

CHILD EXPLOITATION IN ALBANIA: REVISITING THE CONCEPT OF
HUMAN SECURITY

BY

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THESIS SUBMITTED FOR THE DEGREE OF PHD
DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL
RELATIONS

EPOKA UNIVERSITY
JUNE 2021

I certify that I have read this study that is fully adequate, in scope and quality, as a thesis for the degree of Doctor of Philosophy (PhD).

Assoc. Prof. Dr. Salih Özcan
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ABSTRACT

The main purpose of this thesis is to shed light on the issues of children exploitation as being one of the most vulnerable groups in Albania. The phenomenon first appeared in the 1990s after the collapse of the communist regime and the transition to a democratic system. The political, economic, social and cultural changes in the country have influenced extensively children as being subject to various forms of exploitation.

Therefore, this thesis aims to examine and analyse the vulnerability of child exploitation in Albania; to provide a clarification on conceptual aspects of child exploitation based on international and national legal frameworks related to the issue; to identify some of the most prevalent forms of child exploitation in Albania. Another aim of this study is to explore factors that affect the phenomenon of child exploitation in the country. Additionally, the thesis will be examining the public policy dimension of child exploitation by pointing out the disparities that exist in the public institutions and legal framework. One last point of the study is to evaluate the gaps between the recorded and existing cases of child exploitation using the media, official national and international reports and other literature.

To examine the child exploitation issues, this thesis further poses these research questions: How a lack of clarity of child-related concepts and legal definitions confront the child exploitation issue? Why is there a big gap between the actual child exploitation cases and reported ones? Why are there disparities in handling child exploitation issues in Albania? How does the economic inequalities particularly poverty cause the phenomenon?

In order to achieve the abovementioned goals, and answer these research questions, this study has employed an elite survey questionnaire conducted with 452 individual elite respondents from central government, local government, NGOs, judiciary, academia and the media. Although the survey was the main instrument to find out and evaluate the child exploitation related issues and policies, this study has combined the quantitative and qualitative research approaches through data and statistics published by various stakeholders.

The study concludes that there is a need to reinforce the existing legal framework and the responsible public institutions should be improved, in cooperation with relevant national and international organizations and collaboration with the private sector and civil society as well as all other stakeholders in order to create appropriate policies and programs and implement efficiently.

Within this context, to achieve a successful implementation of policies, this thesis also proposes a new stronger, and more comprehensive concept, inspired by 'human security', as 'child security' which is expected to serve to eliminate confusion created by the vast diversity of the concepts on child exploitation phenomenon and to help the policymakers to be clear in comprehending the problem and producing efficient policies.

Keywords: Children, Child Exploitation, Human Security, Child Security, Albania

ABSTRAKT

Qëllimi kryesor i kësaj teze është të hedhë dritë mbi çështjet e shfrytëzimit të fëmijëve si një nga grupet më të cenueshme në Shqipëri. Ky fenomen u shfaq për herë të parë në vitet 1990 pas rënies së regjimit komunist dhe kalimit në sistemin e demokracisë. Ndryshimet politike, ekonomike, sociale dhe kulturore në vend kanë ndikuar gjerësisht tek fëmijët duke i bërë pre të formave të ndryshme të shfrytëzimit.

Si pasojë, kjo tezë synon të shqyrtojë dhe të analizojë cenueshmërinë e shfrytëzimit të fëmijëve në Shqipëri; të mundesoje, një sqarim mbi aspektet konceptuale të shfrytëzimit të fëmijëve bazuar në kornizat ligjore ndërkombëtare dhe kombëtare në lidhje me çështjen; për të identifikuar disa nga format më të përhapura të shfrytëzimit të fëmijëve në Shqipëri. Një tjetër qëllim i këtij studimi është të eksplorojë faktorët që ndikojnë në fenomenin e shfrytëzimit të fëmijëve në vend. Për më tepër, teza do të shqyrtojë dimensionin e politikës shtetërore të shfrytëzimit të fëmijëve duke vecuar mangesite që ekzistojnë në institucionet publike dhe kornizën ligjore. Një çështje e fundit e studimit është të vlerësojë boshllëqet që ekzistojnë midis rasteve të regjistruara dhe ekzistuese të shfrytëzimit të fëmijëve duke përdorur median, raportet zyrtare kombëtare dhe ndërkombëtare si dhe literaturë tjetër.

Për të shqyrtuar çështjet e shfrytëzimit të fëmijëve, kjo tezë shtron më tej këto pyetje kërkimore: Si ndikon mungesa e qartësisë së koncepteve dhe përkufizimeve ligjore që lidhet me çështjen e shfrytëzimit të fëmijëve? Pse ekziston një hendek i madh midis rasteve aktuale të shfrytëzimit të fëmijëve dhe atyre të raportuara? Pse ka pabarazi në trajtimin e çështjeve të shfrytëzimit të fëmijëve në Shqipëri? Si e shkaktojnë fenomenin pabarazitë ekonomike, veçanërisht varfëria?

Studimi arrin në përfundimin se ka një nevojë për të përforcuar kornizën ligjore ekzistuese dhe institucionet përgjegjëse publike duhen përmirësuar duke bashkëpunuar me organizatat përkatëse kombëtare dhe ndërkombëtare, me sektorin privat dhe shoqërinë civile si dhe me

të gjithë palet e interesit në mënyrë që të krijohen politika dhe programe të përshtatshme dhe të zbatohen në mënyrë efikase.

Brenda këtij konteksti, për të arritur një zbatim të suksesshëm të politikave, kjo tezë propozon gjithashtu një koncept të ri më të fortë dhe më gjithëpërfshirës, të frymëzuar nga 'siguria njerëzore', si 'siguria e fëmijëve' që mund të shërbejë për të eliminuar konfuzionin e krijuar nga larmia e gjerë e koncepteve mbi fenomenin e shfrytëzimit të fëmijëve dhe për të ndihmuar tek politikëbërësit të jenë të qartë në dimensionin e problemit dhe berjen e politikave efikase.

Fjalet Kyçe: Femijet, Shfrytëzimi i Femijeve, Siguria Njerezore , Siguria e Femijeve, Shqiperia

DEDICATION

In the hope that this work may contribute to the children's safety and security, it is dedicated to the most beautiful creatures of this life. Further, this study is dedicated wholeheartedly to my beloved parents, brother, husband, and my children, who have been my source of inspiration and gave me strength during the whole studies, who continually provide moral, spiritual, emotional, and financial support.

To my supervisor who advised and encouraged me to finish this study.

And lastly, I dedicate this study to God for the guidance, strength, power of mind, protection and skills and for giving us a healthy life.

ACKNOWLEDGEMENTS

The process of writing a PhD dissertation, like most research work, is long, arduous, plenty of hard work and persistence, and it is certainly not done singlehandedly. Preferably, it takes place in a social context and includes several persons. Therefore, at the very outset of this thesis, I would like to extend my sincere and heartfelt obligation towards all the people who have helped me in this endeavour. Without their active guidance, help, cooperation and encouragement, I would not have made headway in this study.

I thank profusely Epoka University as one of the best universities in our country, for affording me the opportunity to complete my study here.

I would like to express my sincere appreciation to my academic supervisor Assoc. Prof. Dr Salih Özcan. This study would hardly be completed, without his continuous patience, dynamism, optimism, vision, sincerity, motivation, enthusiasm, encouragement, and support. I am profoundly grateful, for having taught me how to present research work in the clearest and most precise way possible. Professor Salih is a great thinker whose wisdom guided me, from the very beginning, until what seems like the ending of this journey. Through his valuable advice, his precise comments on each of the versions, and his immense knowledge, an important part of this dissertation launched.

My appreciation also extends to my department colleagues at Epoka University. The Head of Department, Dr. Reina Shehi, provided good advice and invaluable help when formulating PhD arguments and ideas. More widely, I would deeply like to thank the members of the Scientific Committee, the Council of Professors of Epoka University and distinguished members of the final PhD defense jury. Their thoughtful comments, suggestions, recommendations and questions were an added value of the thesis.

Above ground, I am indebted to my family, my parents and my brother. To you, I express my gratitude not only for the support during this PhD. But for everything that made me the

person I am today. To my parents for giving birth to me in the first place and supporting me spiritually throughout my life. To my brother, if there are feelings that can only be understated with words, this is definitely one of them. I am profoundly grateful to my parents and brother's love, prayers, caring, and sacrifices for educating and preparing me for my future. My accomplishments in life reflect all of this!

I am very much thankful to my mother and mother-in-law for the inestimable help for the countless times you held my children, Diara 2 years old and Liburn 5 months old, during my studies, which will not be forgotten. Also, it is my privilege, to thank my husband, Shkelqim, for supporting me and believing in me when this study seemed insurmountable. It is my privilege to thank my husband for putting up with an absentee wife and mother during this process. Shkelqim has been unfailingly supportive when I spent my time researching, writing and pursuing goals that took me away from him and the family. I would not have been able to realize this dream had it not been for your love, patience, and eternal optimism. Thank you, Shkelqim for being my partner in life, for things big and small, for the gift of true love, for being you. You are the love of my life and I thank God for you every day. I have been truly blessed to have each of these incredible individuals walk beside me during this journey. I thank you all for the support, guidance, valuable insights, and steady encouragement throughout the process. Without my family's constant support, encouragement, and understanding, it would not have been possible to achieve my educational goals.

And finally, I owe a deep sense of gratitude to my best friends, Mirela Maksutaj, Eda Jorgji Brunilda Dhembli, Anisa Teodori, Albania Demi, Erda Cani and Ada Cara, whose support throughout this journey has been very valuable to me. They never stopped believing in me and never ceased to amaze me with their love and support. I consider myself so lucky for having you as friends. The geographical barriers were unnoticed, and you were always present when I needed most.

DECLARATION STATEMENT

I hereby declare that this PhD Thesis, titled ‘Child Exploitation in Albania: Revisiting The Concept Of Human Security’ is based on my original work except quotations and citations which have been duly acknowledged. I also declare that this thesis has not been previously or concurrently submitted for the award of any degree, at Epoka University, any other university or institution.

Eglantina Farruku

June 2021

TABLE OF CONTENTS

ABSTRACT	iii
ABSTRAKT	v
DEDICATION	vii
ACKNOWLEDGEMENTS	viii
DECLARATION STATEMENT	x
LIST OF TABLES.....	xvi
LIST OF FIGURES.....	xviii
LIST OF ABBREVIATIONS	xxi
LIST OF PUBLICATIONS BY THE CANDIDATE.....	xxiv
LIST OF APPENDICES	xxv

CHAPTER

CHAPTER 1: INTRODUCTION	1
1.1 Child Exploitation in Albania	1
1.2 Research Objectives, Research Questions and Hypotheses.....	2
1.2.1 Research Objectives	2
1.2.2 Research Questions	3
1.2.3 Hypothesis.....	3
1.2.4 Structure	4
CHAPTER 2: LITERATURE REVIEW	7
2.1 Conceptual Framework.....	8
2.2 Theoretical Framework.....	8
2.3 Forms of Child Exploitation	9

2.4 Information on Data Collection	15
2.5 Factors Influencing the Child Exploitation.....	16
2.6 Human Security	19
CHAPTER 3: METHODOLOGY	21
3.1 Research Methodology	21
3.2 Survey Questionnaire and Profile of the Respondents	22
3.3 Secondary Resources Data Collection.....	25
3.4 Data Analysis and Report Writing.....	26
3.5 Ethical Considerations	26
3.6 Study Limitations.....	27
CHAPTER 4: CONCEPTUAL AND THEORETICAL FRAMEWORK.....	30
4.1 Child Exploitation.....	30
4.1.1 Child as a Concept.....	30
4.1.2 Exploitation	31
4.2 Main Concepts Related to Child Exploitation	34
4.2.1 Child Protection.....	34
4.2.2 Child Welfare	36
4.2.3 Child Safety.....	37
4.2.4 Child Safeguarding.....	37
4.3 Theories Related to Child Exploitation.....	40
4.3.1 Theory of Victimology.....	40
4.3.2 Victim Precipitation Theory.....	41
4.3.3 Lifestyle as The Influencer of Victimization	42
4.3.4 Routine Activity as Influencer of Victimization	43
4.4 Conclusion	43
CHAPTER 5: FORMS OF CHILD EXPLOITATION	44
5.1 Trafficking	44
5.1.1 Trafficking Related Terms and Definitions	45
5.1.2 Albania as a Source Country.....	52
5.1.3 Albania as a Transit Country.....	60

5.1.4 Albania as a Destination Country.....	62
5.2 Child Labour	63
5.2.1 Child Labour Related Terms and Definitions	64
5.2.2 Differences between ‘Child Work’ and ‘Child Labour’	68
5.2.3 Worst Forms of Child Labour	70
5.2.4 Forced Child Labour	71
5.2.5 Albanian Perception on Child Labour.....	73
5.2.6 Evaluation of The Forms of Child Labour	74
5.2.7 National Registered Cases.....	78
5.2.8 The Relation between Child Labour and School Enrollment	87
5.3 Sexual Exploitation.....	90
5.3.1 Sexual Exploitation Related Terms and Definitions	92
5.3.2 Forms of Sexual Exploitation.....	96
5.4 Conclusion	122

CHAPTER 6: FACTORS INFLUENCING CHILD EXPLOITATION..... 123

6.1 Economic Perception on Exploitation: “Supply and Demand”	123
6.2 Factors Influencing Child Exploitation: Push Factors	125
6.2.1 Poverty	126
6.2.2 Unemployment	128
6.2.3 Lack of Education	130
6.2.4 Low Education Level of Parents	132
6.2.5 Domestic Violence	132
6.2.6 Health and Social Services	133
6.2.7 Migration.....	134
6.2.8 Dysfunctional Families	136
6.2.9 Culture Norms	137
6.2.10 Gender Discrimination	138
6.2.11 Natural Disasters	139
6.2.12 Inadequate Legislation	139
6.2.13 Lack of Birth Registration.....	139
6.2.14 Corruption	140
6.3 Conclusion	140

CHAPTER 7: PUBLIC POLICY DIMENSION OF CHILD EXPLOITATION	142
7.1 Institutional Shortcomings	145
7.2 Legal Framework Disparities.....	147
7.3 Conclusion	153
CHAPTER 8: CHILD EXPLOITATION CONCEPTUAL FRAMEWORK: A QUANTITATIVE ANALYSIS.....	155
8.1 Demographic Data of the Respondents.....	155
8.1.1 Age and Gender.....	155
8.1.2 Level of Education	156
8.1.3 Field of Study.....	156
8.1.4 Workplace	157
8.1.5 Job Position	157
8.2 Quantitative Data Analysis on the Child Exploitation Issues in Albania	158
8.2.1 Familiarity with the Child Related Concepts	159
8.2.2 Awareness of Child Exploitation in Albania.....	161
8.2.3 Frequency of Online Media Usage on Child Exploitation Information.....	162
8.2.4 Target Groups of Child Exploitation.....	162
8.2.5 Geographical Area of Albania Affected by the Child Exploitation	163
8.2.6 Awareness of Organizations Addressing Child Exploitation Issues in Albania	164
8.2.7 The Consequences of Exploitation.....	165
8.2.8 Categories of Children Targeted for Exploitation.....	168
8.2.9 The Most Significant Problems of Child Exploitation in Albania.....	171
8.2.10 Public Policies to be Prioritized	173
8.2.11 Causes of Child Exploitation.....	175
8.3 Conclusion	177
CHAPTER 9: REVISITING HUMAN SECURITY: A NEED FOR A NEW CONCEPT OF ‘CHILD SECURITY’	179
9.1 Security as a Core Concept.....	179
9.2 Historical Changes in Understanding of Security Concept	180
9.3 The Development of Human Security Concept.....	183
9.4 Theories on Human Security	191

9.4.1 The International Relation Theory	192
9.4.2 Critical Theory	192
9.4.3 Constructivism	193
9.4.4 Neorealism	194
9.4.5 Realism.....	194
9.5 Understanding Security and Seven Components of Human Security in Albania....	195
9.6 ‘Child Security’: Adoption of a New Concept as a Solution.....	201
9.7 Conclusion	207
CHAPTER 10: CONCLUSIONS AND RECOMMENDATIONS	208
10.1 Conclusions.....	208
10.2 Recommendations.....	215
REFERENCES	220
APPENDICES.....	246

LIST OF TABLES

Table 5.1	Criminal offences of trafficking in minors during the years 2005-2015.....	54
Table 5.2	Data on child trafficking published by the State Police.....	55
Table 5.3	Data on recorded cases of child trafficking provided by the Prosecutor of Serious Crimes and Albanian courts of different level (based on the reports of the Ministry of Interior.....	56
Table 5.4	Data on child trafficking provided by the Ministry of Justice included in the reports of the Ministry of Interior.....	56
Table 5.5	Annual Statistics taken by the reports of the Ministry of Justice (Ministry of Justice, 2004 2018)	57
Table 5.6	The Distribution of children by age group and labour status.....	79
Table 5.7	Distribution of boys and girls by age group and labour status.....	79
Table 5.8	Distribution of children in employment by type of economic activity.....	80
Table 5.9	Distribution of children in employment by type of economic activity and age..	80
Table 5.10	School attendance of working children by age.....	87
Table 5.11	Time-use patterns of children aged 6-17, by sex. All Boys Girls.....	88
Table 5.12	Time-use patterns of children aged 6-17, by age.....	88
Table 5.13	Statistics on Children's Work and Education (2015)	89
Table 5.14	Statistics on Children's Work and Education (2016).....	89
Table 5.15	Statistics on Working Children and School Attendance (2017).....	89
Table 5.16	Statistics on Children's Work and Education (2018).....	89
Table 5.17	Court data on sentencing of people charged on running prostitution rings during the period 2005-2008.....	102

Table 5.18 The Total Sum of Requests Submitted to Court, on Underage Marriage in Reference to Municipality and Attached to Respective Years.....	119
Table 6.1 Unemployment Rate 2007-2015.....	129
Table 7.1 (Question 14): To what extent do you agree with the following statements? Please give your opinion for each of them.....	152
Table 8.1 Field of Study of the Respondents.....	157
Table 8.2 Workplace of the Respondents.....	158
Table 8.3 The Job position of the respondents.....	158
Table 8.4 Familiarity with child related concepts.....	159
Table 9.1 Strategic Documents of Albania.....	195

LIST OF FIGURES

Figure 4.1 (Question 1): Which of The Following Child Related Concepts You are Familiar with?.....	39
Figure 5.1 (Question 1): Which of the following child related concepts you are familiar with? (Age Distribution)	47
Figure 5.2 (Question 1): Which of the following child related concepts you are familiar with? (Workplace Distribution).....	48
Figure 5.3 (Question11): Which of the following alternatives is the main problem of child exploitation in Albania?.....	49
Figure 7.1 (Question 12): Which of the following policies should be prioritized to improve child issues?.....	151
Figure 8.1 Age Groups of the Respondents (Gender Distribution)	156
Figure 8.2 (Question 1): Which of the following child related concepts you are familiar with? (Gender Distribution)	160
Figure 8.3 (Question 1): Which of the following child related concepts you are familiar with? (Age Distribution)	160
Figure 8.4 (Question 1): Which of the following child related concepts you are familiar with? (Workplace Distribution)	161
Figure 8.5 (Question 4): How much are you aware of child exploitation in Albania?.....	162
Figure 8.6 (Question 5): How often do you visit online media to gain information on child exploitation occurrences? ?.....	163
Figure 8.7 (Question 6): In your opinion, which one of the following groups are the target of exploitation? ?.....	163
Figure 8.8 (Question 7): In your opinion, in which area of Albania child exploitation is most prevalent?.....	164

Figure 8.9 (Question 8): Are you aware of any governmental or non-governmental organizations responsible for addressing child exploitation issues in Albania?.....	165
Figure 8.10 (Question 9): What might be the consequences of exploitation for the victim child's life?.....	166
Figure 8.11 (Question 9): What might be the consequences of exploitation for the victim child's life? (Gender Distribution)	167
Figure 8.12 (Question 9): What might be the consequences of exploitation for the victim child's life? (Age Distribution)	167
Figure 8.13 (Question 9): What might be the consequences of exploitation for the victim child's life? (Workplace Distribution)	168
Figure 8.14 (Question 10): What sort of children is targeted for exploitation?.....	169
Figure 8.15 (Question 10): What sort of children is targeted for exploitation? (Gender Distribution)	170
Figure 8.16 (Question 10): What sort of children is targeted for exploitation? (Age Distribution)	170
Figure 8.17 (Question 10): What sort of children is targeted for exploitation? (Workplace Distribution)	171
Figure 8.18 (Question 11): Which of the following alternatives is the main problem of child exploitation in Albania? (Gender Distribution)	172
Figure 8.19 (Question 11): Which of the following alternatives is the main problem of child exploitation in Albania? (Age Distribution)	172
Figure 8.20 (Question 11): Which of the following alternatives is the main problem of child exploitation in Albania? (Workplace Distribution)	173
Figure 8.21 (Question 12): Which of the following policies should be prioritized to improve child issues? (Gender Distribution)	174
Figure 8.22 (Question 12): Which of the following policies should be prioritized to improve child issues? (Age Distribution)	174
Figure 8.23 (Question 12): Which of the following policies should be prioritized to improve child issues? (Workplace Distribution)	175
Figure 8.24 (Question 13). What are the causes of children being subject to exploitation?	176

Figure 8.25 (Question 13). What are the causes of children being subject to exploitation? (Gender Distribution)	177
Figure 8.26 (Question 13). What are the causes of children being subject to exploitation? (Age Distribution)	177
Figure 8.27 (Question 13). What are the causes of children being subject to exploitation? (Workplace Distribution)	178
Figure 9.1 Development of The Concept of Human Security.....	192
Figure 9.2 (Question 2). To what extent do you agree with the explanation that children are incomplete beings who are not fully competent to determine and safeguard their interests?.....	204
Figure 9.3 Multidimensional Characteristics of Child Security Concept.....	205
Figure 9.4 (Question 3). To what extent do you agree this new concept of “child security” is needed?.....	207

LIST OF ABBREVIATIONS

ACRWC	The African Charter on the Rights and Welfare of the Child
ACTSEC	The Albanian Coalition against Child Trafficking and Sexual Exploitation of Children
ARSIS	Social Organization for the Support of Youth
CCPR	The International Covenant on Civil and Political Rights
CEDAW	The Convention of the Elimination of all forms of Discrimination against Women
CESCR	The International Covenant on Economic, Social and Cultural Rights
CFS	Committee on World Food Security
CPI	Transparency International's Corruption Perceptions Index
CPU	Child Protection Units
CRC	Convention of the Rights of Children
CRCA	The Child Rights Centre Albania
CSEC	Commercial Sexual Exploitation of Children
DCI	Defense for Children International
DFR	Directorate for Refugees
ECHR	European Human Rights Convention
ECPAT	End Child Prostitution and Trafficking
EU	European Union
EURALIUS	Consolidation of the Justice System in Albania
GFK	Growth for Knowledge, Albania Research Institute and International Expert

GRETA	Group of Experts on Action against Trafficking in Human Beings
HRC	The Human Rights Council
ILO	International Labour Organization
INSTAT	The State Statistical Office
IOM	International Organization for Migration in Albania
IPEC	International Programme on the Elimination of Child Labour
IPEC	SIMPOC-Statistical Information and Monitoring Programme on Child Labour
ITUC	International Trade Union Confederation
LFPR	Labour Force Participation Rate
NGOs	Non-governmental Organizations
NSPCC	National Society for the Prevention of Cruelty to Children
ODIHR	The Office for Democratic Institutions and Human Rights
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OHCHR	Commissioner for Human Rights or the United Nations Human Rights Office
OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
OSCE	Organization for Security and Co-operation in Europe
SAPCR	Suit Affecting the Parent-Child Relationship
SIDA	Swedish International Development Cooperation Agency
SOCA	Serious Organized Crime Agency
THB	Trafficking of Human Beings
UDHR	Universal Declaration on Human Rights
UKHTC	A Strategic Assessment on the Nature and Scale of Human Trafficking
UN	United Nations
UNFPA	United Nations Population Fund
UNICEF	The United Nations Children's Emergency Fund

UNODC United Nations Office on Drugs and Crime
WHO World Health Organization

LIST OF PUBLICATIONS BY THE CANDIDATE

A. Scientific Journals

1. Eglantina Farruku, "The Political Development of Women in Albania" *European Journal of Sustainable Development*, (2015), Vol. 4, No. 3, 13-22 ISSN: 2239-5938
Doi:10.14207/ejsd.2015.v4n3p13
<http://ojs.ecsdev.org/index.php/ejsd/article/view/281>
2. Eglantina Farruku, "Redefining Human Security. The Case of Albania", *Annales. Etyka w Życiu Gospodarczym / Annales. Ethics in Economic Life* 2016, Vol. 19, No. 4, December 2016, 81–99 doi: <http://dx.doi.org/10.18778/1899-2226.19.4.06>
<https://www.ceeol.com/search/article-detail?id=470957>
3. Eglantina Farruku, Assoc. Prof. Dr. Salih Özcan "Evaluation of Child Trafficking in Albania" *International Journal of Anglisticum* Vol. 9, No. 2 (2020)
<http://anglisticum.org.mk/index.php/IJLLIS/article/view/2053>

B. Conference Participations

1. Eglantina Farruku, "Protection of vulnerable children in Albania" International Conference on Economic and Social Studies (ICESOS 2014), Sarajevo Bosnia and Herzegovina ISBN 978-9958-834-39-4, 24 - 25 April, 2014.
2. Eglantina Farruku, "Challenges and Opportunities Cooperation of ESDP with NATO, UN and OSCE" RSEP International Conferences on Social Issues and Economic Studies, ISBN: 978-605-307-447-2 2016, Madrid.
3. Eglantina Farruku, "The Status of Sovereign States in the Challenges of Globalization " World LUMEN Congress 12th – 17th of April 2016, Iasi & Suceava, Romania.

