Report on the Global Alliance child sexual abuse online

ALBANIA

INTRODUCTION

In the framework of international commitment undertaken by the EU, USA and other countries that have joined the objective to globally combat child sexual abuse, a number of concrete measures are proposed to be implemented at national level, in order to create a safer environment for children and abusers are subject to the deserved punishment. These measures are implemented through the establishment of an internal preventive and proactive mechanism by ensuring the coordination and harmonization both from conceptual and implementation perspective. In this spirit, the key Albanian institutions have joined to carry out measures undertaken by Albania alongside 51 member states, thus manifesting not only the goodwill to be aligned with the states aiming at child protection against sexual abuse, but also as a promoter of the protection of human rights as integral part of the protection of human rights.

BACKGROUND

Therefore, on 5 December 2012 the Commissioner for Home Affairs, Mrs Cecilia Malmström, in cooperation with the US Attorney General Mr Eric Holder, launched the initiative for creating the Global Alliance against Child Sexual Abuse Online.

According to the adopted Declaration, the Ministers of Justice and Ministers of Interior from 48 participating countries are committed, until the beginning of April 2013, to declare what efforts are undertaken and to identify the actions they will take in the near future. Until July 2014 the ministers will report on the implementation of measures declared, to assess the progress and identify specific actions to be followed. By the end of 2014 a conference will be held to assess the progress and discuss about the future development of the Global Alliance under the US leadership.

The Ministers have identified 4 shared political objectives and adoption of concrete measures for their implementation:

1. Enhancing efforts to identify the victims and ensuring that they receive the necessary assistance, support and protection;

2. Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders;

3. Increasing awareness among children, parents, educators and community at large about the risks;

4. Reducing the availability of child pornography online and the re-victimization of children.

As highlighted by the Report, the measures launched require comprehensive information, therefore the actions agreed by the Ministers of Justice and Ministers of Interior are identified. With the view of timely fulfilment of obligations identified by the Report, it is necessary to transmit the preliminary action plan for the purpose of delivery of inputs/contributions from the respective institutions as per the field of activity they cover.
1. ENHANCING EFFORTS TO IDENTIFY VICTIMS AND ENSURING THAT THEY RECEIVE THE NECESSARY ASSISTANCE, SUPPORT AND PROTECTION;
Action #1: Mainstreaming victim identification into investigations and prosecutions

1. Albania has undertaken the commitment to carry out standardized procedures for the victim identification.

The process continues for the formulation of standard procedures regarding the prevention, prosecution, investigation of child pornography online, including standard procedures for the identification of children abused online.

2. Albania furthermore intends to make systematic use of channels for international cooperation in order to enhance victim identification and to improve coordination between states.

The National Bureau of Interpol has followed up 15 pieces of information sent from Interpol, Washington, related to abusive materials with juveniles in social networks online.

Action #2: Improving use and content of the ICSE database

1. Albania plans to request access to the ICSE database or to expand their access and to contribute (additional) material.

In the framework of the improvement of use and content of ICSE Database, the document transmitted by the Ministry of Interior via the State Police shows that the process is on-going.

2. Albania, Hungary and the United States will increase the number of images and associated pieces of information they contribute to the ICSE.

The State Police informs that no investigations were conducted to date to identify images that would increase the number of images in ISCE.

2. ENHANCING EFFORTS TO INVESTIGATE CASES OF CHILD SEXUAL ABUSE ONLINE AND TO IDENTIFY AND PROSECUTE OFFENDERS;

Action #1: Improving capacity and coordination of law enforcement Authorities

1. Training is an essential requirement for law enforcement authorities involved in the fight against child sexual abuse online, and Albania intends to invest in and expand the training available to investigators, prosecutors and the judiciary.

In this context, two training sessions were conducted on 22 and 23 May 2014 from the School of Magistrates for the categories of judges, prosecutors and judicial police officers regarding:

- Computer-related criminal offences.
- Definition of new elements of cybercrime.
- Computer-related crime as a criminal offence. Computer-related fraud, crimes against computer-related data and computer systems.
- Computer-related crimes connected with fraud and counterfeiting, computer-related crimes connected with offences such as child pornography, xenophobia, racism, intellectual property, court decisions.

Further, as regards the State Police, there were no training sessions on topics in this field.
2. **Albania has indicated that they are prepared to invest in improving the tools available for police investigations into these crimes, such as improved software for automatic image analysis to speed up the forensic process and to prevent law enforcement officers from manually combing through thousands of images of child sexual abuse.**

Structures of computer-related crime investigation and those of computer examination at the State Police, use equipment and software licensed to speed up the automatic analysis of abusive images with juveniles such as EnCase, FTK Imager etc.

3. **Albania also plans to set up a specialized investigation team.**

General Prosecution Office

Attorney General, Mr. Adriatik Llalla, has signed Order no. 135, dated 10.06.06.2014 "On the organization and functioning of Cyber Crime Division", according to which the sector of Cybercrime within the Prosecutor General is created.

