/or human resources to activities to address violence against children? If YES, provide details.

Albania allocates very few or insignificant financial resources to activities to address violence against children. There are no concrete data on the amount of these resources.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children? If YES, indicate the extent of these resources and the way in which they are used.

In Albania, the activities to address violence against children are basically supported by international donors. These resources are provided for awareness-raising activities, publications, training sessions, studies, and, less so, for the training of the violence victims. No data are available on the extent of these resources. These resources are overall controlled by the donors. The governmental bodies only endorse and receive information on these activities.

For their activities to address violence against children a number of non-profit organisations, including the Centre for the Protection of the Children's Rights in Albania, the Legal Office for Free Protection to Children in Conflict with the Law, the Centre for the Multi-disciplinary

Treatment of Ill-treated Children, and many other organisations dealing with children, rely on resources by international donors only.

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children? If YES, provide details.

Not at the moment.

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints? If YES, provide details.

The institution of the People's Advocate, established recently in Albania, is quickly gathering momentum and is playing an ever-prominent role. With assistance from the Organisation Save the Children, a sub-sector focused on children's rights was set up last year, with the prospect of turning it, in the long run, into an independent institution of the Children's Advocate, after the pattern developed in the Scandinavian countries. The People's Advocate works to have a special input into the efforts to protect children's rights, both by handling individual complaints and starting, on its own initiative, inquiries into cases rendered public, and by examining the legislation and recommending the necessary amendments or improvements.

The institution of the People's Advocate is tasked with handling complaints about problems arising in the relations between the state-run institutions and the people. And, although it is not exclusively designed to address violence against children, this structure does have the powers to address complaints of violence against children.

To come to the aid of complainants and ensure that their cases are settled, the office of the People's Advocate takes the following steps: it processes the complaints addressed to it, examines them, conducts inquiries into the said cases, and issues recommendations. Once there, the complaints are examined. The largest number of complaints has already been processed. Following the necessary checking and clarification, the complainant receives a reply to his complaint, or suggestions that the complainant should pursue another way to have his problem settled.

On his own initiative and with the consent of the interested party, the People's Advocate has conducted the necessary investigation into the cases rendered public and other cases of serious and blatant breach of children's rights, and has accordingly made the required recommendations to the relevant body.

Ever since he took on the responsibility to work in the area of human rights protection, the People's Advocate has made the cases of abuse, ill-treatment and violation of the rights of children a priority of his work, with the aim of generating more reflection and activities to address protection of the children. Worth mentioning is the case of an orphaned child who suffered ill treatment at the hands of the police forces. His case became public in 2000. The successful and impartial handling of this case rendered the evildoer liable to disciplinary sanctions. It also helped raise public awareness concerning knowledge of and respect for children's rights.

33. Are there any particular parliamentary structures (for example, special committees) to address violence against children? If YES, provide details.

Albania does not have any particular parliamentary structure to specifically address violence against children.

At a parliamentary level, the Parliamentary Committee on Labour and Social Affairs, the Parliamentary Committee on Education, Culture, Sciences and Sports, and the Parliamentary

Committee on Health and Environmental Protection tackle problems surrounding violence against children.

The above parliamentary committees deal with issues relating to the protection of children from violence as part of all the other problems they are concerned with in compliance with their scope; hence, they do not deal separately, specifically and exclusively with issues relating to children's protection from violence.

34. Have there been any recent parliamentary initiatives to address [violence against children](#)? If YES, please give details.

In Albania, no specific parliamentary initiatives have been undertaken to specifically address violence against children. Instead, legislative initiatives have been launched to amend the legislation, with a greater number of articles to address protection of children from violence being adopted. The amendments to the existing laws have helped improve the legislative system on the protection of the children's rights.

Thus, for instance, Law no. 9062, dated 8 May 2003, for "The Family Code of the Republic of Albania," produced a number of additional articles devoted exclusively to protection of children from violence.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-profit organizations, international non governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

In Albania, there is a wide and developed network of both international and local non-profit organisations dealing with children and their rights. In this aspect, they have also covered the problem of violence against children. They carry out their activities independently, making sure that they observe the relevant legislation to that effect. The following is a list of the non-profit organisations conducting a large-scale activity in Albania.