4. Eglantina Farruku, Assoc. Prof. Dr. Salih Özcan , “Factors contributing to child trafficking in Albania: Push Factors” Jean Monnet International Conference, Oradea, Romania, November 5-7, 2019

LIST OF APPENDICES

Appendix 1. Survey in English Language	247
Appendix 2. Survey in Albanian Language.....	252

“Our children are the rock on which our future will be built, our greatest asset as a nation. They will be the leaders of our country, the creators of our national wealth, those who care for and protect our people”

Nelson Mandela

CHAPTER 1: INTRODUCTION

1.1 Child Exploitation in Albania

The recognition of child exploitation as a serious and sensitive problem that needs to be studied and addressed is a relatively new phenomenon in Albania. The concerning issue first appeared in the 1990s due to political, economic, social and cultural changes in the country. These changes occurred after the fall of the communist dictatorship and international isolation. Further, a new regime flourished, and Albania evolved from a totalitarian regime to a democratic society. The new regime contributed to new situations that children become subject to various forms of exploitation in private and public spheres of their lives and the most vulnerable group in society. Conversely, the socio-economic challenges that followed, led some parents to abandon their children and entrust them to caregivers, friends, teachers, and even to people they know little about.

The Albanian Constitution in article 54/1 points out that “children have the right to a special protection by the state” (Albanian Parliament, 1998, p. 10). Regarding this, the state’s efforts and commitment by adopting several laws, policies and strategies against child exploitation resulted to be unsuccessful. On the other hand, since cases of children are found in various exploitative situation, the phenomenon is still flourishing. This is explained due to several important reasons. The state faces huge problems in the implementation of the laws, strategies and policies. On the other hand, there is a lack of will, by the lawmakers to combat child exploitation or accomplish the international standards properly. From, another point of view, child exploitation as mentioned above, is a new phenomenon and its related terms and concepts are not familiar to the lawmakers and Albanian society. Accordingly, there is a lack of definitions on what constitutes exploitation acts against children and the related forms to exploitation. Another problem consists in Albania lacking a regular data collection

mechanism that provides systematically stored data on exploitation cases. Therefore, the child exploitation cases rest not being addressed justly due to a lack of appropriate, reliable and sufficient information.

This chapter elaborates on the current situation of child exploitation in Albania by trying to relate it to the aims of this study, the research questions, hypothesis and concluding by giving a brief outline of the structure of this study.

1.2 Research Objectives, Research Questions and Hypotheses

1.2.1 Research Objectives

This study aims to discover the prevalence of child exploitation in Albania, the importance of investing more in child issues and the fight against child exploitation, which is affecting the children's wellbeing. Particularly research objectives are as follows:

- **RO1:** To examine and clarify the definition of the concepts of child exploitation and child security and to place these within the larger concept of human security in order to elucidate better terms of concepts.
- **RO2:** To identify most common forms of child exploitation in Albania and evaluate gaps in recorded and existing cases of child exploitation by using media, official government documents, international reports and other literature.
- **RO3:** To analyse the social, political, economic and other factors that give rise to child exploitation.
- **RO4:** To elucidate aspects of the practitioner and public policy responses, or lack of responses, to child exploitation.

I used both a quantitative and qualitative approach to carry out my research. The quantitative method is used to capture perceptions and 452 understandings of an elite group of participants in child issues through a questionnaire survey. Furthermore, I based the majority of my work on a literature review to provide a base for the current development of child exploitation being manifested in various forms in Albania by also trying to give more information on what has been done so far to solve this issue and to figure out the challenges and gaps that Albania faces on the said issue. I then supplemented my findings with a

questionnaire survey in order to confirm, correct or discover new knowledge which is related to the purpose of the study, and it helps me as a researcher, focus on the importance of child exploitation of the benefits in investing more in it and how exploitation is curbing the children's wellbeing.

Referring to research questions, they are consistent with the design of the qualitative and quantitative study. The questions emerged and were refined during the literature review in response to the child exploitation issues in Albania. Therefore, the following ones are what this study worked on:

1.2.2 Research Questions

- **RQ1:** Will greater conceptual and legal clarity surrounding child exploitation, child security, and its insertion into a human security framework, advance the issue of child exploitation?
- **RQ2:** How do economic, political and social factors, in particular economic and social inequality, with an emphasis on poverty, account for and explain the phenomenon?
- **RQ3:** How can we identify and understand disparities in handling the child exploitation issues in Albania and the gap in data between reported child exploitation and actual child exploitation?
- **RQ4:** How can this study inform practitioners and policymakers on the issue of child exploitation?

1.2.3 Hypothesis

In this study, several hypotheses will be provided, and it appears that they will be fully or to a greater extent upheld by the shreds of evidence to be offered throughout the thesis. These are:

- **RH1:** Greater clarity of legal and conceptual definitions – notably child exploitation, child security, human security - will advance addressing the issue of child exploitation.

- **RH2:** Closing the gap in data between actual child exploitation cases and reported cases will advance institutional and legal dimensions in addressing issues.
- **RH3:** Inconsistencies and lack of understanding and attention to social, political, economic, legal factors result in insufficient action of child exploitation issues, particularly as related to families in poverty who are most vulnerable.
- **RH4:** An elucidation of the concepts and the conditions of child exploitation will improve policy decisions taken by policymakers on the issue.

1.2.4 Structure

In accordance with the structure of the thesis, this dissertation is composed of 10 chapters. The first chapter is the introductory one, which serves to give the reader a general background of this study and what I am arguing through this dissertation.

Chapter two analyses the review of the literature which relates to child exploitation and its related forms. Through this chapter, I probe deeper into the understanding of the international literature, and then by being more specific to the Albanian case and national perception of the children's issues. This helps me as a researcher to understand how my study fits in a broader context.

Moving on to Chapter three, methodology, I make mention of the importance of doing a combination of quantitative and qualitative research for this study and the benefits of it. The secondary resources on child exploitation are collected through literature based on various international and national research studies concerning the issue. Further, a survey questionnaire is conducted to 452 elite respondents with from the central government, local government, NGOs, judiciary, academia and the media who deal with and have knowledge and experience on various issues of children. The survey questionnaire conducts a data collection and data analysis for this study by also pointing out the limitations and taking into consideration the ethics for such a study.

Chapter four, theoretical and conceptual framework elaborates the main concepts used for child exploitation study referring to different approaches, explanations and interpretations. Further, the chapter sets the ground for this dissertation to be framed by introducing the

theory of victimology, 'the victim precipitation theory', lifestyle as the influencer of victimization' and the 'routine activity as an influencer of victimization'.

Chapter five deals with the forms that affect child exploitation in Albania. Among them, the biggest and severest forms of child exploitation are child trafficking, child labour, and sexual exploitation. Definitions, exploitations and data collection are provided for each form of child exploitation. Further, the forms of child exploitation constitute the core of the thesis.

Chapter six elaborates on the factors that influence child exploitation in Albania. The situation in Albania indicates that the exploitation of children is greatly determined by interrelated factors. Among others, poverty is the biggest problem influencing child exploitation. Parents, close relatives and caregivers play key roles in the victimization process of their children. They did this by trading their children out of poverty and poor socio-economic situations. Traffickers and exploiters also took advantage of these situations to subject the child to various forms of exploitation.

Chapter seven refers to the public policy dimension of child exploitation, emphasizing the responsibility of the government to implement successfully initiatives, policies, and laws in the best interest of the children. Further, the chapter identifies institutional gaps and legal framework disparities on the issue.

Chapter eight is one of the most important ones for this dissertation because it contains data analysis, discussion and interpretation of the data collected regarding various issues concerning children in Albania. Data analysed and collected from the survey are organized to answer the research questions posed at the beginning of this study. Further data collection has contributed to filling the gaps of research that exists for this topic in the Albanian context and considering some implications for future research needed on this issue.

Chapter nine deals with the understandings of security concepts, and their historical changes at the beginning, by making several theoretical explanations and interpretations of various security types such as state security, national security. Further, the development of the human security concept has been elaborated in detail. By the end, the chapter proposes the implementation of a new concept of 'child security' studied under the 'shelter' of 'human security' to cover children with wider security problems and concerns.

Chapter ten, as the concluding chapter, makes a synopsis of the findings from this study and how these have contributed to filling the gaps of research that exists for this topic in the Albanian context and also considering some recommendations for future research needed on this issue in order to combat or minimize child exploitation and improve children's opportunities for a better life.

CHAPTER 2: LITERATURE REVIEW

This chapter provides a review of the existing literature to understand and identify holes in the current situation of child exploitation as a national issue. Considering that child exploitation in Albania is a quite sensitive issue, it is necessary to include numerous of resources to find out why this phenomenon is happening. Additionally, the literature involves various books, articles, reports, legal codes, strategic documents, conventions, protocols, directives, and policies. Such resources are pivotal to this dissertation, admits enhancing a further recognition of the different aspects of child exploitation in Albania. However, in addition to a limited number of literatures being reviewed all the aspects of the study are not found to be identified. Regardless of this being a major social issue, various insinuations of this phenomenon have not been researched very extensively. On the other hand, these studies are partially focusing on some forms of child exploitation under different headings. For instance, these authors, Shanaj, Hallkaj and Cuninghame (2015), produced a report for UNICEF titled as ‘Child Notice in Albania’. The said report describes the situation of children in Albania providing legal and practical information on education, health care, child protection, armed conflict, juvenile justice, trafficking etc. Further, the second study has been produced by Sonila Danaj (2011), titled ‘Situation Analysis on Child Protection System in Albania’ focuses on child protection. In this report, the forms of child exploitation are elaborated in another form such as child registration, child labour, sexual abuse, exploitation for prostitution etc. On the other hand, no comprehensive study can be found covering almost all forms of child exploitation issues. Therefore, while setting the scene for the research, this chapter tries to explain why this topic which has not been previously studied in a refined structured way before in the Albanian context deserves the attention of anyone who is trying to understand how exploitation is affecting children by putting them at risk.

2.1 Conceptual Framework

When started looking into the existing literature for different facets of child exploitation, a specific definition of ‘child’ and ‘exploitation’ is needed first-hand, before moving on to scrutinizing other dimensions of child exploitation. Firstly, in reference to the term ‘child’ many legal documents have a common definition of it. More to the point, the Convention of the Rights of The Child (article 1), the ILO Worst Forms of Child Labour Convention No.182, 1999 (article 2) and Trafficking Protocol (article 3) define a ‘child’ as every individual below the age of 18 years. In contrary, the Albanian Legislation does not provide a proper definition, a precise age or a limitation of the age to consider a child. An examination has been done to the Albanian Constitution, the Criminal Code, the Criminal Procedure Code, the Civil Code and the Labour Code and none of them give an explicit definition of what a ‘child’ means. However, the Albanian Law No. 18/2017 ‘Concerning the Protection of the Rights of the Child’ defines a ‘child’ to every human being up until 18 years of age. With respect to the second term ‘exploitation’, literature in the midst strengthens that despite there being a range of different understandings, still there is no standard definition of the said term The United Nations defines the concept of exploitation as to take advantage of a person for one’s benefits. While the Albanian legislation does not provide any definition of the said concept.

Children are the most vulnerable group of society. Their issues have resulted to be very sensitive and addressed in the perspective of human rights. Children in Albania represent a greater proportion of those who are subjects of exploitation due to their vulnerabilities. The increased level of vulnerability of children cause exploiters to take advantage to violate their rights and breach in the same time the fundamental human rights. Children deserve respect for their rights. exploitation among children is unlawful under the Convention of the Rights of Children. Articles 32 and 34 of the CRC indicates the protection of children from all forms of exploitation which are also crucial to this dissertation.

2.2 Theoretical Framework

Strip searching the current literature, it is noticed that child issues are studied under the lenses of various theories aiming to analyse different aspects of the phenomenon. Henceforth, the theory of victimology is interpreted “as the study of victims of crime” (Fergusonand & E.

Turvey, n.d, p. 19). Further it considers exploitation as a violation of human rights and assumes the high risk that the children have to become victims of various forms of exploitation. Probing through a variety of theories, Robert F. Meier and Terance D. Miethe come forth with a different theory called ‘the victim precipitation theory’ meaning the involvement of the victim in an activity with or without their awareness. Additionally, ‘lifestyle as the influencer of victimization’ is another alternative to the theories, explaining how the lifestyle chosen by individuals can make them become victims of different forms of exploitation. Some other theory is the ‘routine activity as influencer of victimization’ one, which explains the victimization of children by their routine activities outside their home.

2.3 Forms of Child Exploitation

This thesis further aims to study various forms that affect child exploitation. In reference to this, the focus of this research is to present forms of exploitations that affect mostly the Albanian children. Among them, the biggest and severest forms of child exploitation are child trafficking, child labour and sexual exploitation. The international legal framework is a great help for this study to provide a clear understanding of the related forms and further to make a comparison with the national legal framework.

As the main form of exploitation, ‘trafficking’ is considered as a very sensitive issue, one of the illegal activities and part of the organized crime. The article 3/d of The United Nations Convention against Transnational Organized Crime, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000, defines the trafficking of children as “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation ...” (United Nations, 2000, p. 3). The movement of children within the border of a country or outside of it with the porpoise of exploitation are crucial elements to consider cases of child trafficking. Albania is a signatory of the abovementioned protocol and has adopted the said definition in the criminal code.

In Albania, child trafficking is a new phenomenon flourished after the fall of communism and the establishment of the Democracy in the country. International actors as the U.S. Department, United Nations Office for Drugs and Crime, United Kingdom Home Office, ECPAT International, GRETA (Group of Experts on Action against Trafficking in Human Beings), International Organization for Migration in Albania (IOM) have published various

reports which all identify the core of the problem that children are vulnerable to trafficking. The U.S. Department of State through *'Trafficking in Persons Report 2018'* has claimed that Albania is “a source, transit, and destination country for children subjected to sex trafficking. (U.S. Department of State, 2018, p. 69).

By probing into the forms of child exploitation, ‘child labour’ is another form affecting the Albanian children. Various international organizations have provided the definition of the concept of child labour. The International Labour Convention has established three important conventions; the Minimum Age Convention, 1973 (No.138) that permits the person at the age of 15 to be engaged in economic activities without affecting the wellbeing of the children; the Worst Forms of Child Labour Convention, 1999 (No 182) and the Forced Labour Convention 1930 (No.29). The said conventions provide definition of various concepts related to labour. Additionally, ILO defines ‘child labour’ as that type of work that harm the children’s dignity and their development. However, ILO attempts to clarify that “not all work done by children should be classified as child labour” (ILO, n.d). Regarding this, it refers to ‘child work’ as another concept that means the involvement of children in economic activity which does not harm their physical and mental development, but it can affect in a positive way. Concerning this, the literature is divided into the positive and negative approach. The negative approach is against of any work occurring under the minimum age for employment set by the ILO Convention. Michael Bourdillonin in his article ‘Problems with Child Labour’ 2005, explains that when you use the term ‘child labour’, people’s reaction to it would be to think of child employment before and then create a link between employment and harm. In controversy, the representatives of the positive approach support the idea that child work make children to be responsible, to value the efforts to obtain things. In accordance with the explanations of child labour terms, ILO, under the convention no.182 has defined ‘the worst forms of child labour’ as a term refers to all those cases when a child is exposed to harmful practices at work which violates their basic rights. Nonetheless under the ILO Forced Labour Convention, 1930 (No. 29), article 2/1 is defined the term ‘forced labour’ as: “all work or service which is exacted from any person under menace of any penalty and for which the said person has not offered himself voluntarily” (ILO, 1930). Moreover, ‘hazardous work’ is another term used to identify children involved in dangerous activities which can harm their development. Furthermore, the ILO Convention no.138, article 7, explains another term ‘light work’ as work which is not harmful to children’s health and development and does not interfere to child’s education.

A final term explained by ILO is ‘economic activity’ which is defined “as a broad concept that encompasses most productive activities undertaken by children, whether for markets or not, paid or unpaid, for few hours or full time, on a casual or regular basis, legal or illegal; it excludes chores undertaken in the child’s own household and schooling” (ILO, 2006, p. 6).

Following the review on international literature, the study aims to explore the Albanian perception on child labour. Albania is a signatory of the abovementioned ILO Conventions. Based on ILO’s requirements to the states to set a minimum age for the employment, Albania through article 98 of the Labour Code permit children to work from the age 15 to 16 on light work that does not affect negatively their development. However, following the reviewing of the Labour Code, some loopholes need to be tackled. Article 99/1 mention that the juveniles between 16 and 18 years of age can be engaged to ‘easy jobs’ that do not harm their health and growing up. Related to this article, there is a lack of definition what easy jobs means. Other problem is that there isn’t any article that criminalizes the child labour exploiters.

Generally, Albania is a supporter of the positive approach referring to the engagement of children in working not in labour. This means that, some of the work in Albania may be considered as a culture norm and help child upbringing process. In Albania, it is common for boys to be likely engaged into various labour processes. Therefore, it is significant for parents and caregivers to be informed for children engagement limits, in order not to obstruct their rights. Nonetheless, The European Commission Report 2019 in Albania emphasized the severity of the problem. Literature examines that both girls and boys are engaged into formal and informal labour sector. In the formal sector, the age of children is covert and in the informal sector children work unofficially without any employment contract or insurance. ILO has stated that child labour occurs because of the strong relation that exist “between household poverty and child labour” (ILO, 2020, p. n.d).

In accordance with different sources, various forms of child labour are practices in Albania. The most usual types of child labour are begging; car washing; sorting through rubbish in the streets; working at home (homework); agriculture; construction work, and mining. Literature provides the definitions of these classification of labour forms.

Foremost, ILO defines begging as a set of activities having people engaged in it by asking strangers for money by virtue of health or religious reasons. Looking at the phenomenon of child begging, Emily Delap in 2009 conducted a research in Albania/Greece, India and Senegal and, in the report, entitled ‘Begging for change’ admits that children are used to obtain financial benefits rather than respecting a child with rights. Secondly, car washing employs young people under the age 18 and operates officially by registered activities and informally. Thirdly, sorting through rubbish in the streets is one of the most humiliating forms of child labour practiced by families of extreme poverty. Fourth, working at home refers to the work done at home by adults of the family where children are engaged as well. Samuel Grumiau, through a research conducted in Albania in 2004, about ‘Child Labour in Albania’ reported that the families working at home for Bertoni’s company in Shkodra were under serious exploitation. Fifth, agriculture is another form of child labour which children assist their parents in farming, planting, harvesting, and taking care of animals and livestock. Ministry of Justice stated in its periodic reports ‘Findings on the Worst Forms of Child Labour: Albania’ 2012 that children involved in agriculture find themselves using dangerous tools, applying harmful pesticides and carrying heavy loads. Sixth, referring to construction work the International Trade Union Confederation in Albania has reported that “20% of construction workers are less than 16 years of age” (ITUC, 2010, pp. 5-6). They are hired without signing the employment contract and are paid very low and have a long duration of working hours. Seventh, mining is the last form of child labour affecting children in Albania. Ministry of Justice through the report ‘Findings on the Worst Forms of Child Labour: Albania 2017’ admitted that mining is the last form of child labour affecting children in Albania. Children working in mines lack the safety conditions and equipment and without any employment contract as it is mentioned above when mentioning other forms of child labour. The tragedy of Gerdeci (a small village near Tirana) proved that children were engaged to dismantle dangerous military munitions.

Linking to the abovementioned material, sexual exploitation is the last of the three forms included in child exploitation. The explanations on child sexual exploitation related terms and concepts are very important. The literature assumes that there is no agreed common definition of the term. ECPAT International defines commercial sexual exploitation of children as “the use of a child for sexual purposes in exchange for cash, goods or in-kind favours between the exploiter, intermediary or agent, and others who profit from the sexual exploitation of the child” (Beaulieu, 2008, p. 41).

Sexual exploitation remains a very sensitive issue in Albania. U.S. State Department Report 2018 has stated that “Albania is a source, transit, and destination country for children subjected to sex trafficking” (U.S. Department of State, 2018, p. 69). Further the U.S. Department of State Report 2008, assumed that “approximately half of all Albanian trafficking victims are under age 18” (U.S. Department of State, 2008, p. 54).

The common forms of commercial sexual exploitation of children in Albania are child prostitution, child pornography, child sex-tourism, and child marriage. Referring to child prostitution, article 2 (b) of the ‘Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography’ (OPSC) (2000), The Council of Europe Convention ‘On the Protection of Children against Sexual Exploitation and Sexual Abuse’ (also known as Lanzarote Convention), article 19/2, the European Union (EU) Directive 2011/92 in article 2/d, and ECPAT International define ‘child prostitution’ as the use of a child in sexual activities for remuneration or any other form of consideration. Referring to the Albanian legislation, the criminal code does not provide any definition of child prostitution but article 114 paragraph 2, criminalizes the offence by seven to fifteen years of imprisonment. Child prostitution is practiced in capitals, tourist areas and industrial areas. Young girls are mostly affected by the phenomenon, those coming from rural areas and poor families.

Child pornography is another form of child sexual exploitation in Albania which is defined by various conventions. The Convention on the Rights of the Child’ (1989), article 34/c, The African Charter on the Rights and Welfare of the Child (ACRWC) article 27/c and ILO Convention (1999) No.182, article 3/b defines ‘child pornography’ as the exploitative use of children in pornographic performances and material. Furthermore, article 2 of The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) (2000) and article 20/2 of The Council of Europe Convention On Protection of Children against Sexual Exploitation and Sexual Abuse also known as ‘the Lanzarote Convention’ define ‘child pornography’ as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. Referring to Albanian legislation, ‘pornography’ is mentioned in article 117 of the Criminal Code. However, the said article does not provide any definition of child pornography and does not cover representation of children in pornographic circumstances by whatever means. Further,

the article does not provide any punishment for depicting children engaged in real or pretended sexually explicit conduct, or any illustration of the sexual organs of a child for sexual purposes. Moreover, various forms of child pornography are not mentioned.

As an under researched issue, child sex tourism is flagged as highly sensitive. ECPAT International and The EU Directive 2011/93 paragraph 29 define 'child sex tourism' referring to people who travel from one location to another and there engage in sexual acts with children. Additionally, ECPAT mentions that exploiters can be married or single, and they take a grasp of the situation in which a child finds themselves in. Referring to Albania, various organizations states that the increase of tourism in Albania increases also the risk for children to become victims of sex tourism.

Last but not least, child marriage is another form of child sexual exploitation in Albania. Literature states that there is no universally accepted definition of child marriage. ECPAT International and the United Nations Population Fund (UNFPA) define 'child marriage' as the marriage of spouses below the age of 18. Child marriage is interpreted under the legal age for sexual activities. Regarding this, The Lanzarote Convention (2007), Article 18/1 and the EU Directive 2011/93 'On Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography', article 2 criminalizes the sexual activities with a child who has not reached the legal age for sexual activities. It should be noted that there is no international convention that set a legal age for sexual activities because the OPSC, The CRC, and ILO conventions leave free option to the States to set this age. On the other hand, Barbara Stark in her book 'International Family Law' (2005), has stated that if a boy or a girl has reached the legal age of sexual activities at the age 15-16, this should not be understood that they are ready to enter marriage.

In Albania, the criminal code criminalizes sexual activities with a minor under the age of 14. However, the Albanian Family Code, gives the competence to the local courts to permit children under 18 years old to marry for reasonable circumstances. Furthermore, literature also use the term 'early marriage' as a synonymous with child marriage. Looking into the literature, 'forced marriage' is another related concept to child marriage. The report of the Office of the UN High Commissioner for Human Rights (OHCHR) 'On preventing and eliminating child, early, and forced marriage', paragraph 6 and The Council of Europe Parliamentary Assembly, in its Resolution 1468 paragraph 4, the Joint general

recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, paragraph 22,, and ECPAT International define ‘forced marriage’ as any marriage of two persons which occurs without their full and free consent to the marriage. Other documents as the United Nations Universal Declaration on Human Rights (UDHR) through article 16/2, The Convention of the Elimination of all forms of Discrimination against Women (CEDAW), article 16/1b, The International Covenant on Economic, Social and Cultural Rights” (CESCR), (1966) article 10/1 and the International Covenant on Civil and Political Rights (CCPR) (1966) article 23/2 emphasize the equality of both spouses to express their free and full consent to enter into marriage. From other point of view, CEDAW & CRC see child marriage and early marriage similar to forced marriage since the children cannot give their full, free consent to enter into marriage. The Istanbul Convention (2011) in article 37 (2) criminalizes the cases of forced marriage (Council of Europe, 2011, p. 10).

Referring to Albanian legal framework, The Family Code in article 7 allows the union between spouses who are 18 years old. However, the code for important reasons, give the competence to the court to allow marriages prior to this age. Furthermore, the Civil Code of Albania in article 6/2 states that “the wife who has not reached the age of eighteen years shall win the full legal capacity through marriage” (Albanian Parliament, 2014, p. 10). On the other hand, the criminal code does not criminalize child marriage.

In Albania, child marriage continues to exist to a significant extent as a traditional practice in rural areas and amongst people living in poverty. Most of these people lack the resources to change the course of their futures and due to deprived circumstances, find it difficult to see any other alternatives. The families who engage in this practice consider alleviate their own financial responsibilities towards their children.

2.4 Information on Data Collection

Another issue that concerns this thesis, is the collection of the data in reference to all forms of child exploitation mentioned earlier. National statistics help to understand better the phenomenon of child exploitation in Albania even though the data presented by various sources differ from each other and this creates a big challenge and confusion to clearly specify the dimension of the problem. The difficulty consists in lacking a sampling frame of

both exploited children and exploiters, that are difficult to trace. Henceforth, there is no formal data registry in Albania, nor a specific methodology for data collection. Various organisations have been able to collect data based on the victims of the cases they assisted or followed. Contrary to this, all available data provided by international and national organizations and NGOs show that there are very few cases involved in child exploitation, and various sources differ in data. Hence, the data availability is to be questioned because it cannot be acknowledged for those numbers to denote the whole country.

However, to have an indication of the number of child exploitation reports within Albania were found from Ministry of Interior, Ministry of Justice, Ministry of Public Order, The Sector against Illicit Trafficking at the State Police, the Prosecutor of Serious Crimes, First Instance Court for Serious Crimes, Appellate Court for Serious Crimes, and Supreme Court.

