

## QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON ALBANIA

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

**Issues** are highlighted. References in the National Report are *in Italics*.

**Recommendations** - including those from UN treaty-monitoring bodies, are at the end of the document.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

ISSUE	N Report	Compilation	Summary
<b>Equality and Non-Discrimination</b>	Legislative special provisions (48)		
<b>Harmonization of laws with international treaties</b>		OP-CRC-SC and OP-CRC-AC (68)	
<b>Sexual orientation and gender identity</b>			Violations based on sexual orientation and gender identity. Need for legal protection (9)
<b>Sexual Violence against children</b>			Imprisonment of adults and children together (12). Ask for protection to orphans from sexual abuse (21)
<b>Trafficking Forced prostitution</b>	National /regional bodies against trafficking (29, 30)		
<b>Trafficking/sexual exploitation /violence against children</b>	Criminal Code specific provisions (101). Programs, strategies and action plans (102) Law for the prevention of child sex tourism (104)	Typification of sexual exploitation crimes and decriminalization of prostitution requested (6, 73). Police and government officials involved. Lack of witness and protection for victims (32). Need for effective measures and national strategies (33, 72) Roma and Egyptian children	Roma and Egyptian children most affected. (26). Programs and procedures. Police training (8). European Convention ratified (2)

		most affected. (31) Violation of right to privacy (42)	
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## Equality and Non-Discrimination

The health-related legislation, the Law "On gender equality" () the law "On the prevention and control of HIV/AIDS" provide for special provisions which avoid any form of discrimination in the respective fields (Para 48, NR)

## Sexual orientation and gender identity

Human Rights Watch (HRW) referred to recent reports documenting human rights violations based on sexual orientation and gender identity in Albania which have been published by the European Commission, the Council of Europe's Commissioner for Human Rights and The International Lesbian and Gay Association Europe (ILGA).

## Sexual Violence against children

Defence for Children International (DCI) reported that Albanian law mandates that prisoners be separated by sex and age. In reality, overpopulation in prisons and pre-trial detention centres has led to many juveniles being imprisoned with adults. Imprisonment of adults and children together () are problems throughout the detention system in Albania (Para 12, Summary)

## Trafficking /Forced prostitution

The State Committee of the Fight against the Trafficking in Human Beings chaired by the Minister of Interior is composed of high representatives of political level of central institutions and is responsible for the prevention and fight against trafficking. In 2009 is established the National task Force against Trafficking (Para 29, NR). The National Coordinator's Office for the Fight against the Trafficking in Human Beings (established in 2005) coordinates the work between institutions in the fight against trafficking in human beings, at the national, international level. The Anti-Trafficking Unit operates near it. The Regional Committees of the Fight against Trafficking in Human Beings were established in 2006 in the 12 counties of the country, for the prevention of the trafficking phenomenon, the protection of potential trafficking victims, whereas at the administrative level special structures operate within the police force with the aim of combating the organized crime and illicit trafficking. (Para 30, NR)

## Trafficking/sexual exploitation/violence against children

() The continuous amendments to the Criminal Code have envisaged not only specific provisions to protect children () against () sexual abuse, trafficking, prostitution, pornography, indecent acts, but also the legal developments in continuation have laid down a considerable increase of the amount of punishment against the perpetrators of these criminal offenses (Para 97, NR). () Beginning from 2001 the Criminal Code has stipulated as criminal offenses "Trafficking in children", "Pornography" () (Para 101, NR)

() In addition, a strategy and an action plan against the trafficking in children is attached to the National Strategy for the Fight against the Trafficking in Human Beings, which addresses the issues of the trafficking in children. The National Strategy for the Fight against the Trafficking in Human Beings, the Strategy for the Fight against the Trafficking and Protection of Children who are Victims of Trafficking and their respective Action Plans (2008-2010) were drawn up in the course of comprehensive consultation process, with the participation of state structures, international donors and civil society which has played a very important role (Para 102, NR)

() The *Code of Conduct for the prevention of children sex tourism*, which is monitored by the Ministry of Tourism, has been adopted. In 2008 is established the Data Base for the Victims of Trafficking (Para 104, NR).