The following are some of the international non-profit organisations operating in Albania: UNICEF, Save the Children, Children First, Plan Internacional, Christian Children Fund, CRS, Enfants du monde, Terre des Hommes, and IOM.

The following are some of the national non-profit organisations whose scope also includes problems of violence against children: Centre for the Protection of the Children's Rights in Albania, Children's Alliance, Centre for the Multi-disciplinary Treatment of Ill-treated Children, Association of Albanian Orphans, and Together Against Trafficking in Children. Violence against children in the family falls in the ambit of the projects developed by the following: the Association "To the Benefit of the Albanian Woman", the Woman's Association "Reflections", and the Women's Advocacy Centre.

Besides, there are also several local non-profit organisations handling problems surrounding children in various cities and towns of Albania.

The non-profit organisations and the civil society groups, as well as the international institutions operating in Albania have launched important initiatives for addressing children's rights, and in this framework, the problems relating to violence against children, as well. It could be said that the activities undertaken by the local non-profit organisations are generally limited geographically, and only rarely assume large-scale proportions. The lack of coordination leads into unnecessary overlapping of children-specific activities.

The international organisations have extended their activity to a larger territory. Their initiatives focus on the training of professionals and the public, with a view to preventing and addressing violence against children, providing counsel to and raising the awareness of the professionals and the public at large through publications, studies on the rights of and violence against children, and offering support and advocacy services to children who are violence victims.

The following presentation is a summary of the most important initiatives launched by the non-profit organisations responding to violence against children:

1. In 2004, UNICEF sponsored a nation-wide study for identifying the various forms of violence against children in the family and in institutions in Albania. The present study was conducted by the Human Development Centre, and will soon see the light of publication.
2. Save the Children has assisted in establishing a sub-sector responsible for children's rights in the institution of the People's Advocate in Albania.
3. In 2001, Save the Children and the Human Development Centre conducted a nation-wide study on the early childhood development in Albania. One of the goals of the said study was to identify violence against children in the family.
4. The Centre for the Protection of the Children's Rights in Albania has joined efforts with the international centre Olof Center, based in Sweden, to implement a preventive programme called "Stop to Child Labour and Trafficking in Albania." The present programme also aims at eliminating the worst forms of child labour in Albania, as well as preventing the trafficking in children. The said programme, started in 2001, is still going on, and is pursuing three main goals: to set up Children's Clubs in five districts of Albania; to organise the campaign for raising national public awareness against child labour and trafficking; and to build up measures to enhance the capacities of the Albanian Government and the non-profit organisations. At present, the Children's Clubs accommodate 1,200 working children and children at risk on a daily basis. A number of them are victims who have been trafficked to Italy and Greece. These Clubs offer non-formal education, leisure activities, psychological services and humanitarian aid.
5. Centre for the Protection of the Children's Rights in Albania has already run a number of training sessions in various cities and towns of Albania, with the subject theme being elimination of the worst forms of child labour. Training on the fight against trafficking in children has been provided to over 200 senior officials employed with the central and local government, the non-profit organisations, the justice system and the police.
6. The Centre for the Protection of the Children's Rights in Albania and the Defence for Children International have jointly set up a legal office to provide free legal aid to children who have come into conflict with the law, or who are victims of crime. This Centre also offers psychological assistance to children victims of trafficking. Besides, this Centre has conducted three studies on the abuse of children: the Report, entitled "Pending Trial", on the Albanian Children's Profile in the Police Stations and Pre-detention Rooms, the study on "Violence against Children in the Family", and the joint East-West study on the "Trafficking of Children for Sexual Exploitation in Europe, Report on Albania".

7. The Centre for the Multi-disciplinary Treatment of Ill-treated Children has conducted a number of surveys, including “The Situation Surrounding the Phenomenon of Children’s Ill-treatment in the Family and School Settings, in Tirana and the Suburban Area”, 2000; “Monitoring of Written Media during 1999-2000 Concerning its Coverage of Children’s Ill-treatment”, 2000; and “Teachers and Parents’ Approach to Children’s Ill-treatment”, 2004, as well as other awareness-raising activities.