Furthermore, an important contribution on providing data related to child exploitation forms in Albania are international actors, like: U.S Department of State, UK Reports, G R E T A (Group of Experts on Action against Trafficking in Human Beings), International Labour Organisation, Save the Children Report, The United Nations Children's Emergency Fund (UNICEF), The Child Rights Centre Albania (CRCA), Defense for Children International (DCI), The Albanian Coalition against Child Trafficking and Sexual Exploitation of Children (ACTSEC), Commissioner for Human Rights or the United Nations Human Rights Office (UNOHCHR), Organization for Security and Co-operation in Europe (OSCE), The Office for Democratic Institutions and Human Rights (ODIHR) and End Child Prostitution and Trafficking (ECPAT).

2.5 Factors Influencing the Child Exploitation

The thesis aimed to search for the factors that influence the phenomenon. The literature shows that child exploitation occurs because of many factors which are interconnecting with each other. International Labour Organization conducted a research entitled 'A Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Albania' mainly in Tirana, Vlora, Elbasan and Korca in 2003. Parents interviewed admitted that children were exploited due to extreme poverty. Additionally, another factor that has a strong relation with poverty is unemployment. Samuel Grumiau in his report 'International Confederation of Free Trade Unions (ICFTU)' states that unemployment is an important

factor explaining family poverty. Henceforth, another factor affecting child exploitation in Albania is the lack of education. Participation at schools can help to reduce the involvement of children in exploitation and further inform the children about the risks and consequences of the phenomenon. In the book entitled “Human Trafficking, People Smuggling, Refugee Migration and the News Media” 2017, the authors assume that “14,000 (4.6%) out-of-school children living in Albania” (Downman & Ubayasiri, 2017, p. 1). On the other hand the research conducted by Save the Children in Albania contested that “as many as 90% of girls no longer receive a high school education” (Renton, 2001, p. 2). From other point of view lack of education of children is also interconnected with the low education level of parents which is another factor that push children in an indirect form to become victims of exploitation. On the other hand, children become victims of domestic violence in family environment. According to the United Nations Children’s Emergency Fund (UNICEF) data, “around 59% of Albanian children say they have witnessed forms of domestic violence” (Grumiau, Child Labour in Albania , 2004, p. 20). Therefore, occurrences of domestic violence push children to abandon home and seek other opportunities of living risking them to become victims of exploitation. From other point of view, Albania faces huge problems in the sector of health and social services. There are many cases of children who suffer serious diseases, and the state does not finance their recovery inside and outside the country. Lack of social services is another problem affecting children and society. The existing of these problems in Albania makes people migrate in order to seek for new opportunities of living. Referring to children, United Nations states that “undocumented child migrants risk detention and often suffer egregious violations of their basic rights, including a lack of basic medical care” (United Nations Children’s Fund, n.d., p. 56).

Dysfunctional families are deemed as a pivotal factor of child exploitation. ILO Report entitled ‘Child Trafficking in Tirana, Vlora, Korca and Elbasan’ (2003) stated that “a majority of the children released from exploitation belong to dysfunctional families, a characteristic closely linked to poverty” (ILO, 2003a, p. 29).

Moreover, culture norm is another factor covering traditional social perceptions in Albanian society related to various forms of child exploitation occurrences. For instance, early marriage is mostly practiced in rural areas by respecting some traditional norms.

Noteworthy, gender discrimination is seen as another factor influencing child exploitation. Literature emphasized that girls are exploited in high ranks compared with boys referring to various forms of child exploitation. The role of females and the patriarchal mentality make females easy target for exploitation.

Since there are children and families already living in economic difficulties, the happening of natural disaster would diminish the possibility to survive. In this case children must move somewhere else in order to find a better place with new possibilities to live.

Inadequate legislation is seen as a building factor which adds more to child exploitation. According to the survey conducted by ILO in main cities in Albania, parents interviewed stated that “as long as strong penalties for exploiters do not exist; we and our children will continue to be at risk” (ILO, 2003b, p. 13). Parents blame the government for not setting severe punishment for the exploiters. Moreover, during the communism period the security of human being was strongly protected compared with the democracy. The government had established a severe legislation and no body dared to violate it.

The UN Convention on the Rights of the Child, article 7, highlights “the obligation of the state to register child immediately after birth and provide for them the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents” (United Nations, 1989, p. 3). Lack of birth certificate leads to risk of exploitation. When the exploiters plan to exploit the children abroad, they prepare for them fake documents by raising the age up to 18 years old as not to be considered as minors in order to facilitate the movement.

Corruption is seen as the crux of the flourishing of child exploitation. According to Transparency International’s Corruption Perceptions Index 2015 (CPI), “Albania is ranked 88 among 168 countries with a score of 36 points on a 0 (highly corrupt) to 100 (highly clean) scales” (Llubani, 2016, p. 28). Further, the report stated that in the three previous years it continues to perform worse than most of the Balkan countries. “Albania’s corruption score in the Freedom House’s Nations in Transit report has not changed drastically since 2007, ranging between “5 and 5.25 on a scale from 1 (highest level of democratic progress) to 7 (lowest level)” (Lamallari, 2016).

Corruption impedes identification of exploitation cases since departments of government are corrupted. They may manipulate the investigation and evidence. Prosecutors may not investigate identified cases through the criminal procedure or may reduce the penalties and on the other side judges may judge for the benefit of the exploiters by setting light sentences. If corruption is present in the apparatus of state, criminal activity will be present too.

2.6 Human Security

Regarding the topic of this thesis, human security is the second part of the study. One chapter will be dedicated to human security overall. Therefore, in this literature review to avoid repetition most of the literature in theory for general understandings of human security will be studied in that specific chapter. However, here it would be appropriate to mention a couple of core studies about human security in Albanian context. During the communism period, human security was an unknown concept in Albania. Security was interpreted as security of state's territory following the traditional notion of state security and national. On the other hand, the fall of communism regime and the establishment of the democracy in country brought the reconceptualization of security concept. Related to this, the human being became a priority of security issues in contrary to the traditional security studies that focuses on state issues as the main concern. The new understanding of human security was strongly related to identify new threats that affects the security of the people. Hroni, Kamberi & Baka in the report titled 'Security Management Network' 2011, identify 4 categories that affect human security in Albania as terrorism, organized crime, problems of transition and disasters. The United Nations through the Human Development Report in 1994 listed 7 categories of securities as food security; economic security; environmental security; health security; environmental security; personal security; community security and political security. In addition, the aim of the thesis is to interpret these categories of securities to the case of Albania. First, 'food security' is defined by The Committee on World Food Security referring to all individuals to have access safe, nutritious and enough food. Sotiraq Hroni, in his Report 'Human Security in Albania' 2009, stated that after the fall of communism regime Albania was dependent on imported food products. Second, the International Labour Organisation explains 'economic security' to meet the basic needs health, education, social protection etc. Third Peter Walpole in his report 'Search of Integrity: Looking after Basic Needs in the Forests' defines 'environmental security' by "referring to the integrity of land, air, and water, which make human habitation possible" (Walpole, p. 19). Fourth, Tahtan

Metan, in the book titled 'Facing Human Security Challenges in the 21st Century' 2014 defines 'personal security as "security from physical violence" (Metan, 2014, p. 323). Fifth, 'health security' is explained by World Health Organization (WHO) as "the activities required, both proactive and reactive, to minimize the danger and impact of acute public health events that endanger people's health across geographical regions and international boundaries" (WHO, 2021). Sixth, 'community security' is considered as a powerful approach that builds human security and contributes to wider peace and development goals" (Safeword, n.d.). Seventh, political security covers the security of the State and security of its citizens from internal and external threats.

This research review's purpose is to help the reader understand different aspects posed by the research on the child exploitation related issues and concerns. There has been not much research and discussion conducted on this regard.

After providing the literature review on child exploitation and human security concepts, the next chapter will provide the methods that will be employed in this thesis to examine and analyse child exploitation in Albania.

CHAPTER 3: METHODOLOGY

3.1 Research Methodology

As cited by Bakari Mwanaisha Omar, Strauss and Corbin defines the research method as “a set of procedures and techniques for gathering and analysing data” (Bakari Mwanaisha, 2015, p. 20). A method may be quantitative or qualitative. This study followed a quantitative approach to have a clear understanding of the magnitude of the child exploitation in Albania. In addition, it illustrates and analyses respondents’ knowledge and behaviour related to the issue. The quantitative method can objectively measure the social reality, “so rigid guides in the process of data collection and analysis are very important” (Sukamolson, 2007, p. 4). Further, it helps the study to understand the respondents’ motivations. Cohen (1980) states that quantitative research is “social research that employs empirical methods and empirical statements about what ‘is’ the case in the ‘real world’ rather than what ‘ought’ to be the case” (Sukamolson, 2007, p. 2). Further, Creswell (1994) has provided a very specific definition of quantitative research “as a type of research that is explaining phenomena by collecting numerical data that are analysed using mathematically based methods (in particular statistics)” (Sukamolson, 2007, p. 2). Furthermore, the quantitative methods “indicates the extensiveness of attitudes held by people, provides results which can be condensed to statistics, allows for statistical comparison between various groups, it has precision, is definitive and standardized and measures the level of occurrence, actions, trends, etc.” (Sukamolson, 2007, p. 11). “The quantitative view also is described as being ‘realist’ or sometimes ‘positivist’” (Sukamolson, 2007, p. 5). Exposing an existing reality is what research does, according to realists. They also deem that to get to the truth, objective research methods should be used by the researcher. Realists are of the opinion that to maximize objectivity in research, the researcher should be unbiased concerning research. Thus, the researcher should minimize its subjective involvement in research. On the other hand, considered as the most extreme viewpoint positivism deems the world as working

under fixed laws of cause and effect. Nevertheless, there is a problem with this objective viewpoint of measuring reality. Research through time has shown that the findings produced, and what is studied have always been affected by people's beliefs while conducting research. Moreover, the social and political climate, at the time when the research is being conducted also has an impact.

This research is a combination of secondary resources based on relevant documents related to child exploitation in Albania and primary data collection through 452 survey questionnaires conducted with respondents from different categories of society dealing with and having knowledge and experience as well as expertise on various issues of children.

3.2 Survey Questionnaire and Profile of the Respondents

An 'elite survey questionnaire' is planned to have comprehensive data on the range of exploitation and its related forms in Albania. The questionnaire in this study is used to collect structured items, and individual demographics, to evaluate the knowledge, and practices of respondents related to child exploitation issues. Questionnaires also serve as an attitude scale used to identify the attitude level of respondents on various aspects of the same issue. Before the questionnaire being used, many tests were conducted with several colleagues from different departments (law, political science, economics, and business and administration) of Epoka University. The pre-test helped determine the acceptability of the survey, data collection usefulness and identifying questions that ought to be added, omitted or modified before finalizing it. Likewise, this process aimed to make sure that questions were clearly understood and well received by respondents. Hence, based on the colleagues' feedback, the questionnaire was improved with additional changes, as a result of three days of testing combined with the practice of completing the questionnaire. Then it was distributed to target respondents as planned from June 2018 to September 2018. The core objective of the questionnaire survey was to collect information on several issues, including familiarity of child-related concepts by the respondents, the level of awareness of child exploitation in Albania and its occurrences, the target groups most vulnerable to exploitation, the area of Albania that child exploitation is most prevalent, the consequences of exploitation for the victim child's life, the sort of children who are targeted for exploitation, the main problems that cause child exploitation in Albania, the appropriate policies that should be prioritized to improve child issues, the causes of children being subject to exploitation etc.

Initially, this elite survey questionnaire was intended to conduct more than 500 professional policymakers and practitioners from different background in Albania. Some of the possible candidates were not reachable or could not/did not participate for various reasons.

The questionnaire was completed by 452 elite adult respondents, based on their perceptions, attitudes, and knowledge of child exploitation in Albania. Elite respondents were included on purpose because the main focus of their activity was dealing or working with child issues. They had a direct or indirect involvement with cases of exploitation of children. Further, due to their level of education and their cultural level, the selected respondents provided useful results by completing the questionnaire. Also, the questionnaire was considerably complex, lengthy and flagged as sensitive, which required concentration and a certain developmental maturity on the respondent's side. Based on the distribution among those significant and relevant respondents who participated and contributed to the survey, it was evaluated that, 452 respondents, is a sufficient number used for this study.

The survey questionnaire was compiled in two languages, English (224 respondents) and Albanian (228 respondents). The full survey in English and Albanian language is given in the appendixes. The demographic data from the questionnaire survey respondents indicated that 300 women and 152 men participated. The overrepresentation of females is due to their sensitive aspect towards the phenomenon of child exploitation in Albania. The following long paragraph is better to be presented in tables.

The respondents represented the group ages of 18-24 (32 respondents); 25-34 (184 respondents.); 35-44 (161 respondents); 45 – 54 (56 respondents); 55 – 64 (16 respondents) and 65 and older (3 respondents). The majority had completed graduate education (253 respondents or 56%), with 109 respondents or 24% having post-graduate education. Referring to their field of study, the majority of respondents were graduated in social sciences and economics (208 respondents), and law (153 respondents). Further, the respondents represented all of the sectors surveyed: the central government (81 respondents), the local government (80 respondents), NGOs (51 respondents), judiciary (59 respondents), academia (111 respondents) and media (70 respondents). The central government had 81 respondents working for government institutions including the Ministry of Defense, Minister of Education, Sport and Youth, Minister of Finance and Economy, the National Agency for Child Protection, and The State Social Services. The local government referred to the distribution of the questionnaire survey to 60 Albanian municipalities. The survey was

completed by 80 respondents representing the Social Service Directorate of each respective municipality. NGOs referred to international non-governmental organizations that operate with their activity in Albania as the World Vision, Save the Children, UNICEF and UNDP. 51 of these respondents completed the survey and it was distributed to policy analysts, consultants, specialists, psychologists, managers, heads of the NGOs, social workers, coordinators, technical experts, public relators, and counsellors. The study included the said organizations on purpose, the main focus of which is research on child issues. National organizations are not involved due to the fact that most of them are inactive. Judiciary refers to 59 respondents from lawyers, judges. Referring to academia, the questionnaire survey was distributed to 111 academicians from the University of Marin Barleti (14 respondents.), European University of Tirana (38 respondents), University of New York (23 respondents), University of Vlora (12 respondents), University Aleksander Moisiu Durres (12 respondents), Epoka University (12 respondents). Finally, the survey was distributed to 70 journalists working for media agencies including, TVSH, Vision Plus, Top Channel, Klan Plus, ABC News, and Ora News.

Participants were informed about the research through a telephone call, via email, and the days were scheduled as per their convenience. The majority of the surveys were distributed by arranging face-to-face meetings with the respondents in their workplaces, and the remaining part was sent by email. Every representative could freely express their own opinions and comments as individuals and not on the behalf of their work positions. This to find their personal opinions, and to avoid getting answers corresponding to mere official positions. Each survey prolonged approximately 30 minutes.

The survey was compiled of 14 questions as a combination of single, multiple choice questions as well as and rating/ranking questions (from 1=the severest to 3=the least severe of these three options; 1=the most significant to 3=the least significant of these three options). Further, Likert scale agreement was used with the statements to measure the frequency of behaviors or attitudes” (Ruiz-Casarez, 2011, p. 11). Likert scale was compiled to 5 alternatives and the answer choices were listed from the lowest to the highest frequency, (i.e., strongly disagree; disagree; neither agree nor disagree; agree; strongly agree); (not much; little; somewhat; much; a great deal;); (never; rarely; sometimes; often; always); (not at all aware; slightly aware; somewhat aware; moderately aware; extremely aware).

Moreover, an open-ended option, 'other', was included as a viable option to collect unforeseen answers.

The surveys completed were then coded based on the respective category they belong to. The coding was done manually and organized in respective divided files per each category. Then the responses were entered into the computer through the using SPSS system (version 22) and rechecked several times for avoiding any error in data entry. The supervisor of this thesis further checked 10% of the surveys randomly. However, after all efforts 1.5-2% error may remain. The results of the quantitative method are presented and discussed for each question in Chapter 7. Graphs, charts, frequency tables, and descriptive statistics, are used in the analytical chapter of data collected, and cross-tabulations of relevant variables were generated.

3.3 Secondary Resources Data Collection

The research conducted, involved working with different institutions both local and national, to collect data from all the available sources available in Albania. The other secondary resources on child exploitation are collected through literature based on various international and national research studies concerning the issue. The said information provided the needed background for developing the draft survey and identifying the key child exploitation areas to focus this research study. Several available online possible sources where possible has been used as follows:

- ✓ national and international legal documents, codes, treaties, conventions, protocols, policies and regulations on child issues;
- ✓ institutional reports;
- ✓ national and international NGOs reports and documents;
- ✓ academic books and articles;
- ✓ media and newspaper articles;

The thesis is composed of data collected from online sources. Governmental institutions and NGOs have their online portals, where they make available for the readers and researchers their reports and daily news.

3.4 Data Analysis and Report Writing

Data collected from secondary resources were interpreted through the qualitative method. The results of the survey conducted to 452 elite respondents reflect various perceptions related to the exploitation of children. To produce reliable data and further analyses the data through the quantitative method, a series of descriptive analyses were conducted in SPSS. All the frequency tables, graphs and cross-tabulations were run on all variables collected by the study using SPSS and Excel.

3.5 Ethical Considerations

The study was conducted by respecting ethical principles which ensured confidentiality, privacy, anonymity and informed consent. “Confidentiality involves a clear understanding between the researcher and participant concerning the use to be made of the data provided” (Burns, 2000, p. 20). It is crucial to provide the confidentiality and anonymity of the respondents. Specifically, the ILO Recommendation No. 190 specifies that “the compilation and processing of the information and data referred to ... should be carried out with due regard for the right to privacy” (ILO, 1999). Therefore, the confidentiality, the right to privacy and anonymity of the respondents and their information was respected.

Further, all the participants were free to express their will to complete the questionnaire survey. Hence, participation to complete the questionnaire survey was voluntary. Once consent was given, the survey was introduced and explained to the respondents. All the respondents were given detailed information on the purpose of collecting data and how the way the information was being implemented. All the relevant questions were read one by one to the respondents before they answered. If any of the participants did not catch the meaning of the question and its alternatives, the question and alternatives were repeated.

All participants were informed about the purpose, objectives and time duration of the study. Moreover, the respondents were to give up from filling the survey at any moment without receiving any penalty. The respondents were also told anonymity would be respected and not recorded. In addition, discomfort behaviour to the participants was avoided. Another important aspect to highlight is that participant’s knowledge, cultural traditions, and customs were respected. Finally, respondents were informed that they would not be compensated for completing the questionnaire.

3.6 Study Limitations

The crux of the thesis was to introduce the phenomenon of child exploitation and its common forms or manifestations in Albania with their possible social, cultural economic causes. Geographically speaking, this study is confined to the Albanian territory, where the field study is also conducted. Hence, documents that are not related to the Albanian case are excluded.

Further, the research draws attention to children's vulnerability as subjects of exploitation, even though, exploitation touches adults such as women and older men, and these put limitations to the scope of the thesis. Children are the most affected due to their vulnerability and the incapability to understand the risks of exploitation and to value the importance of their fundamental human rights. On the other hand, since children do not have the capability to protect their rights and interests, they depend on adults regarding many aspects of life. Furthermore, the study draws attention to children related issues of exploitation and the forms and the factors that contribute to the increase in the vulnerability of children in Albania.

Even though this study achieved to identify the forms of child exploitation, it has not been able to probe them in greater detail to further understand the extent of each manifestation. This occurred due to some limitations that the research faced. Considering that child exploitation in Albania still remains a hidden issue, the big challenge and main limitation has been the collection of primary and secondary data. There is a lack of precise data on child exploitation and its forms from governmental institutions, NGOs and other actors dealing with child issues in Albania. Further, the published data do not always correspond to the real situation of child exploitation because data vary from one institution to another. For example, there is a difference between data gathered from official state institutions and those provided by NGOs. This may happen because the population of child exploitation is difficult to be identified properly, and children exploited have been particularly difficult to reach. Hence there are no periodic annual reports by both actors and this created confusion. However, most state institutions and NGO information that were important to the research were gathered from their websites used in this thesis. Moreover, those actors were asked if there was any further report which was not published online, and they were reluctant to release such information. The information provided for example by experts working for NGOs were simply single cases taken from practice rather than a systematic observation of

the case. Additionally, this constraint regarding the difficulty of secondary data collection creates an obstacle to evaluating the extent of the problem of child exploitation. Hence, only available sources that were easy to be found have been used. On the other hand, some of the data available was scattered, variable or out of date. With reference to The State Statistical Office (INSTAT), as the main institutions of data collection, it still shows an incapacity to ensure the preparation and publication of systematically annual reports regarding child exploitation and its related forms. Additionally, there are very few studies provide an overview of the level of child exploitation in Albania and those that exist relies on qualitative study rather than on quantitative study. Therefore, there was a further need for the study to conduct, use and elaborate the primary data through survey questionnaire. The results coming from the questionnaire that represent the respondents analysed through the quantitative method served as an explanatory of the phenomenon and cannot be generalized to the entire population. The respondents had different levels of knowledge, attitudes, and behaviours on child exploitation issue.

However, this method improved the quality of data collected and reached in capturing the 'core' of the research. Furthermore, posed an issue regarding logistics. First, the use of questionnaire survey in two languages Albanian and English brought some challenges and limitations of knowledge of the participants by explaining for each respective case the real meaning of the questions or specific terms for those respondents that completed the survey in English language. The first step in carrying out the analysis of the survey is to have a good understanding of the text (notes of answers taken during the survey). Considering that the surveys were carried out in the Albanian language, being an Albanian native, I am fluent in both Albanian and English language, which allows me to translate the required information. However, while translating from one language to another the meaning of some words is lost, and the translated text will never transmit a word per word translation of the original text (Hatim and Munday, 2004, p.51). As a translator I tried my best to preserve the meaning of the original text by not transforming and not adding any extra information from what has been said in the original source.

During the process of conduction of the survey there were also cases of refusal to complete the survey. There work for an international organization that operates in Albania with the justification that they were not allowed complete it. As it is also mentioned in the 'ethical standards' subsection, participants of each respective category chosen in this study were

informed that they could reject to continue completing the survey at any stage. No participant was forced to complete the questionnaire.

The majority part of the survey was conducted in participant's offices that the respondents felt most comfortable. However, there occurred delays in appointing meetings with respondents in governmental institutions and ministries. On the other hand, the scheduled appointed meetings with the participants changed frequently because of their professional engagements, this led to time constraint. There were also other cases when some respondents mentioned their lack of familiarity regarding some concepts related to child issues.

Further, since the survey was rather long comprised of 14 long questions and on the other hand very sensitive, it extended the time required to complete it from 20 minutes that it was calculated it lasted up to 50 minutes per survey and each participant. Furthermore, it lengthened the time planned to insert the results into SPSS and to analyse them, which made this even more difficult to have an in-depth analysis of the research.

After the explanation of the methodology in order to academically evaluate the child exploitation issue, concepts and theory are considered a must. The following chapter will be explaining those conceptual and theoretical frameworks and elaborate on the main concepts used for child exploitation study.

CHAPTER 4: CONCEPTUAL AND THEORETICAL FRAMEWORK

This chapter will provide the theoretical and conceptual framework of the related concept related to different approaches, explanations and interpretations.

4.1 Child Exploitation

First it will be explained the literal and legal meaning of the term ‘child’, ‘exploitation’, ‘theory of victimology’ related to child exploitation. Further the understanding of core concepts of child studies will be portrayed.

4.1.1 Child as a Concept

In 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights and in 1989 the General Assembly adopted the UN Convention on the Rights of the Child. The latter was created to protect a special range of rights for those under 18 years old. The Convention of the Rights of The Child defines a child as “every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier” (United Nations, 2002). In line with CRC Convention the ILO Worst Forms of Child Labour Convention and Trafficking Protocol state that the term ‘child’ shall be applicable to all persons under the age of 18. Albanian Legislation lacks a proper definition of the term ‘child’. “Concerning the Protection of the Rights of the Child” in article 3/4 states that “child refers to every individual born alive, up until 18 years of age” (Albanian Parliament, 2010, p. 1). The law does not provide a precise age to be considered a child. Moreover, both the Criminal and the Criminal Procedures Code, do not contain any article explaining the limitations of the age that a person is considered a child. In the Article 100 of the Criminal Code it is stated that “having sexual or homosexual relations with children that are less than 14 years old...”; Article 101 states further that “ having sexual or homosexual relations by

violence with children that are fourteen to eighteen years old...”; Article 107/a expresses that “when this action is committed with accomplices, against several persons, more than once or against children fourteen to eighteen years old...”; Article 124 states that “the abandoning of the child under 14 years of age...”; the Article 129 says that “inducement or attraction of minors under 14 years of age...” and the Article 51 it states that “for minors, who at the time they committed the criminal act was under eighteen years old...” The Civil Code, in the Articles 7 states that “the minor, who has come to 14 years of age...” (Albanian Parliament, 2014, p. 14). The Labour Code in Article 98/1 states that “the employment of the juveniles under the age of 16 is prohibited” (Albanian Parliament, 2018, p. 63). Further, there is a need to define the age of the child is very as several countries has set in their legislation the permission for children aged less than 18 years old to have some possibilities, such as gaining a job or a driving license, but most important remains the responsibility as being tried as an adult for the commitment of a criminal offence. This means that the age of majority differs from one country to another. But this is very important in relation to the national legislation or if a country is a signatory of the ILO Convention No.82 or of the Palermo Protocol, particularly regarding trafficking where these international conventions do not permit any other variance in the definition of the child.