According to the aforementioned Order, Criminal verpra Pornography, provided by Article 117 of the Penal Code, when committed through computer systems, is the object of the activity of this structure. Likewise, the object of this activity is the foresight offense under Article 108 of the Criminal Code with offenses embarrassing title.

Currently the main objective for the general prosecution office is the specialization of prosecutors and officers of the judicial police in understanding and developing investigations in cyber space and gathering and managing digital evidence.

A number of trainings have taken place with the School of Magistrates and in cooperation with PAMECA mission in this field, which has in their work plan among other, strengthening the capacities of prosecutors in the fight against cybercrime.

To discuss the phenomenon of computer crime and its tendencies, even within the creation of specialized structures, the General Prosecution in cooperation with PAMECA Mission organized Tuesday (dt. 10.06.2014) a training workshop with specialized Albanian and Italian lecturers.

The concept of computer crime (cybercrime) that is processed by the Albanian prosecution based on the Budapest Convention, according to which these offenses include acts not only computers, but also those associated with the interference data, including personal social networks, as well as extensive technological networks, banking, etc..

Offenses which are the subject of this sector are listed as below:

a) Article 74/a of the Criminal Code "Computer Distribution of pro genocide or crimes against humanity"

b) Article 84/a of the Criminal Code "Racist motivated threats and xenophobia through computer systems"

c) Article 119/a of the Criminal Code "Distribution of racist or xenophobic material through computer systems"

d) Article 119/b of the Criminal Code "Insulting motivated by racism or xenophobia computer system"

e) Article 143/b of the Criminal Code "computer fraud"

f) Article 186/a of the Criminal Code "software counterfeiting"
g) Article 192/bof the Criminal Code "Entry of unauthorized computer"

h) Article 293/a of the Criminal Code, "Illegal interception of computer data logging"

i) Article 293/b of the Criminal Code "Interference in computer data"

j) Article 293/c of the Criminal Code "Interference in computer systems"

k) Article 293/ç of the Criminal Code "Misuse of equipment"

Also, the scope of activity of the sector and will be the following offenses when committed through computer systems:

a) Article 108, paragraph four of the Criminal Code "obscene acts"

b) Article 117 of the Criminal Code "Pornography"

c) Article 147 of the Criminal Code "Fraud with works of art and culture"

d) Article 148 of the Criminal Code "Publication of another person's work with own name"

e) Article 149 of the Criminal Code, "Reproduction without the right of another person's work"

f) Article 149/a of the Criminal Code "Violation of industrial property rights"

g) Article 149/b of the Criminal Code " Violation of the rights of topography of semiconductor circuit also strengthens cooperation with other government bodies operating in the field of information technology or private entities is part of the prosecution. Currently, the General Prosecution is studying ways of achieving this objective.

Regarding the statistics that are available from the General Prosecutor's Office, there are no cases recorded for offences foreseen in Article 108 and 117 of the Criminal Code for 2013 and the first quarter of 2014.

State Police

Upon the approval of the new State Police Organizational Structure, by virtue of the Order No. 548/3, dated 05.05.2014 of the Minister of Interior, the structure of computer-related crimes at the State Police Directorate General has been re-organized. The Sector for Computer-Related Crimes will not be under the subordination of the Directorate for Economic and Financial Crime but it will be directly subordinate from the Police Deputy Director General for Organized Crime and Serious Crimes, supporting all department structures.

Furthermore, the current sector structure includes 1 head of sector and 3 specialists, whereas the new structure with 7 specialists will have one informatics (IT) specialist. This unit will directly deal with investigations in the field of abusive materials with juveniles online.

**Action #3: Improving cooperation with other public authorities and the private sector**

1. Albania intends to work on improving the cooperation between law enforcement and judicial services, prosecutors in particular, and to promote a Memorandum of Understanding with ISPs in Albania through the Electronic and Postal Communications Agency.

Albania has adopted the action plan for protection of children's rights by virtue of DCM No. 182, dated 13.03.2012. For the implementation of the present action plan, the responsible Minister for Information Technology and Communications (MITC) and the National Agency on Information Society (NAIS) encouraged the approval of the Code of Conduct as a self-regulatory practice, which was signed in February 2013 by the largest companies of electronic communications in Albania and by the association of companies operating in the field of information technology, AITA.

Upon the signature of this Code, the companies are committed to the delivery of technical filtering instruments and for parental counselling for the protection of children and young people from unlawful
harmful contents in electronic communications.

On 11 February 2014, on the day of safer Internet, the Minister for Innovation and Public Administration in coordination with the National Agency for Information Society (NAIS) and other institutions such as the National Agency for Computer Security (NACS), Authority of Electronic and Postal Communications (AEPC), Commissioner for Personal Data Protection (CPDP) and ISPs, organized a meeting for a better Internet through a safer Internet. During this meeting two memoranda of understanding for cooperation were signed between NACS and AEPC and between NACS and CPDP.