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

Support is delivered through many ways: coordination, facility creation, and quite occasionally, through provision of funding. Overall, in all these activities the Government plays a supportive, and sometimes, coordinating role, although, indeed on very rare occasions, the local government has initiated the odd activity involving many structures.

The Government plays its supportive role basically by making sure that agreements are concluded between the non-profit organisations and the various central and local government structures, under which the non-profit organisations are permitted to carry out their activities in the framework of given projects. The non-profit organisations operating in this area would ask the governmental bodies to help by delivering the information available to them, and participating in joint activities.

More often the governmental bodies play a coordinating role. This is especially the case when they design the activities and call for the participation of the civil society groups. A remarkable example of such an approach is the campaign for drawing up the National Strategy for Children, and many such cases covering all the areas may be mentioned. For instance, the Municipality of the Capital city called on a large number of non-profit organisations to be involved in the celebrations in the month dedicated to children’s rights – June 2004, itself playing a coordinating role. This, in turn, has created a more attractive setting for the operation of the non-profit organisations.

At present, the sources of the Albanian Government to deliver financial support to activities on violence against children are not sufficient. Thus, for instance, several of the biggest municipalities in Albania have allocated funding to the non-profit organisations offering compelling projects. Recent times have seen more positive signs: local government bodies in the Capital city have run bids for delivery of financial resources to the non-profit organisations focused on children. This is considered an important step to help generate internal financial resources to address the needs in this area. Besides, an ever-greater cooperation is necessary. The said financial resources are minimal, anyway, and not all the municipalities offer funding. Funds are not accessible on all the occasions their availability is announced, and are not offered exclusively for addressing violence against children. Two municipalities have made a significant, positive contribution by affording the necessary space for the non-profit organisations to deal with protection of children from violence.

It could be said that the Law “On the Decentralisation of the Local Government and Services” enables the local government to deliver financial support in this aspect, as well. The required experience, however, has not yet been created as the said law was adopted only recently, and the experience so far rather builds on the experience other countries have in this area than the reality in Albania.

Under the present law, the local government bodies shall offer given services for the protection of children and other categories. However, the local government bodies are lacking in their experience, human resources, and sufficient funding. Hence, children's protection issues are not yet on the agenda of the said bodies.

37. Describe the role played by the media in addressing violence against children

The media in Albania has always been highly perceptive of the problems of violence against children. Stories of violence against children appear quite frequently in the written and electronic media. By covering them, the media has succeeded in raising the awareness of given segments among public opinion, and the political circles and state-run administration. It is common knowledge that very often the journalists have participated in training programmes on the media coverage of stories on the violation of human rights, women's rights, and children's rights, in particular. The Albanian society has grown highly critical of the reporters, disapproving of their lack of professionalism in covering stories on violence against children, arising through their failure to observe their professional ethics, which leads into thinking that commercial reasons are behind the addressing of these issues. The most frequent stories on violence against children covered by the media concern the trafficking in children, the exploitation of their labour, their exploitation for prostitution and transplants of organs, and their involvement in crimes.

It may as well be said that child-focused media stories have frequently helped push the specialised bodies into taking appropriate action to initiate investigation and criminal proceedings. Coverage of these stories has quite often set into motion all the state-run mechanisms responsible for children's upbringing, protection and education.

Improvement in media coverage of issues concerning children, in general, and violence against children, in particular, has not stopped the Albanian public opinion from being occasionally critical in face of the media inclined to write scoop stories. Proof of this is the fact that the media picks up a story when it is made public. Hence, there is no policy for covering these issues on a regular basis.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children's activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

At the highest decision-making, institutional levels, the existing policies and programmes have been developed without consulting children directly. In these cases, adults have decided for them, and children have participated in their implementation. Indeed, children have not been involved in monitoring the policies and programmes against violence, either.

The tendency at lower institutional levels (for instance, at a school and dormitory level) indicates that an ever-increasing number of children are being engaged in planning, implementing, and monitoring children-specific activities. At present, pupils have set up their own structures in the schools called, respectively, the Pupils' Government and the Youth Parliament. In a lot of schools they are already known to be important actors, which are consulted on a regular basis. It should be noted, however, that this role does not concern specifically violence against children.