4.1.2 Exploitation

Amounting to various disciplines from economics to politics, from law to philosophy have long sought to further and examine the meaning of the term ‘exploitation’. Literature proves that there is not a common definition of ‘exploitation’. Nevertheless, there are a variety of interpretations and viewpoints supported by academics that proved helpful in defining and understanding exploitation as a concept. “The common dictionary definitions of exploitation indicate two alternate meanings such as technical and normative” (United Nations, 2015a, p. 21). Based on technical aspect, “the exploitation can refer, (neutrally), to making use of or deriving benefit from a thing or situation – for example a resource” (United Nations, 2015a, p. 21). Based on normative aspect “it focuses on relationships between people: referring, in a potentially pejorative way, to taking of advantage of a person (or their characteristics or their situation) for one’s own ends” (United Nations, 2015a, p. 21). With regards to politics and philosophy, when exploitation as a concept is used to refer to an individual, it is perceived as being related to some weakness, or exposure which later can be

signified as the object of exploitation. In addition, “to exploit a person is to use a weakness in order to gain substantial control over the person's life or labour.” (United Nations, 2015a, p. 21). Because of the personal benefits, exploitation means to use the vulnerability of the individual.

Exploitation can be seen into two aspects, “transactional or structural” (Edward, Uri, Allen, & Anderson, 2017). “In the former case, the unfairness is a property of a discrete transaction between two or more individuals” (Edward, Uri, Allen, & Anderson, 2017). For example, a factory having low salaries, might be said to exploit individuals in this regard. On the other hand “exploitation can also be structural, a property of institutions or systems in which the ‘rules of the game’ unfairly benefit one group of people to the detriment of another” (Edward, Uri, Allen, & Anderson, 2017). Karl Marx believed that “the economic and political institutions of capitalism were exploitative in this sense” (Edward, Uri, Allen, & Anderson, 2017). Moreover, Sample (2003) as cited by Zwolinski & Wertheimer, pointed out that “some contemporary feminists have argued that the institution of traditional marriage is exploitative insofar as it preys upon and reinforces pernicious forms of inequality between men and women” (Edward, Uri, Allen, & Anderson, 2017).

As tricky as it may sound, exploitation can be harmful as well as mutually beneficial. Regarding harmful exploitation and what it involves is leaving the victim in a worse position than she was. Coercive sex trafficking comes as an example of harmful exploitation. As far as mutual beneficial exploitation is concerned, it involves both parties being in a better position than they were before. Therefore, this amounts to mutual beneficial interaction. Nonetheless, they are unfair. On the other hand, for exploitation to be treated as an injustice it should be flagged as ‘wrong’ behavior. To do so it should be specified that exploitation should not only be seen taking advantage of a person or their weakness but mainly as an unfair advantage. Despite it being a helpful insight, it puts to question how fairness should be understood and dwelled. At the other end of the spectrum, an unfair advantage is deemed as serious in some situation, and the harmful result very harsh.

Specifically, the concept of exploitation is mentioned under the United Nations Convention against Transnational Organized Crime, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2000, article 3 when defining the term ‘trafficking’:

- a. The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. Recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d. Child “shall mean any person under eighteen years of age” (United Nations, 2000, p. 3).

The Trafficking in Persons Protocol provides a description of ‘trafficking’ that includes 3 distinct elements such as an action; a means by which that action happens or is made possible; and a purpose to the action, referred to as ‘exploitation’. The ‘action’ component will be considered as is one aspect of the criminal act of trafficking. The said element can be followed by the indeterminate practices of “recruitment, transportation, transfer, harbouring or receipt of persons” (United Nations, 2000, p. 3). These occurrences take a different turn when carried out with the intention of exploitation.

The final component, “for the purpose of” will identify the criminal aspect of the offence. “Trafficking is thereby a crime of specific or special intent” (UNODC, 2009, pp. 4-5). On the other hand, “there is no requirement for exploitation to have occurred: the crime of trafficking is made out under the Protocol once the relevant elements of act and purpose (or, in the case of children, act only) are made out along with an intention to exploit” (United Nations, 2004, pp. 268-269). Further, it is important to emphasize that the abovementioned article 3 of the Trafficking in Persons Protocol does not provide any definition of the term ‘exploitation’. Furthermore, the Protocol does not provide the definitions of each respective practice of exploitation as mentioned in the text. Their definitions are found in other international documents. Moreover, in reference to the term “at a minimum” used in the Protocol’s article that exploitation shall include, “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (United Nations, 2000, p. 3) means that these forms are not limited to. Also, in reference to the Protocol, in article 9/5

it requires from states “to discourage the demand that fosters “all forms of exploitation of persons, especially women and children” (United Nations, 2000, p. 5). UNODC, Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto reproduced a note explaining that “the words ‘at a minimum’ will allow States parties to go beyond the offences listed in this definition in criminalizing and are also intended to make it possible for the protocol to cover future forms of exploitation” (UNODC, 2006a, p. 343). This means that state parties can freely address different forms of exploitation in their national laws.

Referring to Albania case, it closely follows the Protocol’s approach to exploitation. The Criminal Code of Albania (article 110/a) defines trafficking in general ...” with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or forms similar to slavery, putting in use or transplanting organs, as well as other forms of exploitation”. The definition of exploitation and its related forms miss in the Criminal Code. The Code lists cases of exploitation based on the Protocol’s definition (article 3). However, in reference to the expression used by the Code “as well as other forms of exploitation” other new forms of exploitation can be included.

4.2 Main Concepts Related to Child Exploitation

When we look at the literature, we see that various concepts and definitions are being employed regarding child related studies. Despite the variety of these concepts and definitions there is not a one strong comprehensive and commonly agreed definition of a child related concept. In this regard, we will evaluate some significant concepts on child issues.

4.2.1 Child Protection

One of the concepts widely used is ‘child protection’. Child protection is used “to describe philosophies, policies, standards, guidelines, and procedures to protect children both from intentional and unintentional harm. The definition reflects the duty of organizations and the people in them toward children in their care” (Sheehan, 2019, p. 5). Accordingly, child protection reflects the actions conducted by main actors involving individuals, society, state, different organizations, to defend children from various forms of exploitation due to the situation in which they can face and live. From a legal point, ‘child protection’ means that

“harm to a child may be constituted by a single act, omission or circumstance or accumulate through a series of continuing acts, omissions or circumstances and links this harm to the grounds for making a child protection order, which turn on physical, sexual, and emotional abuse of a child; a failure to provide for the child’s health and development; and child abandonment” (Sheehan, 2019, p. 1).

Even though, it seems a simple concept, there is not a common definition of the related term. There are many various definitions on the same concepts used by different organizations pointing different aspects as follows.

UNICEF’s definition of child protection refers “to preventing and responding to violence, exploitation and abuse against children—including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage” (UNICEF, 2006a).

Save the Children describes it “as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children” (Save The Children, 2013, p. 1). Further it explains that ‘child protection’ “consists of reducing risks to children’s holistic well-being, making children’s rights a reality, restoring hope and a dignified living where abuse has occurred and creating an enabling environment that supports children’s positive development” (Save the Children, n.d, p. 6).

According to *SIDA* (Swedish International Development Cooperation Agency) child protection means “the protection of children in vulnerable settings – e.g. protection from violence, abuse, sexual exploitation, harmful traditional practices (female genital mutilation/cutting, child marriages), trafficking, organ trade, child labour (including hazardous work), HIV/AIDS, living on the streets or recruitment into armed forces/organized crime” (SIDA, 2019, p. 1).

World Vision identifies child protection as “all measures taken to prevent and respond to exploitation, neglect, abuse, and all other forms of violence affecting children” (World Vision, 2009, p. 1).

Center for Advanced Studies in Child Welfare further explains that “child protection’ is a term that is often used to refer to the child welfare system” (Center for Advanced Studies in Child Welfare).

National Society for the Prevention of Cruelty to Children UK further explains that “child protection means if the child is at risk of significant harm, so that all of the relevant professionals can share information, identify risks and outline what needs to be done to protect the child” (NSPCC, 2020). Those relevant actors include the police, the social services, health services etc.

Queensland Family and Child Commission furthers explains that child protection deals when “a child has suffered, is suffering or is at risk of suffering significant harm and there may not be a parent able and willing to protect the child” (Queensland Family and Child Commission, 2017).

4.2.2 Child Welfare

Childrens’ Bureau (2018) defines “child welfare as a continuum of services designed to ensure that children are safe and that families have the necessary support to care for their children successfully” (Children’s Bureau, 2018). The Bureau further lists the usual duties of the Child welfare agencies as follows:

- Support or coordinate services to prevent child abuse and neglect;
- Provide services to families that need help protecting and caring for their children;
- Receive and investigate reports of possible child abuse and neglect; assess child and family needs, strengths, and resources;
- Arrange for children to live with kin (i.e., relatives) or with foster families when safety cannot be ensured at home;
- Support the well-being of children living with relatives or foster families, including ensuring that their educational needs are addressed;
- Work with the children, youth, and families to achieve family reunification, adoption, or other permanent family connections for children and youth leaving foster care (Children’s Bureau, 2018)

Further, the Center for Advanced Studies in Child Welfare explains “child welfare as the system of a group of public and private services that are focused on ensuring that all children

live in safe, permanent and stable environments that support their well-being” (Center for Advanced Studies in Child Welfare).

4.2.3 Child Safety

Child safety is defined “as the area concerned with limiting children’s exposure to hazards and reducing children’s risk of harm (Mexia, 2007). From other point of view, there is another definition that links child safety with child abuse stating that “child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse (Protect, 2016, p. 1).

4.2.4 Child Safeguarding

Fewer people are familiar with this term compared with the above related child concepts. Safeguarding is the action that is taken to promote the welfare of children and protect them from harm. Safeguarding means:

- protecting children from abuse and maltreatment
- preventing harm to children’s health or development
- ensuring children grow up with the provision of safe and effective care
- taking action to enable all children and young people to have the best outcomes (NSPCC Learning, 2021).

European Commission addresses ‘child safeguarding’ as the responsibility that organizations have to make sure their staff, operations, and programmes do no harm to children, that is that they do not expose children to the risk of harm and abuse, and that any concerns the organization has about children’s safety within the communities in which they work, are reported to the appropriate authorities” (Keeping Children Safe, 2014, p. 4). Further, UNICEF explains that “child safeguarding encompasses the prevention of physical, sexual and emotional abuse, neglect and maltreatment of children” (UNICEF, 2018, p. 4). The term “safeguarding is used to protect children suffering or likely to suffer significant harm and this

involves child protection procedures which further deals how to respond to concern issues about children” (NSPCC Learning, 2021)

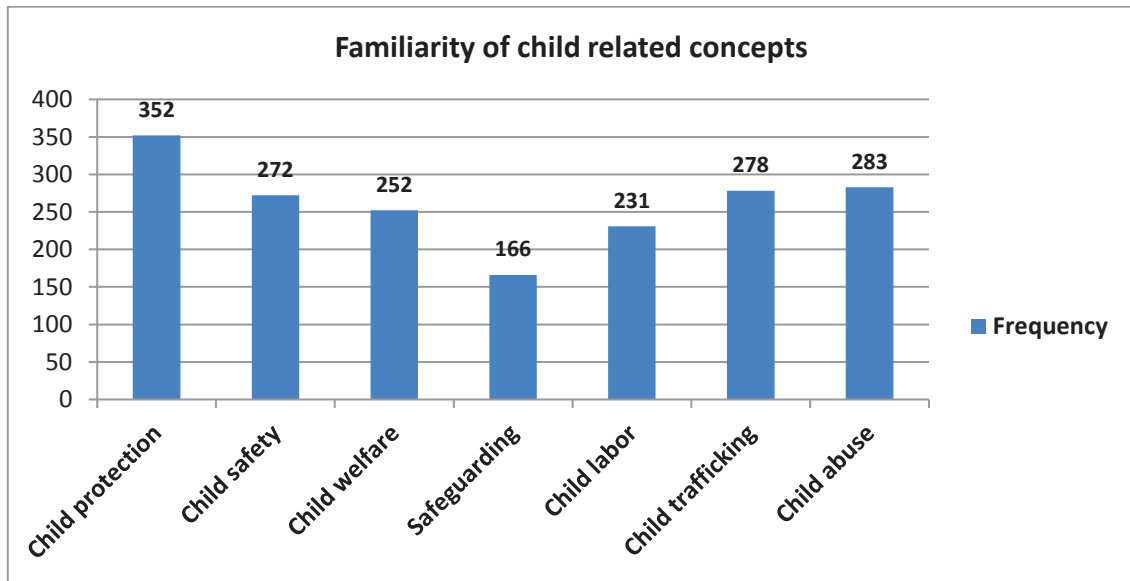
End Violence Organization that deals with child issues states that “all children have the right to be protected from violence and child safeguarding policies capture the essence of this right, outlining how an organization, group or corporation will protect the children it works with. By setting clear standards of conduct, such policies reduce the risk of harm while boosting awareness of children’s rights” (End Violence Against Children, n.d.). Moreover, SOS Children’s Villages International, as a global organization that deal with child issues use the term ‘safeguard children’ “by creating and maintaining a caring and protective environment from child abuse, exploitation, neglect or violation of a child’s privacy and rights” (SOS Children’s Villages International, n.d.). Also, Terre des Hommes explains “child safeguarding by keeping children safe and protecting them from all forms of harm and abuse” (Terres des Hommes, 2018).

It should be noted in this section that the child related concepts are not limited to those above listed ones. There are many more used in different context for different countries and cases. Since the focus of this study is the child exploitation in Albania, a special focus should be given to these concepts in Chapter 5 as the forms of child exploitation in a greater detail in the following chapter.

Reflections from the survey regarding the familiarity of child related concepts and the level of awareness of child exploitation in Albania

In this study a questionnaire was conducted and completed to 452 elite adult respondents based on their perceptions, attitudes, and knowledge on child exploitation in Albania. Among 14 questions designed for the porpoise of this research, question 1 lists the familiarity of child related concepts which will be presented as follows:

Figure 4.1 (Question 1): Which of the following child related concepts you are familiar with?



In this question, respondents were requested to choose all the options they are familiar with. For each of the concept respondents replied with more than one option when applicable, hence more than 452 responses are recorded for this question. In this subsection we are interested regarding the familiarity of the related concepts as explained in the above section (x) as ‘child protection’, child safety, child welfare and child safeguarding. As the above graph shows, the familiarity of these child related concepts of the respondents is ranked as follows:

1. Child Protection (352 out of 452 respondents)
2. Child safety (272 out of 452 respondents)
3. Child welfare (252 out 452 out of respondents)
4. Safeguarding (166 out of 452 respondents)

Among these four concepts, child protection was number one familiar concept. When it comes to safeguarding it is ranked as the less familiar concept. This may be interpreted that fewer people are familiar with this term compared with the above related child concepts. Also, very few studies are dedicated to elaboration of this term.

4.3 Theories Related to Child Exploitation

After exploring the abovementioned core concepts related to child exploitation, it is also useful to refer to a couple of theories related to child exploitation. It is appropriate to mention that these theories are also applicable in the Albanian case in general.

4.3.1 Theory of Victimology

In understanding the problem of child exploitation in this study, the theory of victimology was chosen. 'Victimology' as an academic concept is rooted in two words. The first one refers "to the Latin word, 'victima' which translates as victim and Greek word, 'logos' which means study, discipline or system of knowledge" (Manonmaniam Sundaranar University, p. 6). 'Victimology' is an area of study that "its terminologies, hypotheses and methodologies relate to legal scientific spheres such as international human rights law and humanitarian law, and to the criminal sciences including criminal law, criminal procedures, international criminal law, and of course, criminology" (Rayejian Asli, 2013, p. 54). The term 'victimology' has been first used by Benjamin Mendlesohn and Von Hentig to describe the scientific study of crime victims" (Sage Publications, 2020, p. 1). Further, theory of victimology involves the relationship among victims and violations of human's rights after being exploited. "Further "victimology is the study of the causes of victimization, how the criminal justice systems accommodate and assist victims and how other elements of society, such as the media deal with crime victims" (Sage Publications, 2020, p. 1).

Theory of Victimology And Child Exploitation

Victimology is interpreted "as the study of victims of crime" (Ferguson and E. Turvey, *Victimology: A Brief History with an*, n.d, p. 19). Referring to this research the victims are children who have been exploited in different forms. On the other hand, the term 'victim', 'victimization' and 'child victim' should be further explained in this part.

Victim

As cited by Joseph Agbeko Yadoglah, authors Ferguson and Turvey have defined 'victim' as "any person who has experienced loss, injury or hardship due to the illegal action of another individual, group or organization" (Yadoglah, 2018, p. 7). Further, the criminologist, Mehrdad Rayejian Asli, states that "the notion of victim in the theory of victimology is a

person-centered concept which is defined based on the personality of the victim” (Asli, 2013, p. 56).

Victimization

As cited by Joseph Agbeko Yadoglah, Walklate explains the term ‘victimization’ as “the process through which a person becomes a victim of a crime” (Yadoglah, 2018, p. 7). Victimization refers to consequences of victims, which are important considerations for this study based on the survey conducted. Otherwise known as a set relationship among people, victimization occurs when one falls victim of a criminal activity by another person. That one accounts for the victimizer, perpetrator or offender.

Child victim

The term ‘child victim’ can be found mentioned under international documents. The UN Convention on the Rights of the Child No.1989, in article 39 requires from State “to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of : any form of exploitation...” (United Nations, 1989, p. 11). Further, ECOSOC Resolution (2005/20) entitled ‘Guidelines on Justice in Matters’ states in paragraph 9, that “child victims and witnesses denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders” (United Nations, 2005, p. 5). Specifically, “child victim means all persons under eighteen who are suffered harm through criminal behaviour oriented to their childhood such as child abuse or child maltreatment, child kidnapping, child exploitation etc.” (Asli, 2013, p. 57). Focusing on children as the most vulnerable group of society, the theory of victimology describes the larger risk of victimization between children and their involvement into various forms of exploitation.

4.3.2 Victim Precipitation Theory

The term “victim precipitation, describes how the victim gets involved in an activity, usually leading to their victimization with or without their knowledge or awareness as well as any crime process either directly or indirectly” (F. Meier & D. Miethe, 1993, pp. 459-499). In other words, “victim precipitation” has been explained to include the acts of the victims in the process of victimization” (Yadoglah, 2018, p. 28).. Moreover, “the study of victimology

under the precipitation theory includes supposed provocative, facilitative or consenting actions by victims” (Yadoglah, 2018, p. 28), which further surges their risk of exploitation. There are cases when “some people may fall victim even in their innocence, some increase their risk rate of being victimized due to acts of ignorance and immaturity in the case of children” (Lutya & Lanier, 2012, pp. 555–570). Sometimes, victimization of children occurs not only by strangers but also by family members, relatives and by relationships. For instance, there are various cases of parents who voluntarily consent the exploiters to exploit their children in exchange of money and consider children as economic supporters of the family. Poverty, as the fundamental factor of child exploitation and its related forms increase the vulnerability and victimization of children and create those unbelievable situations. Moreover, another factor contributing and increasing the victimization of children are the dysfunctional families or the system of single parenting. Furthermore. In Albania, mostly in rural areas early marriages as part of the Albanian mentality can push children in the hands of the exploiters. Discrimination and gender inequality affect the vulnerability of children too.

Consequently, children as a vulnerable group of human beings need all the guidance and protection they can get from the state and the society. The failure is attributed to state and society, not to children specifically. Children, on the contrary, require adequate care and be protected from exploiters.

4.3.3 Lifestyle as The Influencer of Victimization

Different people around the world choose different styles of living. Following various forms of lifestyles may increase the cases when children are exposed to the exploiters and become vulnerable. Further, rapid changes that occurs in different societies in one side and the eager of the humans to search for attractive opportunities in the other side can give rise to victimization. On the other hand, victimization may also increase when parents influence the children in different aspects of the decision making such as the choice of education and job opportunities, choices of marriage. In certain cases, through direct or indirect form they push their children into exploitation. Furthermore, in Albanian society, there is continuous pressure of the peers among boys and girls who frequently become addicted of alcohol and drug abuse, part of criminal groups, girls ending in the prostitution’s chains etc. These cases create easy path for the exploiters to come closer to children that follow this type of lifestyle.

The exploiters take advantage of these cases and increase the vulnerability of the children and their victimization because of poverty, being homeless etc.

There are also other theories explaining the lifestyles of young boys and girls. For instance, “the use of theory of social control by Gwadz (2009) which indicated that, youth are prone to negative lifestyles and these negative lifestyles had the tendencies of leading the young person into forms of exploitation through trafficking” (Yadoglah, 2018, p. 29)

4.3.4 Routine Activity as Influencer of Victimization

Probing deeper into this theory, the routine activity of caregivers can affect the exposure to the exploitation of a child. The more children are raised in a domestic environment, where children are not expected to care for themselves, crime rates are lower. On the contrary, where children are involved in activities like helping parents on the farm or fetching water for domestic use are more prone to being targets for exploiters. By using victimology to understand child exploitation, the Albania example comes to place. According to the theory, gang associations are more likely to exploit a child, when children are found outside their home.

4.4 Conclusion

This chapter has attempted to outline the conceptual aspects of child exploitation in the existing literature and in line with the national and international legal frameworks. Albania has ratified various international conventions and implemented them into domestic legislation to combat child exploitation and its related forms. However, this chapter has clearly showed that there is a confusion and lack of clarity on child exploitation concepts. Further, this chapter by covering several theories on child exploitation issues sets the ground for this dissertation to be framed primarily with the theory of victimology.

After elaborating the conceptual and theoretical framework, the following chapter will analyse the forms of child exploitation in Albania. Child exploitation in Albania comes in many forms and although they have different names, the patterns remain immensely the same.

CHAPTER 5: FORMS OF CHILD EXPLOITATION

5.1 Trafficking

Trafficking is considered as a form of organized crime. Victoria e Kalu claims that trafficking is “the third biggest illegal business after drugs and arms trade” (ECPAT International, 2012, p. 28). European Parliament claims that “more than 20 million people living today around the world have been trafficked for sexual exploitation, forced labour and other activities across the world, generating a profit of €117 billion a year” (European Parliament, 2016). Furthermore, as cited by Chawla, UNICEF admits that among human trafficking “1.2 million children alone are being trafficked every year” (Chawla, 2017). Dottridge has pointed one of the possible reasons of child trafficking as “child trafficking” is being “the cheapest and most malleable work force available” (Dottridge, 2004, p. 18). International Labour Organisation (ILO) also emphasized the severity of this sensitive phenomenon stating that “the trafficking of human beings is unacceptable; child trafficking is intolerable” (INSTAT, 2003, p. 4). Moreover, the Convention Worst Forms of Child Labour 1999, No.182 in article 3 classifies “child trafficking as a worst form of child labour” (ILO, 1999).

This research will analyse child trafficking in the case of Albania. Albania has an estimated population of 2.845.955 (INSTAT, 2021) with approximately 631,160 children (Rogers & Sammon, 2019, p. 33). Since the early 1990s the Republic of Albania has passed to democracy after a long struggle time of communism regime, facing many political, economic and social challenges. Political isolation and poverty increased the number of migrants abroad and contributed to new threats like trafficking.

Various reports such as the U.S. Department, United Nations Office for Drugs and Crime, ECPAT International argue that many children are vulnerable to trafficking exploitation.

United Kingdom Home Office stated that “due to its vicinity to Western Europe and its proximity to North Eastern bordering countries, Albania has been used as a main trafficking route and hub for traffickers” (UK Home Office, 2016, p. 11). Nonetheless, registered child trafficking cases are very few and in different national reports a lot of data does not match with the real cases of the said phenomenon. Despite the efforts that have been made by the government to build a protective system for children, there is total a failure regarding the implementation to identify cases of children being trafficked.

5.1.1 Trafficking Related Terms and Definitions

The Palermo Protocol and other legal international documents in which Albania is a signatory provide definitions on trafficking and other related terms. It is also important to make clear distinctions between trafficking and related issues to avoid abuses of the terms and concepts.

Defining Child Trafficking

The concept of ‘trafficking’ was defined in the United Nations Convention against Transnational Organized Crime, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2000, Palermo city. Albania ratified the convention in 2002 and adopted the ‘trafficking’ definition and made it part of the domestic legislation, specifically in the Criminal Code. The Palermo Protocol in Article 3, paragraph (a) and (b) defines Trafficking in Persons as:

- a. The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. Recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;

- d. Child “shall mean any person under eighteen years of age” (United Nations, 2000, p. 3).

Following the article, it is not important to prove that the defendants are using the tools of intimidation, fraud, coercion, as is required by the relevant provision, it is sufficient to prove that the trafficker, without using deception or other forms has committed illegal actions of “recruitment”, ‘transport’, ‘transfer’ of a child for the purpose of exploitation” (United Nations, 2000, p. 3). UNICEF states that “any child under the age of 18 who is recruited or moved from one place to another to be exploited is considered to have been trafficked, even if no deception or coercion is used” (UNICEF, 2009, p. 16).

Child trafficking is strictly connected to exploitation. Trafficking includes both exploitation and movement. If one of these intentions is missing than there is no occurrence of trafficking. This means that, if there is movement but no exploitation or the other way around, this action is not deemed as trafficking. Child trafficking as a notion occurs when a child is transferred within the border of a country or outside of it, with the intention of exploitation. UNICEF explains that “movement of children with intention to exploit is central to this notion of exploitation, even where the action is thwarted and the exploitation unfulfilled” (UNICEF, 2009, p. 9). Despite there being a clear relationship between trafficking and exploitation, the difference between a child being exploited or trafficked is rather difficult. Such as there are cases when children who leave home on their own and decide to go abroad without the influence of the trafficker; children who have been exploited but not trafficked; children who earn money being under the trafficking networks but they do not give money to the trafficker or to other person that control them.

This research aims to go further the existing literature explaining what child trafficking means. An important objective of the study is to present the perception of the professionals in Albania regarding the familiarity of the child related issues. As shown in the Figure 4.1, among the alternatives of child related concepts, it results that 77 percent of the respondents (351 out of 452) recognize ‘child protection’ as the most familiar concept. After that, ‘child abuse’ was pointed out to be the second concept they are familiar with by 63% (283 out of 452) and ‘child trafficking’ was ranked as the third one by 62% (278 out of 452). Further, as it was not unexpected, ‘safeguarding’ has been considered by the respondents as the least familiar concept by 37% (166 out of 452) due to the fact that this concept has not been widely used in the literature regarding the Albanian studies.

In order to understand and evaluate specifically child trafficking concept, following crosstabulations has been produced with several independent variables such as, gender, age and workplace.

