

## ALBANIA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	26 Jan 1990 <sup>1</sup>	27 Feb 1992	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		5 Feb 2008 a	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	12 Dec 2000	21 Aug 2002	
UN Optional Protocol on the Involvement of Children in Armed Conflict		9 Dec 2008 a	
UN Convention for the Protection of All Persons from Enforced Disappearance	6 Feb 2007	8 Nov 2007 <sup>2</sup>	
Hague Convention on International Child Abduction		4 May 2007 a	1 Aug 2007

In Albania, there are five laws that refer directly or indirectly to missing children:

1. Albanian Civil Code of 1991, amended 2013;
2. Criminal Procedure Code of 1995, amended 2017;
3. Criminal Code of Albania of 2001, amended in 2016;
4. Family Law of Albania of 2003; and
5. Law Concerning the Protection of the Rights of the Child of 2010.

### General Child Protection

Albania addresses child protection through the Law Concerning the Protection of the Rights of the Child of 2010<sup>3</sup> and various national strategies. The Law Concerning the Protection of the Rights of the Child of 2010 focuses on implementing the UN Convention on the Rights of the Child (CRC) into national law.

The non-governmental organization, Children's Human Rights Centre of Albania (CRCA), was established in 1997 to help improve children's rights in Albania. CRCA works with various stakeholders

<sup>1</sup> See Convention on the Rights of the Child, U.N. Treaty Collection Status Chart, at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en) (last visited Sep. 30, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>2</sup> See International Convention for the Protection of All Persons from Enforced Disappearance, U.N. Treaty Collection Status Chart, at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=en) (last visited Sep. 28, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>3</sup> Law Concerning the Protection of the Rights of the Child of 2010, at <http://www.crca.al/sites/default/files/publications/Law%20on%20children's%20rights%20in%20Albania%202010.pdf> (last visited Oct. 25, 2017) (on file with the International Centre for Missing & Exploited Children).

to help increase awareness of the need for better legislation and policies to protect children from violence, abuse, and exploitation.<sup>4</sup>

Additionally, the CRCA is part of All Together for Holistic Care of Children (BKTF), a coalition consisting of 20 national organizations working to end all forms of violence, neglect, exploitation, and abuse. The BKTF advocates for the protection of Albanian children based on the CRC and utilizing Albanian legislation, national and international mechanisms, and other means to protect children's rights.<sup>5</sup> In January 2017, the BKTF published the first Child Protection Index for Albania, a mechanism for measuring the reforms related to child protection undertaken in Albania in accordance with the CRC.<sup>6</sup>

### General Missing Child Issues

There is no Albanian legislation that specifically addresses missing children. However, some research on the issue of missing children has been undertaken by ALO 116, the national helpline for children, which provides a free counseling and referral service for children. ALO 116 operates both the National Helpline for Missing Children – 116 000 – and the National Counseling Center for Children – 116 111 – which is supported by UNICEF Albania and the CRCA. The 2015 thematic report, *Missing Children in Albania*, was published by ALO 116 and UNICEF to provide a comprehensive view of the current situation in Albania.<sup>7</sup> The report found a seven-fold increase in the number of missing children in Albania from 2009-2014 and noted that children under the age of 14 are particularly vulnerable to going missing, and being abducted and trafficked.<sup>8</sup>

Chapter 1 Section D of the Albanian Civil Code outlines various provisions regarding the process to declare a missing person deceased depending on the circumstances of the person's disappearance and possible death.<sup>9</sup> For example, Article 15 states:

A person who is absent from his domicile and his last place of residence and for whom there is no news for more than two years, at the request of any interested person, he can be declared missing by court order. When the day of the last news cannot be determined, the above mentioned period begins from the first day of the following month on which the last news has been taken. When the month cannot be determined, the period begins from 1 January of the following year.