The most evident tendency is that young people are called on to join in such consultations. Secondary school students may participate in planning, implementing, and monitoring activities. Worth mentioning here is the remarkable job done by the Regional Education Directorate in the Region of Tirana. In conjunction with the Pupils' Governments and the Youth Parliaments, this Directorate has succeeded in keeping many issues going, including pupils' participation in critical issues that are of concern to the schools and the city. The Municipality in the Capital city seems to be successful in its input in this aspect. Both these structures of the state power seem to listen to youth who feel better this way. However, this is not the case with other institutions.

Meanwhile, compared to state-run institutions many non-profit organisations dealing with children prove overall to be more persistent in their efforts to have children engaged in planning, implementing and monitoring children-focused activities. This seems to be determined also by the policies pursued by the donors providing resources to child-specific projects. However, the older children rather than the younger ones are frequently asked to be more involved. Children usually participate in planning and implementing projects that do not specifically address violence against children. Still some projects do address violence against children. Reference could be made here to a series of training sessions targeting defenceless children, teaching them how to defend themselves against the threatening risks: these training programmes have been built in consultation with children, and children have been the main actors in their implementation. Efforts are also being made to ensure that children themselves report on the violence perpetrated against them.

Anyway, it should be said that getting children to participate in planning out, implementing, and monitoring programmes and policies responding to violence against them is a brand new practice in Albania.

One cannot say that children and youth are kept totally at bay, or that they are participating in these activities to a large extent. Although children's opinion may be sought, more often than not it is the adults who have the say in the matter, with the children left only to implement them. On many occasions, children are made use of to adhere to formality, or are manipulated. What is important is that children's involvement on a regular basis is not viewed as an essential component of the process. Thus, consultation of children is often a sporadic occurrence, and takes place when senior bodies require this, or when they want to go public.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

Children are not involved in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Adults design these rules only. The practice of seeking children's opinion in designing procedural rules in the justice system with respect to cases of violence against children is not known in Albania.

Besides the efforts made in the penal and pre-detention centres for applying the legal requirements concerning presumption of innocence, for guaranteeing a human treatment and the moral rehabilitation, and for affording the appropriate defence, there are cases where the pre-detainees make their case against given procedures, and the latter are processed by the responsible structures in those institutions. This should be understood that these are isolated cases, and that the practice of seeking children's opinion in designing procedural rules in court hearings, on a regular basis, is nonexistent.

40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.

There is no information with regard to this question.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, and victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children? If YES, provide details and describe any gender-specific provisions included in the policy.

If the term comprehensive policy implies the presence of a well harmonised policy across settings, supported by a complete legislation, and sufficient financial and human resources, with the structural mechanisms available to ensure its implementation, which may be monitored and improved – then, Albania is short of such policy concerning violence against children.

Nonetheless, Albania disposes of a very advanced legislation that is being filled in quickly. Sectoral policies towards violence against children, which could be better coordinated, are also being developed. And other important instruments, including the National Strategy for Children, the National Strategy for the Fight against Trafficking in Human Beings (still at the drafting stage), as well as the National Strategy for Social Services, are also in place.

Besides, there is a given number of policy-making structures responding to violence, including the Inter-ministerial Committee for Child-specific Issues headed by the Deputy Prime Minister, as well as sectors dealing with child-specific issues at the Ministry of Justice, the Ministry of Public Order, the People's Advocate, and the Municipality of Tirana. The above-mentioned structures, tasked with children's protection and their resourceful development, will be the initial steps to add the structural element to a comprehensive policy concerning violence against children.

Over the past decade, international donors have made numerous investments in the area of respect for human rights, and in this aspect, also in the area of the protection of children from violence. This means that the human resources are in place, and that huge funding is oriented towards other directions, not always being efficient. A better coordination and organisation in the framework of a country-wise agenda aimed at protecting children from violence would see a more efficient scanning and arrangement of the human and financial resources.