In the survey there were 452 respondents in total. The demographic characteristics of these respondents are as follows (frequency):

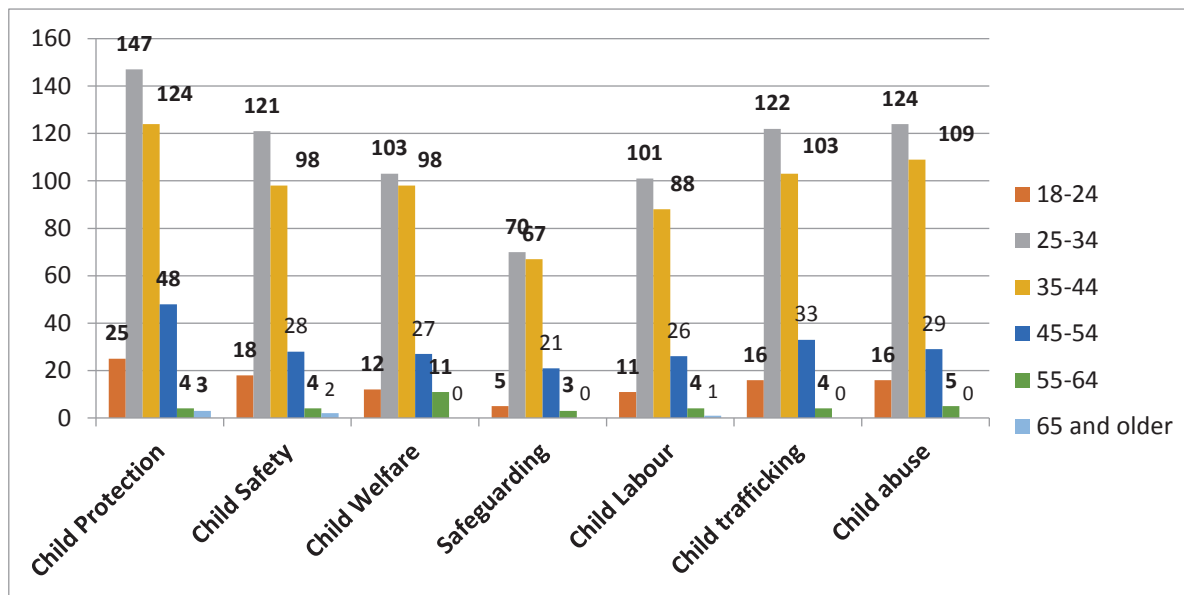
Gender: Female (299) and Male (153)

Age Groups: 18-24 (32); 25-34 (184); 35-44(161); 45-54 (56); 55-64 (16); 65 and older (3);

Workplace: Central Government (81); Local Government (80); NGOs (51); Judiciary (59); Academia (110); Media (71).

Since the survey was an elite interview, gender balance was not the main concern of this study. There were 299 female respondents of which 188 (63%) are familiar with the concept. On the other hand, male familiarity rate with the same concept was 59% (90 out of 153 male respondents). As a result, females are being found more aware of the concept of child trafficking.

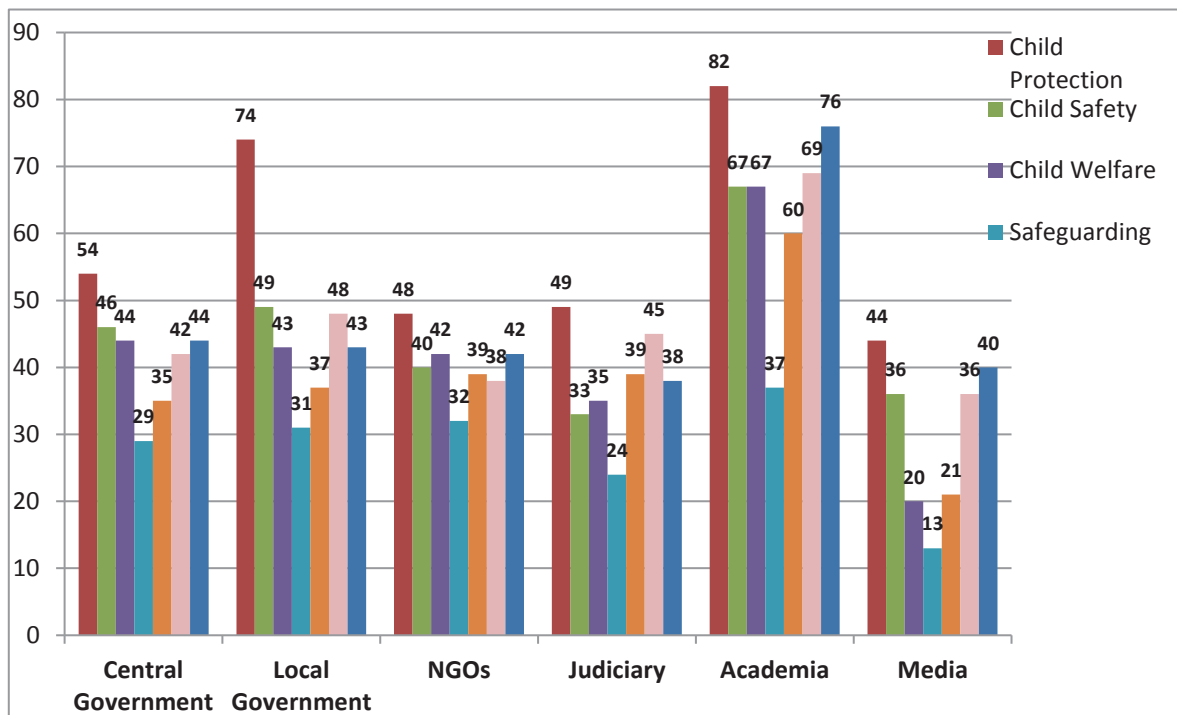
Figure 5.1 (Question 1): Which of the following child related concepts you are familiar with? (Age Distribution)



The results of the above figure show that the age groups of 25-34 and 35-44 were the two biggest groups most familiar with child related concepts. Specifically, referring to the age group of 25-34, 147 out of 452 respondents selected child protection as the most familiar

concept, and 124 out of 452 respondents considered child abuse as the second familiar concept. Referring to child trafficking it was ranked as the third familiar concept by 122 out of 452 respondents of the same 25-34 age group.

Figure 5.2 (Question 1): Which of the following child related concepts you are familiar with? (Workplace Distribution)



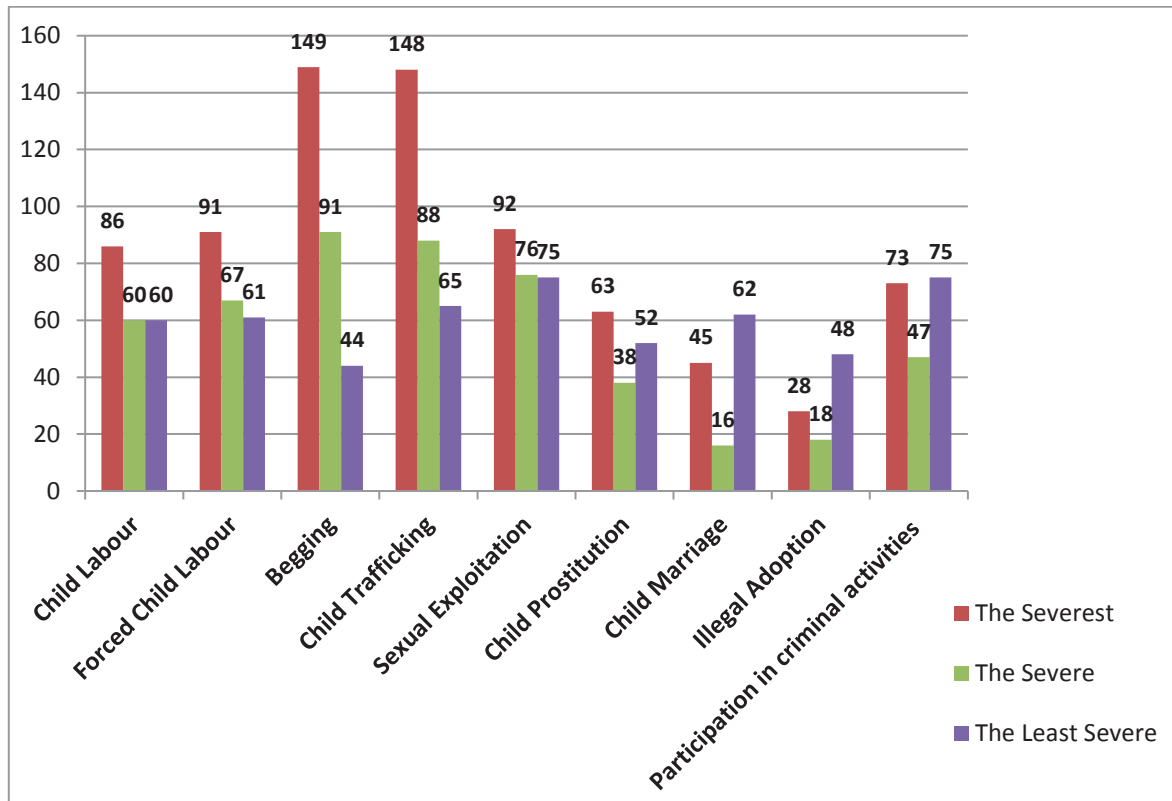
Based on gender and age distribution ranking of the most familiar concepts are the same. However, when it comes to workplace distribution the results are mixed and interesting.

Child protection is still the most familiar concept, but the other options are various based on each group. Particularly child trafficking is the second most familiar concept in the judiciary, but surprisingly in the NGOs it is ranked as the sixth option just before the least familiar concept, safeguarding. Similarly, in central government it is ranked as the fifth one.

Furthermore, in order to see the perceived severity of the child related problems in Albania 9 alternatives and ‘other’ option are given. The respondents (N=452) were asked to choose three of the nine proposed alternatives and rank them as the severest (1), the severe (2) and the least severe (3). Obviously, majority of the alternatives were not selected. Since each option chosen individually by the respondents, the valid selected number for each option is

ranging from 94 (illegal adoption) up to 301 (child trafficking). For the simplicity of the figure ‘other’ option is not included as it was not selected. In the following graph the severest option is being illustrated:

Figure 5.3 (Question11): Which of the following alternatives is the main problem of child exploitation in Albania?



In line with the results of the Figure 4, it is obvious that child trafficking and begging are both considered almost equally as the severest problem in Albania, specifically 149 out of 452 consider begging as the severest problem and 148 out of 452 consider child trafficking as the severest problem in Albania. Meanwhile, illegal adoption was the lowest selection for being the severest problem by 28 out of 452 respondents.

Differences between Trafficking and Smuggling

Smuggling and trafficking are recognized as forms of illegal migration. The U.S. Department of Justice defines the term ‘smuggling’ as “the facilitation, transportation, attempted transportation or illegal entry of a person(s) across an international border, in violation of

one or more countries laws, either clandestinely or through deception, such as the use of fraudulent documents” (U.S. Department of Justice, 2019). These concepts differ and have similarities among each other. Referring to the similarities the cross of the borders is done by both through illegal ways by cooperating with corrupted national and international people and both include recruiting and transportation which is planned and organized by criminals. The difference in this case consist that smuggling refers to cross the borders of the case country while the trafficking activity can be done inside and outside the national territory. From other point of view the migrant requires by the smuggler the service with his/her will while the trafficker force the individuals to act as the latter wants. In addition, the smuggling does not violate the human rights while trafficking does. As Kalu has stated “smuggling is perceived as a migration issue, human trafficking is regarded as a human rights issue” (Kalu, 2009, p. 29). Further, Julia O’Connell Davidson has stated that “smuggling is a crime against the state, whereas trafficking is a crime against a person” (O’Connell Davidson, 2015, p. 6). Moreover, the main purpose of the trafficker is to exploit the victim whereas the smuggler does not exploit people. Other difference consists in the continuity of their relations. The connection between the trafficker and the victim is characterized by continuity while the relationship between immigrant and the smuggler is voluntary arranged and it is temporary. However, despite the similarities and differences among these terms “key components that will always distinguish trafficking from smuggling are the elements of fraud, force, or coercion” (Louise, 2014, p. 112).

Child Trafficking vs Child Illegal Migrant

Referring to the article 297 of the Criminal Code of the Republic of Albania it states that “illegally crossing the state borders constitutes a criminal contravention and is punishable by a fine or up to two years of imprisonment” (EURALIUS, 2017, p. 132). This article does not provide any solution to sort out the case when the child has been trafficked by crossing the borders illegally. Furthermore, the criminal approach considers the trafficked children caught in criminal offences as illegal migrants. Based on this perception, children may be arrested rather than providing to them a safe environment. Considering the age of the children they could not be able to understand that crossing the borders illegally is classified as a criminal offence. On the other hand, in most of the cases when children try to escape

from the trafficker, they feel frightened to declare the case at the police authorities. Danaj (2011) further explains in detail the reasons why this happens:

- Unwillingness to declare one's position as a victim because of fear for one's life and a lack of trust of the police authorities, who are considered as "capturers" and not "saviors";
- Unwillingness to declare one's position as a victim because the traffickers in many cases are their own parents or relatives of some sort;
- Failure to understand one's position as a victim, thus ignoring their state as trafficked children;
- Failure to accept one's position as a victim of some sort of exploitation or trafficking (Danaj, 2011, p. 10).

However, what is important to emphasize is that children under the age of 18 are classified as minors and cannot be prosecuted and considered as illegal migrants. Since children meet the requirements of the article c, d of the Palermo Protocol they should be treated as victims of trafficking. Moreover, the UN Convention on the Rights of the Child (CRC), in article 37 strongly emphasizes that "children under the age of 18 years cannot be subject of punishment to torture or other cruel, inhuman or degrading treatment or punishment, neither capital punishment nor life imprisonment" (United Nations, 1989, p. 10). Additionally, article 40 of the CRC Convention requires from states not to prosecute children who have violated the law with judicial proceedings but providing them other social care alternatives. United Nations also through resolution 1997/30, "The administration of juvenile justice" aims to establish a large number of educational measures and alternatives to liberty deprivation. The Recommendation 87 (20) of the Council of Europe "On the social reaction to juvenile delinquency" "points out that measures taken against children should have educational character and freedom restriction measures should be avoided. Referring to the Albanian legislation Article 33 of The Criminal Code of the Republic of Albania sets the principle of detention restriction in separate institution from adults. While the same Code in article 52 states that the court may exclude children from punishment in case when the criminal offense is less dangerous, regarding the behaviour of the minor and replace the minor to an educational institution. Children are continuously in the development process and in addition they should enjoy a special treatment. The other problem consist that children are also unaware how to exercise their legal rights and they are incapable to ask for help; they feel vulnerable and hopeless.

5.1.2 Albania as a Source Country

Albania is highlighted in various international reports about child trafficking cases. The U.S. Department of State *Trafficking in Persons Report* 2018 has stated that “Albania is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor (U.S. Department of State, 2018, p. 69). Further, the National Strategy on Combating Trafficking in Persons confirms also that “Albania is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor” (U.S. Department of State, 2018, p. 68). Moreover, Carrie Auer, UNICEF’s representative in Albania declared that “since 2004 Albania is the country with the highest reported number of child victims of trafficking in the region, including for the purposes of forced labour, begging and delinquency” (Hahn, 2004). The United Nations Office for Drugs and Crime Report (2006) “identifies Albania along with 7 other countries (such as Thailand, China, Germany) as the greatest sources of trafficked persons in the world” (ECPAT International, 2012, p. 13).

Albania as a Source Country for Internal Trafficking

The Regional Clearing Point Report (2005) states that “1750 victims were identified between the years 2000 and 2004, and over 20 per cent of those were minors” (Hahn, 2004). Surtees in the report entitled “*Second Annual Report on Victims of Trafficking in South-Eastern Europe*” mention Albania by stating that:

Albanian victims of trafficking for sexual exploitation were minors in 21.1 per cent of cases in 2003 and 23.6 per cent in 2004. A striking 100 per cent of victims of trafficking for labour, begging and delinquency were minors in 2003 and 93.2 per cent in 2004 (Surtees, 2005, p. 52).

Daniel Renton through the research conducted “in Puke district in the north, identified 80% of children trafficked; the same percentage was identified also from Berat” (Renton, *Child Trafficking in Albania*, 2001, p. 1).

Important data come also from U.S. Department of State Reports entitled “*Trafficking in Persons*”. These reports mention Albania involved in trafficking roots and provide trafficking cases through different years. “The *Trafficking in Persons*” Report (2010) provides data for the year 2009 by stating that:

Approximately half of the victims referred for care within the country in 2009 were Albanian; these were primarily women and girls subjected to conditions of forced prostitution in hotels and private residences in Tirana, Durrës, and Vlora. Children were primarily exploited for begging and other forms of forced labor (U.S. Department of State, 2010, p. 58).

Other following years reports further state that:

- “In 2013 of the 95 trafficking victims identified 43 were children” (U.S. Department of State, 2014, p. 71).
- “In 2014 of the 125 trafficking victims 62 were children” (U.S. Department of State, 2015, p. 66).
- “In 2015 of the 109 trafficking victims 48 were children” (U.S. Department of State, 2016, p. 69).

Furthermore the U.S. Department of State Report 2017 provided other important data.

95 trafficking victims and potential trafficking victims, compared to 109 in 2015. Of these, 55 were adults and 44 were children (61 adults and 48 children in 2015), 11 were male and 84 were female (22 male victims and 87 female victims in 2015), and eight were foreigners (four foreign victims in 2015). Further, Sixty-two were identified as potential victims and 33 officially identified as victims, a status provided after a joint interview held by representatives from both law enforcement and state social services. (U.S. Department of State, 2017, p. 59)

Albania was known and reported as a source country by the reports of U.S. Department of State between 2001 and 2018 for each and every year. On the other hand, as cited by the Report of the UK Home Office, GRETA (Group of Experts on Action against Trafficking in Human Beings Report) has claimed that internal trafficking “is reportedly on the increase, because of migration from rural areas to towns and seasonal migration to places of tourism (trafficking of children for the purpose of sexual exploitation and/or exploitation of begging” (UK Home Office, 2016, p. 9). Moreover, “The National Strategy on The Fight Against Trafficking of Human Beings and The Trafficking of Children” (2014-2017) underlines that “the internal trafficking of minors and adults has increased the overall numbers of trafficking in Albania evidenced by the number of identifications by the newly established pro-active mobile units in 2013” (IOM and UN Women, 2016, p. 9).

However, the scale of internal trafficked children is difficult to be calculated properly. Below will be presented data gathered, albeit limited, from state institutions.

National Registered Case

Available data can be found from *The Sector against Illicit Trafficking* at the State Police. Further, there is available data of the Prosecutor of Serious Crimes, First Instance Court for Serious Crimes, Appellate Court for Serious Crimes, and Supreme Court. This shows an indication of the level or reporting of trafficking within Albania.

Table 5.1: Criminal offences of trafficking in minors during the years 2005-2015¹
(Ministry of Interior, 2005-2015).

Period	Recorded	Perpetrators	Arrested	Free Status	Wanted	Detained
January-December 2005	9	12	1	-	1	1
January-December 2006	4	7	2	-	0	0
January-December 2007	7	7	4	-	0	2
01.09.2008-30.04.2009	1	2	-	2	-	-
January-December 2010	1	3	3	0	0	0
January-December 2011	6	10	2	7	1	0
January-December 2012	3	3	-	2	-	1
January-December 2013	10	12	-	7	3	2
January-December 2014	-	-	-	-	-	-
January-December 2015	17	23	5	11	3	11

¹ The data have been checked again in January 2020 and there is no report published on child related issues after 2015.

Table 5.2: Data on child trafficking published by the State Police² (Ministry of Interior, 2005-2015).

Period	Recorded Cases	Referred to Prosecution	Damaged Parties	Perpetrators	Arrested	Detained	Remanded On Bail	Wanted
January-December 2005	9	7	7	12	1	1	8	1
January-December 2006	4	3	4	7	2	0	5	0
January-December 2007	7	6	3	7	4	2	1	0
September 2008-April 2009	1	-	-	2	-	-	2	-
January-December 2010	1	-	-	3	3	-	-	-
January-December 2011	6	-	-	10	2	-	7	1
January-December 2012	3	3	-	-	-	1	2	-
January-December 2013	10	-	-	12	3	1	5	3
January-December 2014	4			3		-		
January-December 2015	17			23	5	4		

² The data have been checked again in January 2020 and there is no report published on child related issues after 2015.

Table 5.3: Data on recorded cases of child trafficking provided by the Prosecutor of Serious Crimes and Albanian courts of different level (based on the reports of the Ministry of Interior³ (Ministry of Interior, 2005-2015).

Period	Recorded Cases			
	Prosecutor of Serious Crimes	First Instance Court for Serious Crimes	Appellate Court for Serious Crimes	Supreme Court
January-December 2008	8	5	-	-
September 2008-April 2009	2	Unknown number	-	-
January-December 2010	6	3	1	-
January-December 2011	7	8	-	6
January-December 2012	-	-	-	8
January-December 2013	Unknown number	-	-	5
January-December 2014	4	-	3	-
January-December 2015	14	Unknown number	Unknown number	4

Table 5.4: Data on child trafficking provided by the Ministry of Justice included in the reports of the Ministry of Interior (Ministry of Interior, 2005-2015)

Years	Total Cases	Concluded Cases	Non-Concluded Cases	Declared Guilty	Declared Not Guilty	Suspended Cases	Returned Cases to complete investigations	Declared as cases of incompetence
2005	1	1	-	-	-	-	-	-
2006	3	2	1	2	-	-	-	-
2007	7	2	5	2	-	-	-	-
2008	5	7	2	7	-	-	-	-
For the first 3 months of 2009	-	-	2	-	-	-	-	-
January-June 2010	2	1	1	1	-	-	-	-

³ The data have been checked again in January 2020 and there is no report published on child related issues after 2015.

Table 5.5: Annual Statistics taken by the reports of the Ministry of Justice (Ministry of Justice, 2004-2018).

Year		Recorded Cases	Offence	Sentenced
2004		5	5	14
2005		6	6	3
2006		3	3	6
2007		2	-	
2008		7	-	4
2009		1	-	4
2010		1	-	1
2011		4		6
2012		0	-	-
2013		1	-	1
2014		-	-	-
2015		4	-	5
2016		-	-	2
2017		-	-	1
2018		-	-	2

The above tables show few cases occurred on child trafficking, and the numbers vary in different sources. Hence, the reliability of data is questionable. It is quite difficult to admit that those numbers represent the whole country. Most of child trafficking cases are not reported. This may be related to:

- The fear of the victims to confess the case.
- There is a lack of the information of sources to deal properly with the human trafficker.
- The mentality of Albanian families to keep the case in secret because not to be judged by the public opinion.
- The police are involved directly or indirectly in trafficking network.

On the other side to identify cases of child trafficking, NGOs can provide only few data. The problem is that not all children who need help benefit from the services provided by the NGOs. The national and international NGOs have a limited fund and limited activity regarding child trafficking. However, state institutions do not consider internal trafficking as a separate issue that needs more special attention. Nonprofit organizations, even though have limited funding, are the ones who pay more attention and provide some information through researches conducted about the trends and the patterns of this phenomenon. While there is a lack of interest from the authorities to handle this phenomenon properly.

Albania as a Source Country for International Trafficking

There are hundreds of Albanian families whose children have lost without leaving any trace, most of the girls under the age of 18 can be found in the boulevards and streets of neighboring countries as part of the trafficking chains. The traffickers choose illegal ways to transport their victims by using the green land and false documents to cross the borders of the country. Danaj has stated “most destination countries such as Greece, Macedonia and Kosova are among those the highest number of cases of trafficked Albanian minors, as they share land borders (the so-called green line) with Albania” (Danaj S. , 2011, p. 17). Particularly Italy, as bordered by sea and positioned close to Albania, has a very high level of Albanian trafficked children. Other trafficked children are found in Greece. The author Gronow Jane, states that “if children are caught and arrested in Greece and they are 12 years old or over they are kept in jail, and when there are enough children to warrant using a lorry or bus they are deported back to the Albania border” (Gronow, 2000, p. 32). Meanwhile “children below 12 years of age are placed in an orphanage” (Gronow, 2000, p. 32). Furthermore, UNICEF Report (July 2015) admits that “for child trafficking in particular, Albania is primarily a country of origin for children trafficked abroad to Greece, Macedonia, and Kosovo” (UK Home Office, 2016, p. 20). The report further lists the forms of exploitation of exploited children as follows:

- Sexual exploitation.
- Forced labour, including forced begging.
- Forced marriage.
- Being forced to commit illicit activities.

Trafficked and exploited children in Albania are mostly subject to forced labour, including begging, and sex trafficking (UK Home Office, 2016, p. 20).

Referring to ILO researches it was stated that “the Ministry of Public Order reports that, between 1992 and 2002, an estimated 4,000 children were trafficked mainly to neighbouring countries for labour or sexual exploitation, for begging or into slavery” (INSTAT, 2003, p. 4). Furthermore, ECPAT International states that “each year approximately 6,000 children aged between 12 and 16 are trafficked into Italy and 37 percent of female minors trafficked into Italy are Albanian” (ECPAT International, 2012, p. 13). Cases of child trafficking have been also found recently in UK. Javed Khan Barnardos, Chief Executive of Barnardo's, the UK's oldest and largest children's charity, highlights the severity of the problem by stating that “Albanian children comprise a quarter of all trafficked children” (Doward, 2015). He further states that:

The current estimate of the number of trafficked children in the UK is just the tip of the iceberg. Within the past year there has been an increase in the number of trafficked children from Albania whom we support across our services. We believe they have been trafficked internally after arriving here. We know they have experienced trauma (Doward, 2015).

The Serious Organized Crime Agency in the report named “A Strategic Assessment on the Nature and Scale of Human Trafficking” referring Albanian trafficking to the UK, stated that:

There was an increase of 69 (182 percent) in potential victims of trafficking from Albania compared to those encountered during 2011 from 38 to 107. Of the 107 potential victims encountered in 2012, 82 (77 percent) reported having been sexually exploited, 85 (79 percent) 22 (21 percent) children. Of those reporting sexual exploitation, the majority (72, 88 percent) were adults, with 10 (12 percent) being children (SOCA, 2013, p. 7).