The Directive 2011/93/EC is planned to be adopted in the future, with the view of its transposai to the domestic legislation.

Further, in this context it is worth mentioning the drafting and approval of the policy document for computer security. Currently, the formulation of this document is ongoing with an inter-institutional working group set up by virtue of the Prime Minister's Order. The group is led by the National Agency for Computer Safety (NACS) under the auspices of the Minister for Innovation and Public Administration.

3. INCREASING AWARENESS AMONG CHILDREN, PARENTS, EDUCATORS AND THE COMMUNITY AT LARGE ABOUT THE RISKS;

Action #1: Creating awareness-raising materials, channels and campaigns

1. Design of information campaigns aiming at the sensitization via sessions, videos and training materials made available to schools, televisions, Internet, radio and also by organizing personal training sessions from the specialized police units.

Some public awareness activities for a safer Internet and activities on the International Day of Safer Internet have been periodically organized in Albania for several years.

2. Sensitization about these issues is also planned for the inclusion of the Safer Internet Day, which, the member states mark in February each year and focused on the creation of a better and safer environment online, especially for children.

Public awareness campaigns for a safer Internet are organized in coordination with the Ministry of Education and Sports and non-governmental organizations for child protection. On 12 February 2014, the Ministry of Education and Sports, Ministry of Innovation and Public Administration and World Vision Organization organized a Conference on child security online.

This Conference introduced the results of a survey conducted by the civil society and young people and some recommendations were given on the need for better legal remedies for child protection online. In this conference the Ministry of Education and Sports introduced the work done for adapting curricula for the Information Technology and knowledge on protection online.

Additionally, public awareness campaigns for the child protection online are organized at the Regional Educational Directorates (RED) of Durrës, Vlora and Tirana, where leaflets are distributed, rules are explained regarding child protection online and online resources, where they may be addressed for a safe Internet use.

The Ministry of Education and Sports has trained 600 teachers of different subjects in the module of "child online safety" and training of 500 school administrators under that module.

Further, sensitizing materials are disseminated at the Regional Directorates, Educational Directorates and schools for the child protection online, in cooperation with Microsoft Albania and World Vision.
The Ministry of Education and Sports, in cooperation with Internet Service Provider (ISP) has provided Internet service at schools with filtering interfaces for the undesired contents.

4. REDUCING THE AVAILABILITY OF CHILD PORNOGRAPHY ONLINE AND THE RE-VICTIMIZATION OF CHILDREN.

Action No. 1: Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigations

1. Cooperation between law enforcement and the private sector in the fight against child sexual abuse online requires an appropriate legal framework Albania, intends to create Memoranda of Understanding between law enforcement authorities and internet service providers.

Terre des hommes, ARSIS and the Ministry of Youth and Social Welfare, supported by EC funds, will implement the project "functional, qualitative and coordinated development for child protection, web safety in Tirana, for all children at risk or victims of abuse and violence". The project will have a specific focus and intervention to address and deal with the issue of sexual abuse.

1. Improvement of capacities of various professionals for effectively addressing the child abuse through the harmonization of multidisciplinary processes and case management.
2. Improvement of support, recovery and reintegration of children, victims of serious forms of abuse through the development of specialized responses.
3. Mobilization and strengthening of the Civil Society, children and service users to claim the respect of children's rights and protect them from all forms of violence.

Action No. 2: Facilitation of reporting and setting up or support of phone lines

1. Albania plans to build a special phone line for reporting images of child sexual abuse.

Currently, there is a line ALOI 16, in partnership between the Ministry of Welfare, Youth and Sports and the Civil Society and a line of the Ministry of Interior 116006, for reporting similar cases.
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Regarding the statistics that are available from the General Prosecutor's Office, there are no cases recorded for offences of Article IDS and 117 of the Criminal Code in 2013 and the first quarter of 2014.  

State Police  
Upon the approval of the new State Police Organizational Structure, by virtue of the Order No. 548/3. dated 05.05.2014 of the Minister of Interior, the structure of computer-related crimes at the State Police Directorate General has been re-organized. The Sector for Computer-Related Crimes will not be under the subordination of the Directorate for Economic and Financial Crime but it will be directly subordinate from the Police Deputy Director General for Organized Crime and Serious Crimes, supporting all department structures.  

Furthermore, the current sector structure includes 1 head of sector and 3 specialists, whereas the new structure with 7 specialists will have one informatics (IT) specialist. This unit will directly deal with investigations in the field of abusive materials with juveniles online.  

**Action #3: Improving cooperation with other public authorities and the private sector**  
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<td><strong>Action No. 2: Facilitation of reporting and setting up or support of phone lines</strong>&lt;br&gt;1. Albania plans to build a special phone line for reporting images of child sexual abuse.</td>
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