The above-mentioned strategy instruments may also need to be further improved. Thus, the National Strategy for Children is a very ambitious instrument, revealing at the same time many non-realistic elements. A detailed action plan has also been built on the basis of this instrument. However, owing to its very nature, the National Strategy for Children is not binding for certain sectors, neither does it have the inherent structures to facilitate the implementation of the action plan. The National Strategy for Social Services is also an instrument similar to the above. The National Strategy against Trafficking in Children and the Protection of Child Victims of Trafficking has also been drafted. The said instruments seem to be the first big stride towards creating the setting for pursuing a comprehensive policy concerning violence against children. A common striking feature for these strategy instruments is that the latter do not produce a financial bill to help implement their inherent action plans. Neither do the Ministries dealing with

child-specific issues make budgetary forecasts intended for these issues when preparing their annual budgets. The feasibility of the said instruments is thus put into question.

Seemingly, the government will work on to ensuring, on the one hand, further improvement in and coordination of the policies pursued by the existing structures, and on the other, the implementation of the devised policy and the overseeing of its efficiency.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children? If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home						
Schools						
Institutions						
Neighbourhood / Community						
Workplace						
Law enforcement						
Other						

The Albanian Government delivers direct support to all those agencies offering programmes aimed at preventing violence against children and dealing with its consequences. This support is materialised in the possibility it creates for those organisations registering their activities with the court, reporting to its bodies, and coordinating their activities with those run by the Government. Likewise, appropriate facilities are created for the organisations offering programmes responding to violence against children to implement their own projects in the state-run institutions, with the space or material basis of the institutions being made available to them, as required. In this aspect, the Government and its bodies have proved to be very supportive. Thus, for instance, governmental institutions at a central and local level have delivered great support for the conduct of studies on the early childhood development in Albania, with funding from Save the Children. The said study addresses violence against children in the family, too. Governmental institutions, likewise, have proved to be very much in favour of the implementation of the UNICEF-funded study on violence against children in the family and institutions.

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children? If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

The agencies offering programmes towards violence are required to report on their performance. However, this system does not seem to work properly through lack of procedural definitions. The fulfilment by public institutions of obligations coming from the National Strategy for Children has not been monitored, either. Seemingly, the respective monitoring mechanisms are not in place.

The international organisations or the local civil society groups monitor on their own the impact of their programmes and projects.

44. Does your Government participate in any internationally coordinated activities concerning violence against children? If YES, please provide details.

Yes. The Government has signed important international instruments. It participates in important summits, as well as regional and local international conferences for that end, and makes its own efforts to ensure that domestic legislation complies with their spirit. In this respect, major achievements have been attained.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimisation, epidemiological or other population-based surveys of any forms of violence against children in your country? If YES, provide details or references, or attach.

The emergence and development of the civil society sector in the early nineties provided more leeway to conduct independent studies on the children's profile in Albania.

The non-profit organisations are among the structures committed to conducting studies. Thus, quite a large number of studies have been conducted both on children and even on different aspects of violence against them.

A small number of the said studies are conducted nation-wide, and the majority of them are carried out locally, meeting specific needs of certain non-profit organisations operating in given geographical locations. The following could be brought up for illustration: "Efficiency of Home Calls for Preventing Child Abuse during Early Childhood", "Early Childhood Development in Albania", "Teachers and Parents' Approach to Child Ill-treatment", "Monitoring Media Coverage of Violence against Children", and "The Phenomenon of Child Ill-treatment in School and Family Settings in Tirana".

For the purpose of expanding the subject themes, studies on violence also include studies on blood feuds, street children, trafficking in children, abandoned children, psychological violence against children, disabled children, and orphaned children.

A general feature of these studies is that they are conducted to meet the specific needs of the non-profit organisations dealing with these issues, and as such, they may not provide a country-wide overview of violence against children. By mid 2004, UNICEF launched a similar initiative in carrying out a nation-wide study on violence against children in the family and the institutions. This study is still under way, and is expected to finish by mid 2005.