Furthermore, UK Home Office through its periodic reports provides data on child trafficking cases. As cited by UK Home Office Report 2014, The Council of Europe, GRETA (Group of Experts on Action against Trafficking in Human Beings) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, dated 02 December 2011, stated that:

- The Albanian authorities have identified 108 victims of trafficking in 2008 (19 children);

- 94 in 2009 (22 children), and 97 (14 children) in 2010 mainly for the purpose of sexual exploitation;
- The main destinations have been Italy, Greece and Kosovo. Only one victim of labour exploitation was identified in 2010” (UK Home Office, 2014, p. 9).

Furthermore, the UK Report 2016 presents data published by GRETA in June 2016 stating that according to statistics provided by the Office of the National Anti-trafficking Coordinator (ONAC), the number of potential victims and victims of Trafficking of Human Beings (THB) identified per year was as follows:

- 97 in 2010, including 14 children;
- 84 in 2011, including 39 children;
- 92 in 2012, including 26 children;
- 95 in 2013, including 43 children;
- 125 in 2014, including 62 children; and
- 109 in 2015, including 48 children. Most of the victims were Albanian (UK Home Office, 2016, p. 17).

5.1.3 Albania as a Transit Country

The Protection Project, in its report “A Human Rights Report on Trafficking in Persons, Especially Women and Children”, declared that “Albania has increasingly become a transit country for men, women, and children, recruited into the trafficking chain” (Protection Project, 2010, p. 1). Traffickers consider Albania as a strategic place for the trafficking of human beings abroad. Albania has ports and borders which are favourable for the traffickers and easy passage for them to access. Through the research conducted by International Organization for Migration in Albania (IOM) (2001), “54% of victims named Italy as the most favoured intended destination country” (IOM, 2001, p. 6). Also, the Home Office Report (2015), stated that “in 2007, Greece was reported as the main destination for trafficked victims transited, from or through, Albania” (UK Home Office, 2015, p. 10). Few official registered cases make it hard to evaluate the scale to which Albania is used as transit country. However, International Organization for Migration provides some data in this regard as follows:

- In 2002, 24% of the caseload involved victims deported to Albania from Italy, France, Sweden and Greece;

- In 2003, 47% of the caseload were international victims deported to Albania from Italy, Greece and Austria. Among the 15 assisted international victims, it was found that:
 - ✓ Two Kosovar victims were 14-year-old boys possibly en route to Greece;
 - ✓ One Greek minor was deported from Greece by mistake because she was travelling with an Albanian boyfriend (IOM, 2004, p. 19).

The U.S. Department of State report of 2016 “declares an increasing number of Middle Eastern and African irregular migrants, particularly Syrians, transit Albania to reach Western Europe and are vulnerable to trafficking” (U.S. Department of State, 2016, p. 68).

However, police have not yet identified any as trafficking victim. In the assessment of the research, the reports of the U.S. Department of State also show through years the scale of Albania as a transit country between 2001 and 2018.

According to these reports Albania while in 2001, 2002, 2003 was considered a major country of transit from 2004 to 2016 is not considered a country of transit. U.S. Department of State Report (2005) stated that “regional and international experts consider Albania to have significantly decreased as a transit country to Western Europe” (U.S. Department of State, 2005, p. 52). Moreover, the reports of the Ministry of Interior stated that between 2005-2007 “Albania has been no longer considered as a transit or destination country, but only as an origin country for the trafficking of human beings” (Ministry of Interior, 2005-2007, p. 5). IOM further explains the decrease of Albania as a transit country.

- In 2002 the Albanian force in cooperation with the Italian force launched the operation to eliminate the uses of speedboats towards Italy;
- Traffickers have changed the routes by avoiding entering transit in Albania;
- Changes in transport, by using fake documents that permit the traffickers to have easy access to pass the borders legally and make it difficult to identify cases of trafficking;
- Since 2002, citizens of Romania (in the past, a primary source country) and Bulgaria do not now need a visa to enter the Schengen area. As a result, citizens of these countries no longer need to pass through Albania illegally to enter the European Union (EU) (IOM, 2004, p. 20).

However, IOM and other non-profit organizations cannot acknowledge that the trafficking has been disappeared. There is a lack of monitoring agencies so that the victims go unidentified. The other problem consists to the police officers. They are well trained through international actors who operate with international trafficking but among other important issues they never give priority to the internal trafficking. However, the efforts to improve the technical methods how to identify cases of international victims are always in progress. Since 2001, IOM, UNHCR, OSCE and the Ministry of Public Order signed a “Memorandum of Understanding (MOU), on unified pre-screening procedure of detained foreigners” (OSCE, 2001). Based on the procedure, the police must inform IOM and UNHCR anytime they identify an irregular foreigner. Then, “IOM and UNHCR Directorate for Refugees (DFR) of the Ministry of Interior interview the person within 24 hours to contest if the person is an irregular migrants, asylum seekers, victims of trafficking or economic migrants and to channel them into the appropriate procedures” (UNHCR, 2003, p. 1).

5.1.4 Albania as a Destination Country

“Albania is a source and destination country for men, women, and children subjected to sex trafficking and forced labor” (U.S. Department of State, 2018, p. 69). “Albanian victims are subject to sex trafficking in countries across Europe, particularly Kosovo, Greece, Italy, Belgium, Germany, Switzerland, Macedonia, Norway, the Netherlands, and the United Kingdom” (U.S. Department of State, 2018, p. 69). “There is an increasing problem of Albanian children, often of the Roma ethnicity, being subjected to forced begging and other forms of compelled labor in Greece, Kosovo, and within Albania. Some Albanian girls are subjected to sex trafficking or forced labor following arranged marriages” (U.S. Department of State, 2014, p. 1).

United Nations Office for Drugs and Crime in its Report “ranked Albania among other countries (Bulgaria, Romania, Lithuania) very high in the citation index as origin countries for trafficking” (UNODC, 2006b). IOM has stated that “in 2002, Vatra reported assisting 13 international victims, a decrease of almost 40% compared to 2001” (IOM, 2004, p. 18). “In 2003, the NGO reported assisting only three international victims (of which one was Greek and another Italian)” (IOM, 2004, p. 18). Also referring to the Annual Reports of U.S. Department of State from 2001 to 2013 Albania has no longer being considered a destination country because there is no registered case. The U.S. Department of State in its report in

2014 declared that “were found victims from the Philippines subjected to forced labor in Albania” (U.S. Department of State, 2014, p. 1) and in 2015 the report declares that “some foreign women from European countries, including Ukraine, Russia, the United Kingdom, and Norway, are subjected to sex trafficking in Albania” (U.S. Department of State, 2015, p. 65).

No cases of children have been mentioned in these reports. Similarly, for 2016 Albania was reported as a destination country by the U.S. Department of State report. Positive for Albania the following two years of 2017 and 2018 were not considered as a destination country. In short, according to these reports between 2001 and 2018 Albania was stated as a destination country for three consecutive years only from 2014 to 2016 and all other years it was not considered as a destination country.

5.2 Child Labour

As a global phenomenon child labour is deemed as a breach of fundamental human rights, which has a serious impact on a child’s both psychological and physical development. At present, various international and national actors who find themselves involved with child issues are involved with child labour. Various research projects, books, different reports and studies have been published on the same issue. It is essential for no child be exposed to work deemed as exploitative, that has a potential of harming children both physically and mentally or be exposed to any precarious situations or prevent them from going to school. It is estimated of all child labour, “72.1 million cases are found in Africa, 62.1 million in Asia and the Pacific, 10.7 million in the Americas, 1.2 million in the Arab states, and 5.5 million in Europe and Central Asia” (ILO, 2017, p. 29).

Child labour is spread also rapidly in different areas of Albania. “Exploitation of children at work is a severe problem in Albania” (ITUC, 2010, p. 1). European Commission in Albania Report 2019 stated that child labour “remains a concern” (European Commission, 2019, p. 79). The involvement of children in labour has been identified into two main sectors: the formal and the informal sector of the economy. The age of children engaged in the formal economy is not properly identified since the children ensure fake information with the main purpose to get employed. There are other cases when the employers violate the Albanian Labour Code by employing children. On the other hand, children are exploited by the

informal system. “The ‘informal sector’ is the part of the economy that includes the income-generating activities carried out by the majority of the urban poor”. (ILO, 2004, p. 23). Children who work in informal sector have no monitoring employment, insurance and health regulations and their work is recognized as unofficial.

“Children who work in Albania, are both boys and girls, even though boys constitute a higher number than girls” (Lika, 2012, p. 43). “With regard to age, the majority of working children are between the ages of 10 to 17, and the highest number of them is of ages 10 to 12 and mostly younger than 14 years old” (Lika, 2012, p. 43).

Child labour is practiced based on socio-economic characteristics. ILO states that “evidence points to a strong link between household poverty and child labour, and child labour perpetuates poverty across generations by keeping the children of the poor out of school and limiting their prospects for upward social mobility” (ILO, 2020, p. n.d). More specifically, the categories of children who work consist of:

- a) Children whose families have a low economic, social and educational level;
- b) Usually children with a single parent, or orphans living with their relatives;
- c) Children from families that have moved from rural areas to urban ones, after the year 1992 and who are settled in the suburbs of these cities;
- d) Children who have dropped out of school (Lika, 2012, p. 43).

This section is divided in three main sub-sections as child labour related terms and definitions, the second part deals to Albanian perception on child labour, and the third part evaluates the forms of child labour based also on data collected.

5.2.1 Child Labour Related Terms and Definitions

International Labour Organization (ILO) has stated that “there is no universally agreed upon definition of child labour” (ILO, 2009a, p. 1). UNICEF further expresses its view on child labour stating that:

Defining child labour is an exercise as much rooted in a culture or political discipline as in an economic or scientific analysis. Researchers find it difficult to provide a justification for any comprehensive definition of child labour or to prove that one definition is better than another (UNICEF, 2007a, p. 1).

Even so, various international organizations and conventions tried to present an acceptable statement of child labour. The International Covenant on Economic, Social and Cultural Rights (1976) (ICESCR) mentions in article 10 paragraph 3, the protection of children from economic and social exploitation stating that:

...Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law (United Nations, 1976, p. 4).

The Convention on the Rights of the Child (1989), in article 32 points out that:

...The right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development (United Nations, 1989, pp. 9-10).

Moreover the Convention (1989), article 32/2 requires states to:

- a) Provide for a minimum age or minimum ages for admission to employment;
- b) Provide for appropriate regulation of the hours and conditions of employment;
- c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article (United Nations, 1989, pp. 9-10)

International Labour Organisation Approach (ILO)

International Labour Organization (ILO) has established three important conventions; the Minimum Age Convention, 1973 (No.138); the Worst Forms of Child Labour Convention, 1999 (No 182) and the Forced Labour Convention 1930 (No.29).

The Convention No.138 sets 15 years as the general minimum age for employment. The Convention No.138 that permits the person at the age of 15, under normal circumstances to be engaged in economic activities means that these economic activities should not affect the wellbeing of the children. Any work in violation of Convention No.138 is considered illegal, and making children become subject of an exploitative work stipulates a reverse of the said convention. ILO states that "one of the most effective methods of ensuring that children do not start working too young is to set the age at which children can legally be employed or otherwise work" (ILO, n.d). However, many countries have specified a minimum age of working in their national legislation but have made little efforts to enforce it.

ILO identifies four (4) groups of children engaged in work/labour presented as below:

1. Children at work;
2. Children engaged in child labour, including all economically active children 5 to 11 years of age; economically active children aged 12 to 14 years, except those doing light work only for less than 14 hours per week; and, children aged 15 to 17 years engaged in any type of hazardous work;
3. Children in hazardous work, that is, work that will likely harm the health, safety, or moral development of a child. In addition to children working in mines, construction or other hazardous activities, this group includes all children below 18 years of age who work 43 hours or more per week;
4. Children in unconditional worst forms of child labour, as defined by ILO Convention No. 182. This includes children in forced or bonded labour, armed conflict, prostitution and pornography, and illicit activities (Islam, 2010, p. 13).

According to the aforesaid categories, some of child related concepts need further explanation as: ‘child labour’; ‘child work’; ‘hazardous work’; ‘light work’; ‘economic activity’.

Child Labour

International Labour Organization defines “child labour as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development” (ILO, n.d). ILO further states that “whether or not particular forms of ‘work’ can be called ‘child labour’ depends on the child’s age, the type and hours of work performed the conditions under which it is performed and the objectives pursued by individual countries” (ILO, n.d).

Child Work

The ILO further makes an important difference between the exploitative child labour that must be eliminated and child work that may be accepted. ILO has stated that “not all work done by children should be classified as child labour” (ILO, n.d). Contrary to ‘child labour’, “child work refers to a positive participation of children in an economic activity, which is not detrimental to their health or mental and physical development; on the contrary, it is a beneficial work, which strengthens or encourages the child development” (Madu, 2013). Child work does not obstruct children to have a regular attendance at school or disconnecting

them from leisure activities. Child work includes activities that can affect in a positive way to children's development. Assisting in household activities or family business make children to develop skills and help them be productive and positive members of society. When they become adult, they already know how to accomplish the demands of life.

Hazardous Work

“Hazardous work by children is any activity or occupation that, by its nature or type, has or leads to adverse effects on the child's safety, health (physical or mental) and moral development” (ILO, 1999). “Hazardous could also derive from excessive work load, physical conditions of work, and/or work intensity in terms of the duration or hours of work even where the activity or occupation is known to be non-hazardous or safe” (ILO, 2006, p. 6). Furthermore, It is necessary for every country to identify any type of work considered as ‘hazardous’. The ILO set out the criteria for identifying them, as work that might expose children to:

- Physical, psychological or sexual abuse;
- Work underground, under water, at dangerous heights or in confined spaces;
- Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; and
- Work in an unhealthy environment which would expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations which might damage their health (ILO, 2010, p. 6).

Light Work

Through the Convention no.138, article 7, ILO determines as “light work, the work which is not likely to be harmful to the health and development of the child and does not prejudice attendance at school, participation in vocational orientation or training programmes” (ILO, 1973). ILO further explains the positive aspect of lightwork by stating that:

Work can help to develop moral character, increase self-esteem and instill responsibility. Light work that is not detrimental to education, performed only a few hours a week, can be used as a tool to promote a child's development. Child Labour, however, impedes development and subjects the child to harm and intolerable risk (Martin, 2003, p. 1).

However, the nature of light work depends on work hours, the conditions of working, and the effects it causes on school participation. These cases mentioned permit the children to be engaged in ‘work’ emphasized as ‘light work’ and not being engaged in ‘labour’.

Finally, there is one more concept of ‘economic activity’ related to child labour which should be included in this section. ILO describes it as follows:

Economic activity by children is a broad concept that encompasses most productive activities undertaken by children, whether for markets or not, paid or unpaid, for few hours or full time, on a casual or regular basis, legal or illegal; it excludes chores undertaken in the child’s own household and schooling. To be counted as economically active, a child must have worked for at least one hour on any day during a seven-day reference period. ‘Economically active children’ is a statistical rather than a legal notion (ILO, 2006, p. 6).

5.2.2 Differences between ‘Child Work’ and ‘Child Labour’

There are different understanding and perceptions found in vast literature regarding the relation that exists between ‘child work’ and ‘child labour’ concepts. The discourse of these two related child concepts adopted also in international documents plays a vital role on children’s life. There is a confusion regarding the related terminologies which make the people to be divided into two groups the positive and negative one.

Negative Approach

Despite the minimum age for employment set by the ILO Convention, it should be specified that any work occurring under the minimum legal age should be regarded in a separate way from employment which would not obstruct a child from being educated or developed. The minimum age of employment in Albania is 16. Consequently, when a 15 year old child is employed even for a few hours a day to cover for its living or school employment, this action is classified as work exploitation, due to the child being under the minimum legal age of employment. The very first moment a specific job is deemed as pernicious and risky to the point of causing psychological or physical damage to a child, should be discarded as it is acknowledged as child labour.

The author Michael Bourdillon explains that ‘labour’ in particular refers to formal employment in such phrases as ‘labour law’ or ‘the labour movement’ and when you use the

term ‘child labour’, people’s usual immediate reaction will be to think of children in employment” (Bourdillon, 2005, p. 7). According to this perception people will link ‘child labour’ considered as harmful with employment and then create a relation among employment and harm. Bourdillon further analyses that “this association works against the interests of children who need an income (Bourdillon, 2005, p. 7). Conversely, he continues, when “child work is defined in opposition to ‘child labour’ it distances unpaid work from harmful work” (Bourdillon, 2005, p. 8). Further, there is another category of critics against child labour by explaining the reasons as follows:

1. Allowing children to work means stealing their childhood from them;
2. Child laborers are subject to economic exploitation because they are paid at the lowest rates, and sometimes not at all;
3. Children often work under the worst conditions, which can cause physical deformations and long-term health care problems;
4. Some child work can perpetuate poverty because child labourers, deprived of education or healthy physical development, are likely to become adults with low earnings prospects;
5. Children often replace adult labour; employers prefer them because they are cheap and docile;
6. The widespread use of child labour may result in lower wages for all workers;
7. Countries that allow child labour are able to lower their labour costs; thus they attract investors and also benefit from “unfair trade” due to their low production costs (Sihna & Rashi, 2010, pp. 209-210).

Positive Approach

The ILO describes some positive aspects of young people engaged in working that are not considered as child labour stating that:

The term child labour does not encompass all work performed by children under the age of 18. Millions of young people legitimately undertake work, paid or unpaid, that is appropriate for their age and level of maturity. By so doing, they learn to take responsibility, they gain skills and add to their families’ and their own well-being and income, and they contribute to their countries’ economies (ILO, 2002a, p. 9).

Socialist countries had also a positive perception regarding child work. Those countries promoted collective work to encourage children to participate, mainly in rural areas in agriculture and in urban areas they would perform tasks such as cleaning streets and parks. Productive children were awarded by the government. What is important to highlight here is the fact that work did not interrupt the child's schooling because access to education and learning was the biggest priority of the states.

There is another category that has a positive approach regarding the engagement of children in working who are parents. ILO cites the authors Salazar and Glasinovich (1998) stating that "parents often defend child work as being instructive and they say it teaches children to be responsible, to appreciate the value of things and the effort required to obtain them" (ILO, 2004, p. 19). Since parents consider all members of the family as 'economic providers' "the work of children is widely accepted, and facilitates the parent's decision to hire them out to ease the household's economic situation" (Shukla & Ali, 2006, p. 224). Furthermore, parents justify children saying that it makes them to assume adult roles, to gain responsibility and autonomy. Parents dedicate little attention to children's leisure activities considering it as a waste of time. From other point of view parents express their opinion regarding the relation that exists between work and education. In general parents appreciate the education of children. However, parents coming from rural areas who are also poor estimate work more compared to education, as it gives economic benefits for the maintaining of the family. There is also other category of parents that are afraid from school considering it as a factor that make children become rebel against their family and further make them do not respect the family's norms and traditions.

5.2.3 Worst Forms of Child Labour

In the 1990s, children under the age of 14 were supposed to be working in a full-time mode. Therefore, ILO under its responsibility started drafting a new convention that protects children from this full-time working mode, and push governments to eradicate any form of child labour by imposing new measures. Hence, in 1999 The Worst Forms of Child Labour Convention No.182 was endorsed. Upon the adoption of the Convention, 'child labour' as a term refers to all those cases when a child is exposed to harmful practices at work to the point of depriving a child of its basic rights, for instance education, by exposing it to sexual

or physical abuse. Under Article 3 of the Convention all under 18-year-old children are included and the worst forms scenario of child labour is classified as follows:

- a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c) The use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties; and
- d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (ILO, 1999).

To the international organizations and other agencies, mentioning here UNICEF, it has been a priority to take important measures to terminate the ‘worst forms’ of child labour, which involve “180 million children globally” (UNICEF, n.d, p. 3).

5.2.4 Forced Child Labour

The ILO Forced Labour Convention, 1930 (No. 29) under article 2/1 provides the definition of forced labour as: “all work or service which is exacted from any person under menace of any penalty and for which the said person has not offered himself voluntarily” (ILO, 1930). This definition is reproduced in the International Covenant on Civil and Political Rights 1966, (ICCPR), article 8.3 (a) stating that “no one shall be required to perform forced or compulsory labour” (United Nations, 1966). Furthermore, the European Human Rights Convention, in article 4/2 states that “no one shall be required to perform forced or compulsory labour” (ECHR, 2013, p. 7). ILO admits that “there is no specific definition of what constitutes forced labour of children” (ILO, 2012, p. 16). However, the definition provided in the Forced Labour Convention (No.29) is applied. However, “the concepts of ‘involuntariness’ and ‘penalty/ menace of a penalty’ presented for adults, need to be reassessed in the case of forced labour related to children” (ILO, 2012, p. 16). In legal terms, the ‘voluntarily’ notion denotes that an underaged child is not considered able to express or give its own consent to work, without its parents’ consent. Therefore, the penalty is applied

to the parent rather than the child itself. ILO also points out the difference between the notions forced child labour as with adults:

Forced labour of children, as with adults, cannot be characterized merely by the nature of the job, by the working conditions or by the tasks performed. Any type of economic activity undertaken by a child should be considered as forced child labour where some form of coercion is applied by a third party, either directly to the child worker or to his or her parents, whether to force the child to take a job or perform a task, or to prevent the child from leaving the work (ILO, 2012, p. 17).

From other point of view, a difference must be noted between children taken by force in labour and other cases which not. ILO further states “all child labour should be abolished, special priority must be given to the elimination of its worst forms (including forced child labour and child trafficking) through ‘immediate and effective measures’ to be taken by all ratifying member states” (ILO, 2012, p. 17).

In summary, ILO defines forced labour as “work performed by children under coercion applied by a third party (other than by his or her parents) either to the child or to the child’s parents, or work performed by a child as a direct consequence of their parent or parents being engaged in forced labour” (ILO, 2012, p. 17). “The coercion may take place during the child’s recruitment, to force the child or his or her parents to accept the job, or once the child is working, to force him/her to do tasks which were not part of what was agreed at the time of recruitment or to prevent the child from leaving the work. If a child is working as a direct consequence of his or her parents being in a situation of forced labour, then the child is also considered to be in forced labour” (ILO, 2012, p. 17). Another important aspect to mention in this part is the severity of the offence of the forced child labour. Article 25 of the Forced Labour Convention, 1930 (No. 29) states that:

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced (ILO, 1930).

ILO admits that “forced labour is almost universally recognized as a crime” (ILO, 2005, p. 18). However, “it is rarely prosecuted because of the difficulties in articulating the various offences that constitute forced labour in national laws and regulations” (ILO, 2005, p. 18).

5.2.5 Albanian Perception on Child Labour

Albania has ratified the ILO Minimum Age Convention, 1973 (No. 138) on 16 February 1998, the Worst Forms of Child Labour Convention, 1999 (No. 182) on 02 August, 2001, Convention No. 29, the Forced Labour Convention, in 1957 and Convention No. 105 on the Abolition of Forced Labour in 1997. With reference to ILO's requirement for all states to present a minimum legal age of employment. In this context Albania has managed to set the minimum age criteria for child labour, above which child labour may be performed. Specifically, the Albanian Labour Code (2018), article 98 "prohibits children to work under the age of 16 and allow children to work from 15 to 16 on light work that does not jeopardize their health and development" (Albanian Parliament, 2018, p. 63). Nonetheless this banning does not apply to youngsters of 14 to 16 years old, who if employed during the holiday season there is no harm posed to their health or growth. About duration of work, Article 78/2 states that "for the employees under 18 years of age, the daily duration of work is no longer than 6 hours a day" (Albanian Parliament, 2018, p. 53). Furthermore article 99/1 draws attention to the 'easy jobs' stating that "the juveniles between 16 and 18 years of age may be given easy jobs that do not harm their health and growing up" (Albanian Parliament, 2018, p. 64).

On the other hand, the Labour Code does not provide any definition what 'easy jobs' means and the criteria it represents. Another important issue to mention is that the said code does not mention the responsible institution for ensuring the prohibition of child labour and the profile of the exploiters of child labour as part of the criminalization. Another important institution that covers among other child labour issues is the State Labour Inspectorate (SLI) that issues the permission of working for the children 14-16 old year. However, the system of the inspectorate regarding the inspection tasks has resulted to be very weak.

The Law "On the Protection of the Rights of the Child" (2010) was the first law devoted to protecting child rights in Albania. Article 22 (1), explains that "the child is protected from economic exploitation and from performing any work that is hazardous, affects education, harms health, harms his physical, mental, spiritual, moral or social development and is forced labour" (Albanian Parliament, 2010, p. 8). Furthermore, the article 22/2 points out that "is prohibited to employ children under the age of 16. The child aged 14-18 may be employed

in easy jobs that do not pose threats to his health and development, in accordance with the conditions established by relevant legislation” (Albanian Parliament, 2010, p. 8).

5.2.6 Evaluation of The Forms of Child Labour

Referring to various studies, reports and surveys conducted in Albania on child labour issues are identified different forms of child labour. The most usual types of child labour are begging; car washing; sorting through rubbish in the streets (we can name it differently); working at home (homework); agriculture; construction work, and mining,

Begging

“Begging in Albania is primarily an activity for younger children with many starting at around the age of four or five” (Delap, 2009, p. 9). It is mainly developed in big cities, touristic zones in which there are crowded of people (such as cult buildings) and in other periods such as holidays. Before the details of this form of child labour are analysed, definition of the term ‘begging’ will be explained. The International Labour Organization defines begging as:

A range of activities whereby an individual asks a stranger for money on the basis of being poor or needing charitable donations for health or religious reasons. Beggars may also sell small items, such as dusters or flowers, in return for money that may have little to do with the value of the item for sale (Save the Children, 2011, p. 12).