() In 2006, the Special Rapporteur on the sale of children, child prostitution and child pornography stated that the legal framework lacks a definition of the crimes of sale of children and child pornography. He noted that prostitution is a crime in Albania (Para 6, Compilation)

The 2004 Common Country Assessment (CCA) report noted that Albania is both a conduit and a source country for human trafficking, The Special Rapporteur on the sale of children expressed similar concerns noting that many children are trafficked with some form of consent of their parents and family (). He also noted that child trafficking hits more severely the Roma and Egyptian communities (Para 31, Compilation).

The HR Committee expressed concern at reports on the involvement of police and government officials in trafficking, and about the lack of effective witness and victim protection mechanisms. CESCR and CEDAW made similar comments (Para 32, Compilation).

The Special Rapporteur on the sale of children was concerned at the way the media portray children: without respecting the children's right to privacy, the media disclose or make recognizable the identity of victims of trafficking. (Para 42, Compilation)

In its third report issued in 2004, (ECRI) () further reported on a pre-screening procedure that has been put in place in order to determine the status of non-citizens in the country illegally, and ensure that persons who are trafficked () are treated in a manner appropriate to their situation. ECRI also referred to a National Strategy to Combat Trafficking that has also been adopted and indicated that police at all levels have been provided with training in human rights (Para 8, Summary). The Albanian Coalition "All Together Against Child Trafficking" (ATACT) indicated that () One positive change, as reported by ATACT, was the ratification in February 2009 by the Albanian Parliament of the Convention of the Council of Europe on sexual abuse and exploitation (Para 2, Summary).

## Suggested questions and recommendations

### CRC

- In accordance with article 32 of the Convention, and ILO Conventions Nos. 138 and 182, that Albania pursue measures, at the national and international level, to dismantle trafficking and exploitation networks (Para 33, Compilation)

### ILO Committee of Experts

- To take necessary measures to secure the prohibition of the use, procuring or offering of both boys and girls under 18 years of age for prostitution (Para 32, Compilation)

### Special Rapporteur on the sale of children

- To consider the possibility of decriminalizing prostitution, defining the crimes of the sale of children and child pornography, and adopting a law on accessible procedures enabling victims of trafficking to obtain compensation (Para 73, Compilation)
- To give priority to the implementation of the national strategies on children and on combating child trafficking, to allocate adequate resources, and to establish a monitoring system (Para 72, Compilation)

#### Amnesty International

- To fulfill the rights of orphans to "special protection" throughout their childhood (that is, up to age of 18), including () **sexual abuse** () as set out in the Convention on the Rights of the Child (Para 21, Summary)

#### European Commission against Racism and Intolerance (ECRI)

- To take further measures to combat the **trafficking** of Roma and Egyptian children (Para 26, Summary)

#### Human Rights Watch

- HRW hoped the upcoming Universal Periodic Review will recommend that the Albanian authorities introduce to Parliament a comprehensive, all-inclusive anti-discrimination law, including protection against discrimination on the grounds of **sexual orientation** and **gender identity**. (Para 9, Summary)

#### Sexual Rights Initiative

- To fully investigate the cases of human rights **violations based on sexual orientation and gender identity** recently reported by the Council of Europe's Commissioner for Human Rights and civil society organizations; duly punishes those found responsible for action and/or omission; and takes the necessary measures to avoid repetition of these incidents, including by providing awareness raising to State officers.
- To take urgent measures to end the cohabitation of children and adults in **prisons** and take all necessary measures to protect incarcerated juveniles from human rights violations, including **sexual violence**, and to ensure their access to education and health care.
- (Question) Ask which legal protections and programmes exist in Albania to guarantee women's **reproductive rights**, including their right to decide the number and spacing of their births and to the highest standard of health care available during pregnancy and at birth.
- (Question) Ask if the right of **transsexual** individuals to enjoy the highest standard of health care available during their transition is protected in Albania and how.