Studies conducted by INSTAT on the population, and their education and health, contain data that refrain from specifying the forms of violence. "The Reasons of Deaths in 2002" is the most comprehensive study available on these issues, providing an account of violent deaths under categories "Symptoms, Signs and Disease not Well Defined" and "Traumatic Injuries and Poisoning" (publication of 2003).

Despite the studies available, it should be noted that Albania is short of an elaborated and advanced archive and information system. This is seen as a must, as a good number of the studies carried out is kept away from the general public attention, and within close circles of whoever has conducted them – overall, local non-profit organisations. The studies conducted by international non-profit organisations receive better publication. Their outcomes only become, to a certain extent, part of the process for the planning, implementation, and monitoring of violence prevention, and violence victim treatment and rehabilitation.

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children? If so, please give details.

Several interview studies have been conducted with parents and children on violence against children. For instance, in 2003 the Centre for the Rights of Children in Albania published a report based on interviews with children on the Albanian children's situation in police stations and pre-detention rooms. This report describes the children's profile and the enforcement of their rights deriving from the Convention on the Rights of the Child, as well as the most frequent violations of the rights of the child in the police stations and pre-detention rooms in Albania. The report specifically focuses on ill-treatment children are exposed to in these settings. In 2003, the Centre for the Rights of Children in Albania carried out a study on violence against children in the family. The report also highlights the widespread abuse children suffer, and the abused children's profile and how abuse affects children. The latter is an interview study with parents and children.

Besides, the Humane Development Centre has conducted a study on the development of children in Albania, including violence against children in the family. This Centre is also implementing another nation-wise study just on violence against children in the family and in the institutions in Albania. Both these studies are based on in-depth interviews and the focus groups of parents and children, or children's caretakers. This kind of interviews has earned the parents, children, and their caretakers a higher level of awareness of violence against children.

It should be noted, however, that Albania does not dispose of any mechanism to check on the quality of the studies on violence against children already conducted.

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children? If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

There are no specific studies on violence against children conducted by the Albanian Government over the past five years.

47. Have studies or surveys been undertaken into the impact of legal measures to address violence against children? If YES, provide details or references, or attach.

No. Such studies have not been undertaken.

48. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part? Provide details.

Such a specific system does not exist. Meanwhile, it could be said that, on a regular basis the judicial bodies carry out the necessary inquiries into civil registers and in the field with regard to all the suspected cases.

49. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system? If YES, what proportion of all homicide deaths are under the age 18?

Overall official statistics of both deaths and births are published annually. INSTAT, which stands for the state-run statistics agency, brings out regular reports containing information on the country's profile. It also publishes information on children. This agency builds on the information obtained from the Ministries dealing with issues concerning children, and particularly from the Ministry of Public Order, as well as on the research it conducts separately in the field.

So far, no specific, accurate data on children's known or suspected violent deaths are found in Albania. The information closest to the real figures is provided in a publication by INSTAT ("Causes of Deaths for 2002", published in 2003, p.17), which groups violent deaths under categories "Symptoms, Signs and Disease not Well Defined" and "Traumatic Injuries and Poisoning." According to the present publication, the total count of deaths for the age-group 0-19, under both these categories, is 360. Anyway, care should be taken in how this figure is understood, as it includes both known and suspected violent deaths. Hence, it is hardly possible to come up with the exact figure of violent deaths among the under eighteen-year-olds.

50. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Sex	
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	
External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and dated of incident	
Victim-perpetrator relationship	
Other:	

As mentioned in the answer to question 50 of this Questionnaire, the national statistics publication agency has never happened to publish specific data on known or suspected violent deaths.

Sex	No
Age	Yes
Nationality	No
Manner of death (homicide, suicide,	No

undetermined)	
External causes of death (firearm, strangulation, etc.)	No
Geographical location of incident (address)	Yes
Scene of occurrence (home, school, etc.)	No
Time and date of incident	No
Victim-perpetrator relationship	No

51. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

There is no information on the reported cases of violence against children. (The answer to question 24 of this Questionnaire provides information on the number of cases of violence against children handled by courts over the years 2001-2004.)

52. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

The following table contains data on the number of convictions in the reported cases for violence against minors in 2000-2003.