The said definition of ILO refers also to the case of the forced child beggars. On this matter, Emily Delap, following the original definition of ILO further states that “*all children who are forced to beg are subjected to ‘forced labour’ and therefore it is ‘slavery, servitude or a practice similar to slavery’*” (Delap, 2009, p. 3). On the other hand, the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) states that:

Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour (United Nations, 1956, p. 4).

Moreover, the UN Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (2000) emphasizes that: “*the recruitment, transportation, transfer, harboring or receipt of persons*” can be done “*for the purpose of exploitation*”.

Referring to the case of Albania, “it does appear that more boys than girls are affected by forced child begging” (Delap, 2009, p. 9). This is explained due to the patriarchal mentality that characterizes the Albania as a country.

Begging is considered as an economic resource and “children are treated as a financial opportunity rather than a child with rights” (Delap, 2009, p. 1). Following the Albanian perception and culture, parents in general admit that children after school should also work. Parents think that work help children to face the challenges of life, to appreciate the value of working, to gain incomes and provide a good future for them. On the other hand ILO further claims that “the child is sent away to reduce costs for the family rather than to provide additional income” (ILO, 2002b, p. 35). Begging is taken on different forms. In most of the cases children are obliged to beg by their parents, their relatives, organized criminal groups etc. The most usual types of child employment are quite difficult to be proved, like begging, as children are thought to beg for their own needs with their free will. On the other hand, it is impossible to think about that a baby has decided to beg on his own!

There are many reasons strongly related to forced child begging such as discrimination, migration, and poverty, children without access to education, children with disabilities. On the other hand, there are other cases of babies and kids placed by their parents on the pavements of the streets with the porpoise to draw attention of the passengers, monitored at the other corners of the streets by their parents who go e collect money thrown to the kids.

Children who beg work very long hours by day and night. Due to this fact, these children are exposed to many risks related to their health which affects their mental and physical development such as violence, difficult weather conditions, car accidents, their involvement in illicit activities such as petty commerce, drug abuse. They are also subject to other severe forms of exploitation, such as kidnapping, trafficking and prostitution. Moreover, they are used for illegal adoption and organ donation, but there are no official register cases or other evidence to prove this claim.

Car Washing

Car washing is an unmonitored activity by the authorities who are more concentrated to observe big businesses (name it differently). Some of these activities operate officially by registered activities and others are subject of informal activity. Numerous young people are employed below the age of 18. The number of those children is limited to one or two per each activity. The aforementioned study conducted by Samuel Grumiau in Albania brings another case in Korca by identifying children who work full time in this sector and has completely abandoned the school. Leonard, a young Roma aged 16 years states that: *“A car owner pays 3 dollars to have his car washed. I earn about 5 dollars a day, working 9 to 19 hours, and I give it all to my family (my parents don’t have a steady job, they sell small goods on the streets). I have two younger brothers who go to school. I would have liked to continue attending school, but I went only for four years, under a project for pupils who were behind in their schooling set up by an NGO. I didn’t want to go to a state school after that because the children at my level would have been much younger than me. And then my family needs my salary to survive.”* (Grumiau, 2004, p. 14). The brother of Leonard has also worked likewise his brother since he was age of 10. Leonard further declares that he was a good student at school, but economic problems made him decide not to go at school. He further stated that he is very ashamed of being illiterate. In most of the cases he sits down with a newspaper and pretends he is reading it.

Sorting Through Rubbish in The Streets

One of the most humiliating forms of child labour is of children looking through the rubbish trying to find for items to sell back. This action is performed by families of extreme poverty.

Working at Home

This is another form of child labour which is spread mostly to the poorest families in Albania. When work is done in the home by adults of the family, children may well be engaged. A study conducted by Samuel Grumiau in Albania in 2004 on child labour issues he found out that in Shkodra the families working at home for Berttonni’s company were under serious exploitation. The member of the family when interviewed stated that *“My daughter, Auror), is employed at Berttonni during the daytime for a salary of about 100 dollars a month”*. *“She works from 6.30 a.m. to 3 p.m., with a 30-minute break. With five children at home, it is not possible to survive on this salary. So, she tries to get Berttonni to give her the parts of the shoes that she can sew by*

hand at home after her working day. She is paid between 1.5 and 2 dollars for sewing 20 pairs of shoes. It is very little, but the worst thing about it is the time within which she must complete this work: very often, she has only 24 or 48 hours in which to finish it. All the family helps her to finish the work in time, including her 8-year-old daughter. Berttoni does not receive enough orders from his customers to be able to supply us with shoes every day. We receive some about once a week. I know we are not paid properly for our labour, but we have no other choice.” (Grumiau, 2004, p. 13).

Agriculture

“In Albania’s context of a significantly informal and agricultural economy and the importance of contributing family workers, the prevalence of child labour is likely to be relatively high” (De Bruijn, Filipi, Nesturi, & Galanxhi, 2015, p. 58). Almost half of the population in the country is located in rural areas, and these children assist their parents in farming, planting, harvesting, and taking care of animals and livestock. This causes them to have heavy physical work commitments, as agricultural work is mostly done without modern automated tools. “Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides” (Ministry of Justice, 2012, p. 1).

Child labour in agriculture is also strongly linked to migration. Members of family have migrated abroad or to towns with the purpose to work and earn more money they earn in their own place. This means that these members have left their fields and they are replaced by their children. This form of child labour has affected negatively children’s participation at school.

Construction Work

Construction sector is a rapidly expanding sector in Albania. “The Construction Workers’ Trade Union reports that 20% of construction workers are less than 16 years of age” (ITUC, 2010, pp. 5-6). Most construction workers are employed without an employment contract, which makes it possible to hire minors and pay them less. Work inspectors do not perform their job the correct way as despite being aware of this phenomenon, they choose to neglect it and not take any further action, he concludes. “Albanian newspapers reported in early September 2004 the death of a 14 year-old boy that fell from scaffolding whilst working as a painter on a building site at Cërrik, not far from Elbasan” (Grumiau, 2004, p. 17). “When

tragic events like these occur, the newspapers make mention of other mortal accidents on construction sites involving children, pointing out the extent to which these children are exploited by being paid less than adults working on the same sites” (Grumiau, 2004, p. 17). “There is evidence that in the construction and service sectors children suffer from exhaustion caused by long working hours” (Ministry of Justice, 2016, p. 10).

Mining

“Children in Albania informally collect chromium around mines where debris from mine tunnels is found, and they sometimes carry heavy rocks for miles” (Refworld, 2017, p. 2). Minors are employed in various mines in Albania without the proper safety work conditions and equipment and without having any job contract. Gani Lama, President of the BSPSH's Tirana branch, and himself a former miner, confirms that: “*These are 16 or 17 year-old adolescents, working particularly in chromium mines, at Bater, Bulqiza, Borje, Klos and elsewhere, and earning just 55 euros a month*” (Grumiau, 2004, p. 17). Other children are engaged to dismantle dangerous military munitions. The explosion of 2008 in Gerdec resulted in 26 people being killed, including children, some other ones were wounded. Children working in mines are exposed to a high rate of chemicals and are made to carry heavy loads. “This work is not coerced and parents are aware that their children collect chromium” (Ministry of Justice, 2018, p. 2).

5.2.7 National Registered Cases

Albania continually faces the biggest problem regarding child issues of not having reliable data. Figures on child labour of the different sources do not coincide with each other and they also change from one year to another. This occurrence happens due to a considerable number of children being employed in the informal economy. The situation is worsened by the fact that “the General Inspectorate of Labour has no clear definition on child labour; and secondly, not all children are registered in Civil Offices” (Maksutaj & Hazizaj, 2005, p. 10). To this extent it is supposed for the number of children involved in child labour be higher than declared officially. Despite it being difficult to collect reliable data, eyewitnesses argue that these forms of child labour are increasing rapidly. The 2019 European Commission report on Albania points out the fact that “Albania remains a source country for forced child

labour” (European Commission, 2015, p. 60). However, in this section official published data from secondary sources will be presented in this section.

International Labour Organisation and INSTAT Report 2010

Table 5.6: The Distribution of children by age group and labour status. (Dayioğlu, Elezi, & Özel, 2012, p. ix).

	Ages 5-17	Ages 5-11	Ages 12-14	Ages 15-17
Child population	698,600	354,400	163,600	180,600
Employed	54,000	8,400	15,300	30,300
Labour force	57,000	8,400	15,300	33,300
Child labour	35,500	8,400	12,600	14,600
Employment rate (%)	7.7%	2.4%	9.4%	16.8%
LFPR (%)	8.2%	2.4%	9.4%	18.4%
Child labour (%)	5.1%	2.4%	7.7%	8.1%

LFPR: Labour Force Participation Rate (LFPR).

Table 5.7: Distribution of boys and girls by age group and labour status (Dayioğlu, Elezi, & Özel, 2012, p. ix).

	Ages 5-17		Ages 5-11		Ages 12-14		Ages 15-17	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
Child Population	357,800	340,800	189,700	164,600	79,600	84,000	88,500	92,100
Employed	32,400	21,600	5,400	3,000	8,700	6,600	18,300	12,000
Labour force	34,000	23,000	5,400	3,000	8,700	6,600	19,900	13,400
Employment rate (%)	9.1	6.3	2.9	1.8	10.9	7.9	20.7	13.1
LFPR (%)	9.5	6.7	2.9	1.8	10.9	7.9	22.5	14.5

LFPR: Labour Force Participation Rate (LFPR).

Table 5.8: Distribution of children in employment by type of economic activity
(Dayıoğlu, Elezi, & Özel, 2012, pp. x-xi)

Economic activity (NACE rev.1.1)	All	Boys	Girls
Agriculture, hunting, forestry and fishing	43,200 80.0%	25,200 77.8%	18,000 83.3%
Manufacturing	1,000 1.8%	600 2.0%	400 1.6%
Electricity, gas, water	200 0.3%	200 0.5%	0 0.0%
Construction	1,100 2.0%	1,000 3.1%	100 0.5%
Wholesale and retail trade	4,400 8.2%	2,600 8.1%	1,800 8.4%
Hotels and restaurants	2,200 4.1%	1,700 5.1%	600 2.6%
Transport, storage and communication	500 1.0%	200 0.7%	300 1.4%
Other activities	200 0.6%	0 0.0%	200 1.1%
Not classified (fetching water, helping at home)	1,200 2.1%	900 2.8%	300 1.2%
Total number of employed children	54,000	32,400	21,600

Table 5.9: Distribution of children in employment by type of economic activity and age
(Dayıoğlu, Elezi, & Özel, 2012, pp. x-xi)

Economic activity (NACE rev.1.1)	Age 5-11	Age 12-14	Age 15-17
Agriculture, hunting, forestry and fishing	7,200 86.2%	12,700 83.1%	23,300 76.7%
Manufacturing	0 0.0%	300 1.9%	700 2.3%
Electricity, gas, water	0 0.0%	0 0.0%	200 0.5%
Construction	200 2.2%	100 0.6%	800 2.7%
Wholesale and retail trade	200 2.9%	1,000 6.5%	3,200 10.6%
Hotels and restaurants	0 0.0%	800 5.4%	1,400 4.6%
Transport, storage and communication	0 0.0%	100 0.9%	400 1.3%
Other activities	0 0.0%	0 0.0%	200 0.8%
Not classified (fetching water, helping at home)	700 8.7%	300 1.6%	200 0.6%
Total number of employed children	8,400	15,300	30,300

Ministry of Interior Reports

Report on Implementation of National Action Plan For Combating Trafficking in Human Being:

September 2008 – May 2009.

Age related; it appears that children registered at work are mainly:

- 17-year-old around 54.3%
- 16-year-old around 18.3%
- 15-year-old around 1.9%

Among identified children at work, it results that most of them are females and specifically, 82.6% of all children are girls.

Activities these minors are focused on are:

- agriculture, forestry, fishing- 23%
- manufacturing enterprise- 63.7% (tailoring-49.5%; shoe factory-15.7%)
- construction- 1.8%
- other activities-11.5%

During the inspections, 86% of the children who work are insured and 14% of them were not insured at the time. Of course, for these children, measures have been taken to have them insured at the tax offices. 78% of registered children are under medical examination. As for the remaining part, the employers have been informed and concrete tasks have been left regarding the medical examination depending on the place of work where these children work.

January-December 2010

During the January-September 2010 period IPH (Institute of Public Health) identified 297 children below the age of 18 in employment, while, in the same period, in 2009, it had identified 237 children in employment. Most of the identified children are 17 years old, respectively 239, followed by 42 children aged 16 years, 14 children aged 18 years, 1 child 15 years and 1 child 14 years. In terms of sex, 239 of them are females and 58 males. In most

cases, children have 9 years of education, specifically 252 children, 22 have primary education, 17 have general secondary education and 6 children have no education.

Activities these minors are focused on are:

- manufacturing enterprise – 232 children
- construction - 4 children
- transport, storage, telecommunications – 6 children
- other activities – 3 children
- wholesale and retail trade – 35 children

Total number of registered children: 256 are employed with the authorization of the IPH, whereas 39 children are employed without authorization, 258 children are registered with medical examination, whereas 39 children work without medical examination, and in terms of social insurance, 278 children result insured, whereas 19 children result uninsured.

Save the Children Report (Save the Children, 2015)

January-August 2015

According to inspections conducted by the board of State Inspectorate of Work and Social Services (ISHPSSHSH-Albanian) (SIWSS) for this period, it results that a total of 131 minors are employed:

- 14 years old – 1 child
- 15 years old – 1 child
- 16 years old – 29 children
- 17 years old – 99 children
- 18 years old – 1 child

The activities these minors are focused on are:

Trade: 25 minors

Enterprise (manufacturing respectively): 88 minors

Call Centre (others):17 minors

Mining: 1 minor

For this period of time, results that those 115 minors are insured and 16 uninsured.

Gjirokaster 2008-2015

During this period of time, for minors aged 16-18 years old, there have been only 6 employment cases in entities with Call Center and textile and shoe industry service activities, where employers made a request to obtain a Juvenile Employment Authorization (Minor Work Permit).

Berat January- October 2015

It has been ascertained that 13 minors aged 16-18 years old have been employed in textile and shoe industry service activities. Every employed person was equipped with authorisation by the (ISHPSSHSH-Albanian) (SIWSS Board).

The activities these minors are focused on are:

- the textile industry of production of bags: 48 minors;
- in part-time buffet bar: 1 minor;
- in medicinal herbs collection (environmental maintenance);

For their employment, in the authorization discharged by the aforementioned board are specified precisely working hours:

- 6 hours a day and 30 hours a week,
- weekly rest 2 days a week;
- every 4 and a half hours at 30 minutes rest
- workplace (easy work process like connection, folding and not machining);
- Employment only on first shifts.

Vlora first 10 months of 2015

The Regional Board of ISHPSH of Vlora during its inspections has identified 68 minors employed, mainly in the activities of producing clothing and footwear, services sector and tourism. All reported cases are in accordance with the applicable legal standards and provisions, especially for working conditions. In the cases of informality, where 7 informal

minor employees were identified, measures were taken against employers to enter into their social security scheme and to obtain authorization from the labour inspector, in accordance with the legal provisions in force.

Kukes 2015

There has been 1 (one) case found in the district of Tropoja, in the Valbona area, employed as a waiter during the summer tourist season. This employment of the minor was informal, but the work he performed did not affect his health and safety. This case has been delegated to the tax authorities for inclusion in the social insurance scheme and at the same time, they have provided technical assistance to follow the procedures for obtaining a work permit from the labour inspector.

Tirana 2015

Even the Regional Board of Tirana recognizes that the use of child labour is mainly carried out in informal activities for which the labour inspector has no competence to perform his function and as long as these children perform informal work, he cannot exercise the functions of child labour, in relation to the implementation of labour legislation. The regional directorate of Tirana has continuously submitted requests from the entities to allow the employment of minors in their activities. There has been a continuous request submitted from the entities to allow the employment of minors in their activities. The number of these requests has increased significantly since the start of the fight against the informality. Based on DCM No. 384 dated 20.05.1996, as amended “On the protection of minors at work”, the labour inspector allows or not the employment of minors.

Lezhe January-August 2015

During this period, 4 inspections were carried out in 4 subjects, who were given authorizations for the employment of minors, and during the inspections, 23 children were found at work and their employment was in accordance with the legal provisions in force. In the District of Lezha, the Regional Board confirms that they have not encountered any phenomenon that damages the life, health and development of minors.

Diber 2015

Last year there were only such cases in Bulqiza Municipality (at chromium mining entities), where children often due to difficult economic situation or due to physical or health

disabilities of their parents chose to work in it which endangered their health, by collecting chromium informally mainly at mining outlets or in the chromium stocks around them.

Fier 2015

During the inspection process of the January-September 2015 period, there were found minor employees at the age of 16-18, 19 minors in the subjects with the activity of textile and shoe industry service and coffee bar. All persons are provided with the authorization of the said Board. They are 11 minors equipped with licenses mainly employed part-time in textile, shoe manufacturing, bar.

For their authorised employment issued by this board are specified:

- working hours 6 hours a day and 30 hours a week.
- weekly rest 2 days a week;
- workplace (light work process like connection, folding and not machining)
- employment only on first shifts.

Korce

During this period, only one case was filed with this board where the entity applied to employ 1 employee under the age of 18, this subject was inspected to see the working conditions and then permission was granted to employ the employee under the age of 18, according to the legislation in force for persons under 18 years old.

Save the Children Report 2015 further makes a comparison between girls and boys engaged in labour.

Girls

There are 19800 girls children who are engaged in work retail wholesaling and in agriculture. We should especially emphasize the cases of 400 girl children engaged in manufacturing industries, mainly of the textile and shoe industry type. These girls' work is mainly related to the industrial processing of textiles and footwear, where they are exposed to dangerous machinery and industrial substances harmful to the human body. Last but not least is the fact

that about 100 girls are engaged in the construction sector. The heavy workload and lack of health security conditions in this sector are clearly documented (Save the Children, 2015, p. 22)

Boys

In total, we have 32400 boys working children. Even among boys, agriculture and livestock are the sectors where most of them are engaged (25,200 boys in total). Even for boys, the wholesale and retail sector comes second to engagement. The peculiarities of the boys lie in their commitment to the hotel-tourism sector, especially during the summer season mainly in coastal areas. It is worth mentioning this fact because, besides the increase in the phenomenon of child begging, there is also a considerable number of a child working in coastal areas. (Save the Children, 2015, p. 23)

Other Reports

Referring to Education International, “approximately 50,000 children work part time or full time” (ITUC, 2010, p. 6). Data published by UNICEF in *The State of the World’s Children 2011* show that “employment of children 5-14years old in Albania reaches to 12%, of which 14% are boys and 9% are girls” (Danaj S. , 2011, p. 43). In 2012, according to UNICEF Albania, “12 per cent of children labored (boys 14.4%; girls 9.4%)” (Shanaj, Hallkaj, & Cuninghame, 2015, p. 76). Referring to the same year 2012 Instat and ILO reports:

About 200 children are found in the energy sector, mainly engaged in mining in the Bulqiza area. Meanwhile, another 1100 children are identified as engaged in the construction sector, spread throughout Albania. It is interesting to say that they are all almost boys. Only 100 girls were identified as active in the construction sector and none were identified in the mining/energy. (Save the Children, 2015, p. 23)

In 2013, “in Lazarat village (Gjirokaster district) 312 children were found to be employed in marijuana processing” (ARSIS & GFK, 2014, p. xi). “Labour Inspectorate data for 2014 shows that 264 children between 16-18 years worked in the formal sector” (Shanaj, Hallkaj, & Cuninghame, 2015, p. 76). “Around 700 children have been identified begging in Tirana, on their own or with family members (Shanaj, Hallkaj, & Cuninghame, 2015, p. 76).

5.2.8 The Relation between Child Labour and School Enrollment

Education plays a very important role for the development of a child and for the wellbeing of society. Being educated requires time, from going to school to further studying at home, meanwhile work too requires its own time too.

Therefore, it may be difficult for a child to combine education and working within the same time. If legislation makes education obligatory, will this then automatically eliminate child labour? From another point of view child labour may ‘challenge’ education in terms of money. While child labour is an economic contribution to fulfill family’s demand, education has further expenses. If children are engaged in working, they feel tired and become less motivated to attend school.

International Labour Organisation states that “work interferes with children’s schooling by depriving them of the opportunity to attend school; by obliging them to leave school prematurely; or by requiring them to attempt to combine school attendance with excessively long and heavy work” (ILO, n.d). UNICEF Report (2013) states that “in absolute terms, about 3,000 children work exclusively, 483,000 attend school exclusively and 29,000 children combine schooling in work. The remaining 26,000 children neither work in employment nor attended school” (UNICEF, 2013a, p. 7). In 2014 official statistics reported that “the gross school enrolment ratio is 103%, school abandonment remains a challenge in Albanian society” (ARSIS & Albania, 2014, p. 55). “A 2017 UNICEF study on Albania’s investment in education noted that about 15 000 children are out of school, many of them in engaged in child labour” (Mijatovic, 2018, p. 12).

Data Collected

International Labour Organisation and INSTAT Report 2010

Table 5.10: School attendance of working children by age (Dayioğlu, Elezi, & Özel, 2012, p. xiii)

School attendance	Age 5-17	Age 5-11	Age 12-14	Age 15-17
Working children	45,000 77.5%	8,500 98.8%	16,800 95.4%	19,700 61.9%
Child labourers	29,200 79.9%	8,500 98.8%	13,000 95.2%	7,700 54.0%

Table 5.11: Time-use patterns of children aged 6-17, by sex. All Boys Girls (Dayıoğlu, Elezi, & Özel, 2012, p. 18)

	All	Boys	Girls
School + Employment + Unpaid household services	28,200 4.3%	14,800 4.4%	13,400 4.2%
School + Employment	12,500 1.9%	10,500 3.1%	2,000 0.6%
School + Unpaid household services	232,300 35.4%	94,100 28.1%	138,300 43.0%
Employment + Unpaid household services	9,400 1.4%	3,900 1.2%	5,500 1.7%
School only	329,600 50.2%	188,700 56.4%	140,900 43.8%
Employment only	3,900 0.6%	3,200 1.0%	700 0.2%
Unpaid household services only	15,400 2.3%	3,200 1.0%	12,200 3.8%
Inactive	24,800 3.8%	16,400 4.9%	8,400 2.6%
Total number of children aged 6-17	656,100	334,800	321,300

Table 5.12: Time-use patterns of children aged 6-17, by age

	Age 6-11	Age 12-14	Age 15-17
School + Employment + Unpaid household services	4,600 1.5%	10,500 6.4%	13,100 7.3%
School + Employment	3,400 1.1%	4,000 2.5%	5,200 2.9%
School + Unpaid household services	61,700 19.8%	79,600 48.6%	91,100 50.4%
Employment + Unpaid household services	300 0.1%	400 0.3%	8,600 4.8%
School only	225,300 72.2%	62,800 38.4%	41,500 23.0%
Employment only	100 0.02%	400 0.2%	3,500 1.9%
Unpaid household services only	1,100 0.4%	2,800 1.7%	11,400 6.3%
Inactive	15,400 5.0%	3,100 1.9%	6,200 3.5%
Total number of children	311,800	163,600	180,600

U.S. Department of Labor's 2011 findings (U.S. Department of Labor's, 2012, p. 7)

Table 5.13: Statistics on Children's Work and Education (2015)

Children	Age	Percent
Working	7-14 yrs.	19.0 (108,161)
Attending School	7-14 yrs.	91.0
Combining Work and School	7-14 yrs.	20.5
Primary Completion Rate		86.3

U.S. Department of Labor's 2015 findings (U.S. Department of Labor's, 2016, p. 69)

Table 5.14: Statistics on Children's Work and Education (2016)

Working (% and population)	4.6 (23,665)
Attending School (%)	92.5
Combining Work and School (%)	5.2
Primary Completion Rate(%)	107.8

U.S. Department of Labor's 2016 findings (U.S. Department of Labor's, 2017, p. 10)

Table 5.15: Statistics on Working Children and School Attendance (2017)

Children	Age	Percent
Working	6-14 yrs.	19.0
Attending School	5-14 yrs.	91.0
Combining Work and School	7-14 yrs.	20.5

U.S. Department of Labor's 2017 findings (U.S. Department of Labor's, 2018, p. 1)

Table 5.16: Statistics on Children's Work and Education (2018)

Children	Age	Percent
Working(% and population)	5 to 14	4.6 (23,665)
Attending School (%)	5 to 14	92.5
Combining Work and School (%)	7 to 14	5.2
Primary Completion Rate(%)		105.6

U.S. Department of Labor's 2018 findings (U.S. Department of Labor's, 2019, p. 1)

5.3 Sexual Exploitation

Being a global problem, commercial child sexual exploitation has many children be vulnerable to sex trade. This occurs due to the sex industry being a profitable market. International Labour Organization estimates that globally “1 million of children are in commercial sexual exploitation” (ILO, 2017, p. 11). In Western Europe, specifically, an increase in demand is seen for commercial sex services. According to ILO, “every case of commercial sexual exploitation involves maximum benefits to the exploiter and an abrogation of the basic rights, dignity, autonomy, physical and mental well-being of the children involved” (IPEC-SIMPOC&ILO, 2007, p. 27).

Referring to the Albanian case, sexual exploitation is a very sensitive issue. U.S. State Department Report assumes that “Albania is a source, transit, and destination country for men, women, and children subjected to sex trafficking” (U.S.Department of State, 2018, p. 69). “Albanian victims are subjected to trafficking for sexual exploitation in Albania as well as in Greece, Italy, Macedonia, Kosovo, Belgium, Netherlands, Germany, Switzerland, Ireland and UK” (U.S.Department of State, 2019, p. 63). “Approximately half of all Albanian trafficking victims are under age 18” (U.S. Department of State, 2008, p. 54).

Commercial sexual exploitation can take many forms including child prostitution; child pornography; child sex tourism; and child marriage. The phenomenon involves both girls and boys. Related to this, Holly Cullen has stated that “girls and boys do not experience these abuses in the same way, and it is still the case that girls are affected in much higher numbers” (Cullen, 2007, p. 46). “At least in some parts of the world, girls are more likely to be trafficked for prostitution and domestic service, and boy are more likely to be trafficked into forced labour” (Cullen, 2007, p. 46).