### Definition of "Missing Child"

Albanian law defines a "child" as every individual born alive, up until 18 years of age.<sup>10</sup> Albanian legislation does not, however, define the term "missing child." ALO 116 considers a child to be missing if the child has run away from their parent/guardian and the circumstances of their running away or disappearance are unknown.<sup>11</sup>

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<sup>4</sup> Children's Human Rights Centre of Albania – CRCA, *Mission and Vision*, at <http://www.crca.al/en/mission-and-vision> (last visited Oct. 20, 2017).

<sup>5</sup> All Together for Holistic Care of Children (BKTF), at <https://bktfcoalition.org> (last visited Oct. 20, 2017).

<sup>6</sup> All Together for Holistic Care of Children (BKTF), *Child Protection Index Albania 2016*, at <https://bktfcoalition.org/wp-content/uploads/2017/01/CPI-Albania-1.pdf> (last visited Oct. 24, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>7</sup> ALO 116000, *Thematic Report Missing Children in Albania May 2015* (on file with the International Centre for Missing & Exploited Children).

<sup>8</sup> ALO 116, *Albania: 49 lost and missing children!*, May 25, 2015, at <http://www.alo116.al/shqip%C3%ABri-49-f%C3%ABmij%C3%AB-t%C3%AB-humbur-dhe-t%C3%AB-pa-gjetur-ende> (last visited Oct. 24, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>9</sup> Civil Code of the Republic of Albania of 1991, amended 2013, Articles 15-21, at <http://www.eurallius.eu/index.php/en/albanian-legislation/send/71-civil-code/139-civil-code-en> (last visited Oct. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>10</sup> Law Concerning the Protection of the Rights of the Child, *supra* note 3, Article 3.

<sup>11</sup> ALO 116000, *supra* note 7, at 4.

The CRCA further describes a missing child who is considered to be in a dangerous situation as:<sup>12</sup>

- A missing child under 14 years of age about whom no information is available concerning the location and circumstances of their disappearance;
- A missing child between 14-18 years of age who is known to police officials or about whom information is available concerning alcohol/drug abuse or prior involvement in criminal activities;
- A runaway child victim of domestic violence;
- A child who has been abducted or suspected to have been abducted for the purpose of exploitation, or situations that threaten the child's well-being; and
- A child taken improperly by a parent/guardian in violation of a Court order, who is removed from the person exercising parental authority or who is committed to the child's growth and education.

### Abandonment

According to the Family Law of 2003, a minor is declared by the courts to be abandoned when the parents have not been involved with the child for a period of one year.<sup>13</sup> Under Article 124 of the Criminal Code of 2001, abandonment of a child under age 16 by a parent or by a person compelled to protect them is punishable by a fine or up to three years imprisonment.<sup>14</sup> Additionally, when serious harm to the health of the child or death of the child has resulted due to abandonment, it is punishable by three to 10 years imprisonment.<sup>15</sup>

### Kidnapping and Abduction

The unlawful taking of a child by taking them away from the person exercising parental authority or entrusted to raise and educate them, and not giving the child to the other parent in violation of a court order, constitutes a criminal violation punishable by a fine or up to six months imprisonment.<sup>16</sup>

### Parental Abduction

According to Article 218 of the Family Law of 2003, parents may request return of the minor child from the court when the child is not living with them and is being kept illicitly by other persons. The court, based on serious circumstances, may decide against the return if the court determines it is against the child's best interests.<sup>17</sup> Unlawfully taking the child away from the other parent in breach of a court order constitutes a criminal violation and is punishable by a fine or up to six months imprisonment.<sup>18</sup>

Article 10 of the Law Concerning the Rights of the Child of 2010 focuses on the right to safe return and explains that both parents must give permission for a child to leave the country.<sup>19</sup>

The Ministry of Interior is responsible for issuing Albanian passports. The Ministry requires a consent form from one parent in order to issue a child's passport.<sup>20</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> The Family Law of 2003, Article 250 – Declaration of Abandonment at [http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/65148/89474/F1958881334/ALB65148%20\(English\).pdf](http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/65148/89474/F1958881334/ALB65148%20(English).pdf) (last visited Oct. 20, 2017).