Criminal offences	Years			
	2000	2001	2002	2003
Commission of sexual or homosexual relations with minors who have not attained the age of fourteen years, or a minor girl who has not obtained sexual maturity (Article 100 of the Criminal Code of the Republic of Albania)	6	4	13	16
Commission of sexual or homosexual relations through force with minors who are between fourteen and eighteen and have obtained sexual maturity (Article 101 of the Criminal Code of the Republic of Albania)	6	18	12	13
Commission of immoral acts with a minor girl under the age of fourteen years (Article 108 of the Criminal Code of the Republic of Albania)	2	7	10	11

Kidnapping of or holding an under fourteen-year-old hostage (Article 109 of the Criminal Code of the Republic of Albania)	18	14	25	21
Abandonment of minors entailing serious effects to them (Article 214 of the Criminal Code of the Republic of Albania)	3	1	3	4
Trafficking in children (Article 128/b of the Criminal Code of the Republic of Albania)				8
Inducing minors into crime (Article 129 of the Criminal Code of the Republic of Albania)	2	1	1	1

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children, which may have been conducted by your Government.

53. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children? If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.).

There is no information to indicate that the Albanian Government has conducted campaigns for raising awareness of and preventing violence against children. Likewise, there are no data revealing that the Albanian Government has commissioned any campaigns for raising awareness of and preventing violence against children.

Instead, the data available point out that the governmental bodies have enabled and supported various civil society groups and international organisations to conduct awareness-raising campaigns. Children, parents, caregivers, teachers, and general public have been the target audience of these campaigns.

54. How were the campaign messages and information disseminated (check all that apply)?

Print media	
Radio	
Television	
Theatre	
Schools	
Others	

To ensure dissemination of their own messages, the awareness-raising campaigns that have been organised with the permission and support and at the urging of the governmental bodies, have made use of the following channels: newspapers, magazines, booklets, posters, radio and television stations, theatre, and school. The managers of these campaigns seem not to refrain from employing these means in order to disseminate their own messages.

55. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children? If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical professionals (including paediatricians, nurses, psychiatrists and dentists)					
Public health practitioners					
Social workers and Psychologists					
Teachers and other educators					
Court officials (including judges)					
Police					
Prison officers					
Juvenile offenders personnel Institution personnel Parents/guardians					
Other (please specify)					

Please provide details.

The Albanian Government has not sponsored specific training programmes in the area of violence against children. Such training is only provided by international organisations and local civil society groups, which basically receive funding from international organisations.

Although they are aware of the need of the public sector employees (education, health, and justice) for professional training, the governmental bodies do not dispose of advanced professional training systems. Generally speaking, the Albanian Government does not allocate resources for training programmes. Indeed, the most widely known, long-run teachers' professional training system has ceased to exist. The old system has been discarded, and a new system is not yet in place. The Albanian Government is short of the means to do this; neither does it at least offer this.

There are some isolated cases of primary initiatives in this area, as well. Thus, for instance, the Municipality in the Capital city has made financial resources intended also for the training of pre-school educational system workers available to applicants.

Nonetheless, the Albanian Government has commissioned training to be had by third parties, and these training programmes have benefited people working in the education, health, and social care. Hence, for instance, the School of Magistrature has run training sessions on juvenile justice; the Ministry of Justice (Directorate for Juvenile Justice in the Educational Department at the Prison General Directorate) and the Faculty of Social Sciences have jointly run training sessions, as well.

Similar isolated initiatives have been launched in many areas. What these training programmes have in common is that, rather than making inroads into the whole system, they do approach

isolated links in the chain. Meanwhile these training sessions are seen as a must. The following table identifies some of the sectors that have received training in the area of violence against children, as well as the main relevant subject themes addressed.

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical professionals (including paediatricians, nurses, psychiatrists, and dentists)	+	+	-	+	-
Public health practitioners	+	-	-	+	-
Social workers and sociologists	+	+	-	+	-
Teachers and other educators	+	+	-	+	-
Court officials (including judges)	-	+	+	-	+
Police	+	+	+	-	+
Prison officers	+	+	-	+	+
Juvenile offenders personnel, institution personnel, guardians, parents	+	+	-	+	+