<sup>14</sup> The Criminal Code of 2001, Article 124 – Abandonment of a Minor Child, at <http://www.euralius.eu/index.php/sq/legislacioni-shqiptar/send/29-e-drejta-penale/17-kodi-penal-al> (last visited Oct. 20, 2017).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*, at Article 127 – Taking the Child Unlawfully.

<sup>17</sup> The Family Law of 2003, *supra* note 13, at Article 218 – Return of the Child.

<sup>18</sup> The Criminal Code of 2001, *supra* note 14, at Article 127 – Taking the Child Unlawfully.

<sup>19</sup> Law Concerning the Protection of the Rights of the Child of 2010, *supra* note 3.

<sup>20</sup> eHow, *How to apply for Albanian Passport*, at [http://www.ehow.com/how\\_8666899\\_apply-albanian-passport.html](http://www.ehow.com/how_8666899_apply-albanian-passport.html) (last visited Oct. 20, 2017).

Additionally, in 2007 Albania became a signatory to The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, which provides a civil process to determine the best interest of the child in international parental child abduction cases.<sup>21</sup>

### Reporting Mechanism

The General Directorate of the State Police offers a toll-free emergency telephone number – 129 – through which all crimes, including missing children, can be reported.<sup>22</sup>

In November 2010, ALO 116 launched the National Hotline for Missing and Exploited Children 116 000<sup>23</sup>, which operates 24-hours-a-day, 7-days-a-week, and is available to every child in need of protection in Albania<sup>24</sup>; ALO 116 000 is the official Albanian missing children hotline, and is part of the European-wide effort to establish a dedicated missing children hotline number.<sup>25</sup> Through the hotline, children and parents can request information and advice, report missing children, and report cases of violence and abuse. ALO 116 000 cooperates with the State Police, the media, parents, and the public to find missing children.<sup>26</sup>

### Investigation of Missing Child Cases

The Law Concerning the Rights of the Child of 2010 explains in Article 10(3) that a person who is responsible for a child must report the child as lost within 24 hours in order to enable the child's safe and speedy return. The law does not provide any consequences if a person fails to report. A recent BKTF report notes that the law does not yet assign responsibility to the police in the case of a missing child that requires "investigation and follow up to seek the missing child."<sup>27</sup> Nonetheless, in the case of a missing child, the State Police is the first agency to take action. The level of action depends on available resources as well as the specific details of the particular case, which may warrant immediate intervention by the police.

While there is no official policy concerning the investigation of missing child cases, the CRCA signed an agreement with the State Police to exchange information to help investigate missing child cases.<sup>28</sup> In addition, the CRCA works with ICMEC's Global Missing Children's Network (GMCN), Missing Children Europe, and civil society organizations to further coordinate and exchange information related to missing children.

### National Database

Although there does not appear to be a national database of missing people, the State Police do have limited data available related to missing persons; however, this information is not available to the public.<sup>29</sup>

### Case Management System

Upon receiving a call to the ALO 116 000 hotline about a missing child, the missing child is registered in a case management system to determine the assistance required by the caller. The level of detail provided by the system is unclear.<sup>30</sup> No information could be found as to whether or not the State Police use a case management system to help in their investigations.

<sup>21</sup> Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, *Status Table*, at <https://www.hcch.net/en/instruments/conventions/status-table/?cid=24> (last visited Oct. 3, 2017).

<sup>22</sup> Albanian State Police, at <https://www.asp.gov.al/index.php/en/> (last visited Oct. 20, 2017).

<sup>23</sup> ICMEC, *GMCN Snapshot of Missing Children 3* (2010) (on file with the International Centre for Missing & Exploited Children).

<sup>24</sup> Children's Human Rights Centre of Albania, *supra* note 4.

<sup>25</sup> *Id.*

<sup>26</sup> *State Police, CRCA and UNICEF Support Missing Children in Albania*, Jun. 15, 2011, CRCA (on file with the International Centre for Missing & Exploited Children).

<sup>27</sup> All Together for Holistic Care of Children (BKTF), *supra* note 6, at 27.

<sup>28</sup> State Police, CRCA and UNICEF Support Missing Children in Albania, *supra* note 26.

<sup>29</sup> Children's Human Rights Centre of Albania, *supra* note 4.

<sup>30</sup> *Id.*

### Alert Mechanism

There is no emergency child alert mechanism currently in place to notify the public about cases of missing children. The CRCA, ALO 116, and the State Police do not display images of or information about missing persons on their websites.

### Awareness-Raising Initiatives

Each year, on International Missing Children's Day (May 25), ALO 116 and the CRCA organize awareness events. In 2013, they formed a human chain in front of the Office of the Prime Minister to raise awareness of children missing from public institutions and society in general in Albania.<sup>31</sup> The following year, they organized a march from the Ministry of Interior to the Office of General Prosecution to further build awareness.<sup>32</sup>

Albanian media also has played an important role in raising awareness about child trafficking. The initiatives appear to be targeted to urban areas.

### Trafficking

Child victims of trafficking in Albania, particularly girls, are primarily subjected to trafficking for sexual purposes within the country, especially during tourist season, but also may be trafficked to other European countries, such as Kosovo, Greece, Italy, and the United Kingdom.<sup>33</sup> According to the 2017 U.S. Department of State Trafficking in Persons Report, traffickers are increasingly using social media as a means to recruit victims, and they often use false promises of marriage or employment to force victims into sex trafficking.<sup>34</sup> Children, particularly Romani, are often exploited for seasonal labor in Turkey, and Albanian children in general are commonly forced into begging and other forms of labor.<sup>35</sup> In 2016, NGOs reported an increase in the number of Albanian children in situations of forced labor in Kosovo and the United Kingdom.<sup>36</sup>

Article 110(a) of the Criminal Code defines and criminalizes human trafficking of adults, prohibits sex and labor trafficking, and prescribes penalties of eight to 15 years imprisonment.<sup>37</sup> Trafficking of minors is criminalized in Article 128(b) and is punishable by ten to 20 years imprisonment.<sup>38</sup> The organization, management, or financing of the trafficking of minors is also punishable with ten to 20 years' imprisonment. In addition, if the same offense is accompanied through maltreatment and force through physical or psychological violence, or causes serious health consequences, it may be punishable by not less than 15 years imprisonment and, if it causes death, by no less than 20 years or life imprisonment.<sup>39</sup> In 2016, the Serious Crimes Prosecutor's Office successfully prosecuted 11 traffickers for child trafficking.<sup>40</sup>

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> US Department of State, *Trafficking in Persons Report 2017 - Albania* 60, at <https://www.state.gov/documents/organization/271341.pdf> (last visited Oct. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> The Criminal Code of 2001, *supra* note 14, at Article 110 - Unlawful Detention; Article 110(a) - Trafficking in adult persons; Article 128(b) - Trafficking of Minors.

<sup>38</sup> *Id.* at Article 128(b) - Trafficking of Minors.

<sup>39</sup> *Id.*

<sup>40</sup> US Department of State, *supra* note 33, at 59.

In addition to legislative efforts, the government has a 2014-2017 national strategy and action plan to combat human trafficking and a national anti-trafficking coordinator who regularly meets with stakeholders.<sup>41</sup>

There are three specialized shelters run by NGOs and one state-run shelter that provide assistance to trafficking victims.<sup>42</sup> Only one of the NGO shelters provides specialized services for child victims under 16 years of age.

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<sup>41</sup> *Id.*

<sup>42</sup> *Id.*