“Commercial sexual exploitation of children is considered one of the most hazardous forms of child labour” (Shukla & Ali, 2006, p. 133). There are two ways that commercial sexual exploitation occurs. The first one when the child itself chooses to earn money through commercial sex. The second one is when a range of actors exploit children for sexual purposes in exchange for profit. This organized range of actors comprises “hotel clerks, taxi drivers, police officers, government officials, neighbors and relatives, including mothers and

fathers” (UNICEF, 2001a, p. 2). Be that as it may, the victims are sometimes oblivious that they are sexually exploited, instead of engaging in a decent job.

In any form, commercial sexual exploitation deprives a child of their right to experience young age and lead a rewarding and satisfying life with integrity and dignity. Specifically, ECPAT International states that “the commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children” (ECPAT International, 2011-2012, p. 23). Furthermore, sexual exploitation of children can cause lifelong consequences for children’s development such as “early pregnancy, maternal mortality and sexually transmitted diseases (ILO, 1996, p. 17). Child victims can suffer deep trauma that can make them feel unable to return or to socialize to a normal life, to have a healthy love relationship. Some of them become addicted to drug and alcohol, victims of abuse or prostitution. There are other cases when children die before they reach adulthood. UNICEF further describes other risk that children may face by stating that:

Young children who have not even reached puberty suffer from the interest of paedophiles, while the demand for commercial sex with girls who have only just passed puberty has increased as a result of the HIV/AIDS epidemic. Men in various parts of the world deliberately seek sex with girls of 15 or younger on the assumption that they are less likely to have contracted HIV/AIDS than older women. Some people who are HIV-positive even believe that sex with children, and particularly virgins, will remove their own infection (UNICEF, 2005, p. 28).

The phenomenon of child sexual exploitation is influenced by many different factors. Some organisations divide those in socio-economic factors and family-related factors:

Socio-economic Factors:

- ✓ Poverty and social exclusion;
- ✓ Lack of an efficient system of child care and protection;
- ✓ Lack of education or low level of education;
- ✓ Lack of employment opportunities/high levels of unemployment/ employment uncertainty/ low remuneration for non-professional work of parents;
- ✓ Lack of a friendly environment surrounding children and lack of opportunities for children and teenagers, including minority groups;
- ✓ Cyclic migration of parents (seasonal workers)

- ✓ Lack of information about life abroad and wrong perceptions about life in the Western countries;
- ✓ Influence of media in shaping up attitudes towards sexual relationships;
- ✓ Certain cultural norms that expect children to grow up faster (Hazizaj & Maksutaj, 2009, p. 14)

Family-related Factors:

- ✓ A tradition of low level of education within the family;
- ✓ Lack of family support to follow education;
- ✓ A history of abuse / dependency / alcoholism in the family;
- ✓ A history of abuse, neglect and violence within the family;
- ✓ Lack of communication between parents and children;
- ✓ Single-parent families or divorced families;
- ✓ Lack of parental care (Hazizaj & Maksutaj, 2009, p. 14)

Montgomery Heather argues on child sexual exploitation that “the children themselves have been largely silent. Many people are speaking in their name but very few people have listened to them and know who they are or how they perceive what they do” (UNICEF, 2009, p. 21). On the other hand, referring to statistics, research on commercial sexual exploitation of children (CSEC) is considered as very challenging as both exploiters and exploited children lack a sampling frame and are difficult to trace. Henceforth, there is no conventional methodology used to collect data for exploited victims, nor is there a formal data registry in Albania. Different organisations have been able to collect data on the victims based on the cases they followed and assisted. Although, this information varies among organisations depending on the information available to them.

5.3.1 Sexual Exploitation Related Terms and Definitions

There is no agreed definition in international law on ‘commercial sexual exploitation’ (CSEC), despite the continuous effort in trying to attach a specific meaning to the term.

As Professor Vitit Muntarbhorn’s (General Rapporteur, Second World Congress against Commercial Sexual Exploitation of Children, Yokohoma 2001) pointed out that “there remains disagreement among operational actors concerning definitions behind the phenomenon of the sexual exploitation of children” (CWIN & ECPAT, 2015, p. 18).

However, various important legal documents tends to address and clarify conceptual and analytical issues of CSEC. Starting with ECPAT International, as an important host of the First World Congress against Commercial Sexual Exploitation of Children 1996 provides its definition from Stockholm Declaration by stating that:

The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery (ECPAT, 1996, p. 1).

Following the abovementioned definition, ECPAT explains that “commercial sexual exploitation of children “is the use of a child for sexual purposes in exchange for cash, goods or in-kind favors between the exploiter, intermediary or agent, and others who profit from the sexual exploitation of the child” (Beaulieu, 2008, p. 41). Consequently, “sexual exploitation of children constitutes sexual abuse from an adult, or from someone having the same age of the victim who exercises some form of manipulation, threat or power over the victim” (Hazizaj & Maksutaj, 2009, p. 13). The fact that children are not just handled as sexual objects but also as commercial object, is another matter of importance for CSEC.

The ‘commercial’ element can involve any form of financial compensation. “Child pornography, for example, often involves financial exchange but can also be based on nonmonetary exchange via the Internet when images are traded or exchanged between pornography possessors and are treated as their own form of currency” (Wurtele & Miller-Perrin, 2017, p. 125). Moreover, child prostitution can involve monetary compensation, but also “the involvement of children in prostitution activities can be viewed on a continuum, with the definition of prostitution as the provision of sexual activities for food, shelter, or money (survival sex)” (Eva J. Klain, 1999, p. 8).

Following the legal documents, an important contribution on CSEC has been provided by the ‘Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) (2000), by explaining the terms ‘prostitution’, and ‘pornography’ (further explanations of each term will be provided on the following sub-section ‘analyses of sexual exploitation forms’). Furthermore, the ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,

supplementing the United Nations Convention Against Transnational Organized Crime' (2000) mention the term 'sexual exploitation' as one of the forms of child exploitation as below:

- a. The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. Recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d. Child "shall mean any person under eighteen years of age (United Nations, 2000, p. 3).

Based on the abovementioned provision of the protocol, trafficking of persons includes a variety of forms of exploitation such as "the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery etc." (United Nations, 2000, p. 3). Further, the protocol makes a specific article including children stating that "any exploitation involving the recruitment, transportation, transfer, harboring or receipt of a child is considered trafficking in persons even if it does not include any of the means (e.g., threat or force, fraud or deception, abuse of power, receiving payments or benefits to achieve consent)" (United Nations, 2000, p. 3). Moreover, the U.S. 'Trafficking Victims Protection Act' (TVPA) (2000) defines sex trafficking as "the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where such act is induced by force, fraud, or coercion, or when the person induced to perform sex acts has not attained the age of 18 years" (U.S. Government, 2000, p. 8). Based in this act, the term 'commercial sex act' means "any sex act on account of which anything of value is given to or received by any person". No proof is required to argue that coercion, violence and deceiving are used to lure a minor into being a sex trafficking victim. Thus, consent is irrelevant when applied to minors (Wurtele & Miller-Perrin, 2017, p. 125). Children in comparison with adults do not have the capacity to express their consent or to understand the seriousness of the consequences of such acts. Another

aspect to address to this part is that even though the term ‘sex trafficking’ involves movement, it does not mean that the child victim has to be physically moved or transported to planned destinations as part of the commercial sexual exploitation. This means that transportation is not an inquiry, the exploitation yes. Therefore, commercial child trafficking and child sex trafficking entail any sexual exploitative or commercial act, be it involving use of transportation of the victim, a child in this case. Going over another convention as The Convention on the Rights of the Child (1989) which lists the practices of “sexual exploitation of children” as below:

- a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- b) The exploitative use of children in prostitution or other unlawful sexual practices;
- c) The exploitative use of children in pornographic performances and materials (United Nations, 1989, p. 10).

The said Convention requires from governments to protect children from sexual exploitation and abuse by preventing the exploitation of children in prostitution or in pornographic cases. Moreover, the article 3(b) of the Worst Forms of Child Labour Convention, 1999 (No.182) states that “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances constitute some of the worst forms of child labour” (ILO, 1999, p. 2). However, one can argue that child prostitution and child pornography as repugnant abuses must be treated as the most serious crimes. Consequently, the related offences cannot be simply considered as a form of labour or work. Referring to some other academic sources, there is another point of view of children being able to choose and voluntarily engage in sexual activities. Brandy Steelhammer has stated that “children are sexual beings” (Steelhammer, 2003, p. 1) which means that she/he should have the right to make their own decision on sexual choices. “Child development literature point towards the fact that teenage period is a time for experimentation and exploration of ones’ sexuality” (CWIN & ECPAT, 2015, p. 23). Related to this issue Save the Children has provided an opposing view by stating that:

No child under the lawful age of sexual consent can willingly enter into prostitution for the reason that any sexual activity between an adult and a minor is considered harmful, coercive and unlawful (and in many instances is legally classed as rape) regardless of the perceived ‘willingness’ or views of the young person (Jones, Jemmott, & Kimmage, 2008, p. 14).

“This concept of ‘willingness’ is, thus, no longer accepted in international law” (CWIN & ECPAT, 2015, p. 22). In support of this statement, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, clearly excludes the possibility of the term ‘willingness’ or ‘consent’ to trafficking any person below the age of 18. The ‘illegality’ as an element of sexual exploitation covers all the cases of children’s vulnerability. Related to this issue, an analytical review on child sexual exploitation deeply explains that:

Children’s age is often below the legally stipulated age of employment; her/his status within the country of residence is illegal; the conditions of work under which s/he labours are illegal or not up to legal standards; the hotels or brothels in which s/he resides are illegal; and several of her/his partners in business or life are illegal, such as pimps and other sex workers (ECPAT, n.d, p. 14).

5.3.2 Forms of Sexual Exploitation

The most common forms of commercial sexual exploitation of children in Albania are child prostitution, child pornography, child sex-tourism, and child marriage. Therefore, the following section will look at these concepts in general and in Albanian case.

Child Prostitution

‘The United Nations Convention on the Rights of the Child’ (1989) in article 34/b requires from “state parties to take measures to prevent the exploitative use of children in prostitution” (General Assembly, 1989, p. 10).

The same requirement is set in article 27(b) of ‘the African Charter on The Rights and Welfare of the Child’ (1990) (ACRWC). Be it as it may, the said conventions have no set definition of child prostitution. Definition of the said term is found in article 2 (b) of the ‘Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography’ (OPSC) (2000) defining ‘child prostitution’ as “the use of a child in sexual activities for remuneration or any other form of consideration and includes offering, obtaining, procuring or providing a child for child prostitution” (OHCHR, 2000, pp. 248-249). The Council of Europe Convention ‘On the Protection of Children against Sexual Exploitation and Sexual Abuse’ (also known as Lanzarote Convention), in

article 19/2 defines 'child prostitution' as "the fact of using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person" (Council of Europe, 2007, p. 7). The same meaning is provided by EU Directive 2011/92 in article 2(d) defining 'child prostitution as "the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party" (European Parliament & The Council of European Union, 2011, p. 7). Furthermore, ILO Convention No.182 (1999) refers in its Article 3(b) to "the use, procuring, or offering of a child for prostitution", defining it among the 'worst forms of child labour' (ILO, 1999, p. 2). ECPAT International further states that "the prostitution of children occurs when someone benefits from a commercial transaction in which a child is made available for sexual purposes" (ECPAT, 2013). "Children may be controlled by an intermediary who manages or oversees the transaction, or by a sex exploiter, who negotiates directly with the child" (Chuhan, n.d, p. 154).

Referring to the Albanian legislation, specifically to the Criminal Code, there is no usage of 'child prostitution' in terminology. As a result, Therefore, child prostitution is not deemed as a separate infringement from adult prostitution. The Criminal Code of Albania punishes prostitution in article 113 "by a fine or up to three years of imprisonment" (Albanian Parliament, 1995, p. 59). Article 114 defines "prostitution as soliciting prostitution, mediating or gaining from it and is punishable by a fine or up to 5 years of imprisonment" (Albanian Parliament, 1995, p. 42). "When the same offence is committed with minors, against several persons, with persons who are close kin, close kin of the spouse, who have custodial relationships or availing themselves of their official relationship, or when committed in complicity or more than once, or by state and public officials, shall be punishable by seven to fifteen years of imprisonment" (Albanian Parliament, 1995, p. 42). While "article 114/a describes exploitation of prostitution under aggravated circumstances" (Albanian Parliament, 1995, p. 42). "Article 115 refers to the use of premises for prostitution stating that managing, utilizing, financing, letting the premises for purposes of prostitution, is punishable by a fine or up to ten years of imprisonment" (Albanian Parliament, 1995, p. 42). "Article 129 criminalizes up to five years of imprisonment those who induce or encourage minors under the age of fourteen into criminality" (Albanian Parliament, 1995, p.

42). Although, this article does not provide any information on what constitutes criminality or induction.

Child prostitution is practiced in capitals, tourist areas and industrial zones where the demand is high. Referring to the specific places it may be homes, hotels, brothels, bars and clubs. There is a common understanding that girls only can be sexually exploited. Referring to boys there is no information available that they are engaged in prostitution. It was claimed that “contrary to the general opinion stating that boys are not commercially sexually exploited, many child rights experts believe that boys prostitution is yet a hidden phenomenon” (Hazizaj & Maksutaj, 2009, p. 19). Those children exploited for domestic prostitution are equipped with a falsified birth certificate and are made to lie about their age when asked by the police.

Most of the young girls come from rural areas that are sexually exploited by a fake marriage proposal. On the other hand, the most vulnerable category of children who risk being very easily trafficked into prostitution are street children. Related to this, the Committee on the Rights of the Child identified the risk faced by the street children in Albania, stating “that street child represented the most unprotected category of children in Albania” (ECPAT International, 2012, p. 12).

Children are surrounded by different circumstances and situations that push them to be engaged in prostitution. Poverty makes them vulnerable. It pushes people to the edges of selling their soul to the devil, for the sake of money. On the other hand, most of the children are obliged to help economically their families. There are other cases when parents sell their children through their voluntary will even for a very small amount of money. Other cause may be dysfunctional families, divorce, remarriage, and domestic violence, family members addicted to alcohol or drug substances that make children to leave their homes and become easily recruited by the exploiters. There are also other cases when husbands sell their wives who are girls that have not attained 18 years old or elder, by deception, forcing to have sexual relations with other males for benefits. All these causes of child prostitutions prove that this is not children’s personnel choice to practice prostitution. There are adults who abuse to children’s vulnerability by exploiting them sexually and cause child prostitution by treating them as sexual objects with the main purpose to obtain as much profits as they can.

Children exploited in prostitution suffer severe and saddening consequences. The preamble of the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Resolution 317), states that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community” (UN, 1949, p. 1). The major concern is that children are persecuted and deprived of their basic rights of education and health care. “Child prostitution is considered to be crime of grave of consequences for children particularly girls” (Chuhan, n.d, p. 157). Prostitution cause to the child victims irreparable harm to their mental and physical health. They lose their childhood and become victims of early pregnancies. In comparison with adults, children may also pose a serious danger to public health because being uninformed and weak that cannot be able to require medical help in cases of sexually transmitted diseases. Some of them feel abused from having to accept a considerable number of clients, without having any right of demand for safe sex. This happens due to child prostitution being unlawful, making procurers keep them in the hide. There are also other cases when child victims may practice prostitution even though they can be released from their exploiters. Various interviews conducted by CRCA in cooperation with other NGOs to young girl victims of trafficking have revealed “that children involved in prostitution are continuously in danger of being re-victimised, even when rescued from the sex market” (Hazizaj & Maksutaj, 2009, p. 20). Various reasons contribute to this issue. This may happen because of lack of social and psychological support. These children feel usually alienated from society and having no psychological support, might make them think that prostitution is their only way of endurance. Thus, as a result, some of the exploiters start taking advantage of other children by creating their network of child prostitution. From other point of view, child prostitutes are vulnerable to sexually transmitted infections such as AIDS. Prostitution is also strongly linked with substances of abuse. Due to alcohol or drug addiction, for some children, it is easier to turn to prostitution, because procurers encourage children to use drugs, to have them more dependent on narcotic substances. It is a disturbing fact that the exploiters manage to get unscathed from this situation, with no punishment or penalty.

Definitely, “child prostitution is a scourge for a civil society and a pathetic instance of human right violation” (Chuhan, n.d, p. 158). “Now-a-days men have digressed all the moral values and social-norms, by exploiting the beautiful creature of God ‘a child’ for sexual pleasure”

(Chuhan, n.d, p. 155). Furthermore, as observed by The Hon'ble Supreme Court in the case of Vishal Jeet vs. Union of India and Ors (1990 AIR 1412), it was stated that:

The malady of prostitution is not only a social but also a socio economic problem and, therefore, the measures to be taken in that regard should be more preventive rather than punitive. This cannot be eradicated either by banishing, branding, scourging or inflicting severe punishment on the helpless and hapless victims most of whom are unwilling participants, and involuntary victims of compelled circumstances and who, finding no way to escape, are weeping or wailing throughout. This devastating malady can be suppressed and eradicated only if the law enforcing authorities in that regard take very severe and speedy action against all the erring persons such as pimps, brokers and brothel keepers (Walsh, 2011, p. 412).

Data Collected on Child Prostitution

It remains very difficult to estimate the exact number of Albanian children exploited in prostitution, as many cases are not reported or registered. Forthcoming will be some data presented that have been collected from different sources. The UNICEF, UNOHCHR, OSCE and ODIHR Report states that:

The number of victims of trafficking from Albania is unknown. In 2001, official sources indicated that 100,000 Albanian women and girls were trafficked to Western European and other Balkan countries over the previous ten years. However, a year later another official document stated that about 6,000 Albanian women and girls had been trafficked abroad for sexual exploitation (Appeal Tribunal, p. 6)

On the other hand, a Save the Children's Report of 2001 stated that "there are 30,000 Albanians working abroad as prostitutes" (Renton, 2001, p. 1). Furthermore, UNICEF assumed that "most of them are teenage girls who were coerced, deceived and kidnapped, frequently by Albanian pimps and traffickers who are known to the family" (UNICEF, 2001a, p. 23). Additionally, the same Save the Children report illustrated the danger and high level of the problem as follows:

In Italy and Greece where there are estimated to be 15,000 and 6,000 Albanian prostitutes respectively, Albanian girls are subjected to extreme levels of danger, violence and sexual exploitation. Many, perhaps the majority, are unpaid rendering them sex-slaves" (Renton, 2001, p. 2).

Another study conducted by the International Organization for Migration entitled 'Second Annual Report on Victims of Trafficking in South-Eastern Europe 2005' stated that:

Albanian victims of trafficking for sexual exploitation were minors in 21.1 per cent of cases in 2003 and 23.6 per cent in 2004. Rates of re-trafficking among all Albanian trafficking victims was high in 2003 and 2004. In 2003, these ranged from 33.7 per cent among victims of sexual exploitation to 30.8 per cent of victims of labour, begging and delinquency (Surtees, 2005, pp. 52-53).

Furthermore, newspaper “Shekulli”, Friday, 26 January 2007 wrote about “a young girl arrested for exploiting a child for prostitution” (CRCA, DCI & ACTSEC, 2012, p. 13). The victim is a 14-year-old girl from Durrës with the initials E.S, who was tricked by J.C. an 18-year-old girl from Tirana. Police records show that J.C. promised E.S. that would help her find a job in Tirana, to support her family economically. This is when J.C. booked a hotel room using the said minor for prostitution, by exposing her to several guys. In the meantime, the perpetrator has also found a job as a waitress for the victim. It was the minor’s family, who after being worried for their daughter called the police. E.S. was found after several days in a pub in Tirana, and she confessed to all the horrors she had gone through. As a result, J.C. was arrested, and the police held an investigation, to uncover prostitution networks that use hotels in Tirana and Durrës for illegal activities.

On the other hand, Newspaper “Korrieri”, on 1 June 2008 wrote that based on the data of the National Police Authority and of Tirana Magistrate Court, “during the first five months of 2008 there was an increase of 50 percent of the criminal proceedings for prostitution related offences, compared with the previous year” (CRCA, DCI & ACTSEC, 2012, p. 12).

Table 5.17: Court data on sentencing of people charged on running prostitution rings during the period 2005-2008 (CRCA, DCI & ACTSEC, 2012, p. 13).

Convictions for exploitation in prostitution (Article 114/a of Criminal Code)				
	Year 2005	Year 2006	Year 2007	Year 2008
Tirana	7	NA	11	7
Vlore	3	1	2	1
Fier	9	10	10	12
Shkodra	1	0	0	0
Kavaja	2	1	0	3

By relying to the data provided, there is a clear disparity between the phenomenon and the cases reported to it. This existing disparity is explained as follows:

1. The networks operating the trafficking and prostitution of children are very well organized and act in complete secrecy, making the job of the police to combat this crime very difficult;
2. It rarely happens that children victims of CSEC denounce their exploiters as they are afraid of their tutors and especially believe they would endanger their lives and their families' safety if they were to come out of this exploitation; this process is further made difficult by stigma and prejudices attached to prostitution (CRCA, DCI & ACTSEC, 2012, p. 13)

ECPAT Report 2012 pointed out that:

Albania remains a country where children are domestically and internationally trafficked, sold and used for prostitution and pornography. The Special Rapporteur on the sale of children, child prostitution and child pornography has reported that “there appears to be a rise in internal prostitution in Albania and that more local girls are engaged in it, contrary to the former trend of foreign women being sexually exploited in Albania on their way to Western Europe” (ECPAT International, 2012, p. 11).

“In 2011, a man from Korca was arrested for forcing his 9 year-old nephew to beg on the streets of the capital, Tirana, and to have sexual intercourse with adults. In investigating the case, police attempted to find out whether the minor’s parent was aware of the sexual abuse of their child. This event marked the second incident of abuse of minors who are not protected by their relatives. Another one involved a 12 year-old boy who was publicly raped. Also in this case, police managed to arrest the perpetrators who were remanded in prison custody” (ECPAT International, 2012, p. 12).

Other data has been provided by The Serious Organised Crime Agency (SOCA) in a report, *UKHTC: A Strategic Assessment on the Nature and Scale of Human Trafficking* stated, regarding Albanian trafficking to the UK in 2012:

- There was an increase of 69 (182 %) in potential victims of trafficking from Albania compared to those encountered during 2011 from 38 to 107. Of the 107 potential victims encountered in 2012, 82 (77 percent) reported having been sexually

exploited, 85 (79 percent) were adults and 22 (21 percent) children. Of those reporting sexual exploitation, the majority (72, 88 percent) were adults, with 10 (12 percent) being children.

- In 2011, 31 potential victims from Albania reported that they had been sexually exploited compared to 82 in 2012. There is little information on how travel to the UK was arranged or paid for but in many cases alleged exploitation occurred before the potential victim arrived in the UK.
- Of the Albanian females who reported they had been sexually exploited, the most common recruitment method reported was that they met a male, a romantic relationship developed and the female was offered a better life or marriage in a different country. On arrival, they reported this male sexually exploited them. In many cases, they stated the sexual exploitation occurred in Albania, Italy, Greece or Belgium and they escaped this exploitation and travelled to the UK for safety (SOCA, 2013, pp. 7-10).

Child Pornography

The term ‘child pornography’ has been enshrined in various and important international and national legal documents. ‘The Convention on the Rights of the Child’ (1989), in article 34/c, refers to “the exploitative use of children in pornographic performances and material” (General Assembly, 1989, p. 10). The ACRWC (1990), in article 27/c refers to “the use of children in pornographic activities, performances and materials” (United Nations, 1990, p. 10). However, the said articles do not provide any definition of the term ‘child pornography’. On the other hand, ILO Convention (1999) No.182, in article 3/b uses the expression “the use, procuring or offering a child for the production of pornography or pornographic performances” (ILO, 1999, p. 2). Furthermore, ‘the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography’ (OPSC) (2000), through article 2, defines ‘child pornography’ as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes” (OHCHR, 2000, p. 248). Probing deep into the expression ‘any representation, by whatever means’, ECPAT explains that “this includes, but is not limited to, visual material such as photographs, movies, drawings, and cartoons; audio representations; live performances; written material in print or online; and physical objects such as sculptures, toys, or ornaments” (ECPAT

International, 2016, p. 36). ECPAT further has provided explanation to the other expression used in this article “or any representation of the sexual parts of a child for sexual purposes”. The referred term ‘for sexual purposes’ refers “to the intent behind the production and/or use of the material, and it is only those representations that were (intended to be) used for sexual purposes that are deemed to be child pornography” (ECPAT International, 2016, p. 36). For instance, those cases when the genitalia of a child are used as an illustration for a scientific textbook, is not considered pornographic. Though, the same images, when used for a pornographic website, may be flagged as child pornography. ECPAT International has further pointed out that child pornography exploits children in many ways:

1. Children may be tricked or coerced into engaging in sexual acts for the production of pornography, or images may be made in the process of sexually exploiting a child without the child’s knowledge. These images are then distributed, sold or traded.
2. Those who “consume” and/or possess pornographic depictions of children are also exploiting the children.
3. Thirdly, the makers of pornography commonly use their products to coerce, intimidate or blackmail the children used in the making of such material (Council of Europe, 2012, p. 30).

Furthermore, The Council of Europe Convention ‘On Protection of Children against Sexual Exploitation and Sexual Abuse’ also known as ‘the Lanzarote Convention’ in article 20 (2) defines ‘child pornography’ as “any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes” (Council of Europe, 2007, p. 8). This definition by the Lanzarote Convention is more focused in meaning compared to the OPSC, as it specifies child pornography material to being visually represented, therefore excluding audio representations. Furthermore, The Convention on Cybercrime No.185, known also as Budapest Convention, through article 9, paragraph 1, describes child pornography related to the following conduct:

- a. Producing child pornography for the purpose of its distribution;
- b. Offering or making available child pornography;
- c. Distributing or transmitting child pornography;
- d. Procuring child pornography for oneself or for another;
- e. Possessing child pornography (Council of Europe, 2001b, p. 5)

The Explanatory Report to the Budapest Convention clarifies the expressions used in the above-mentioned article 9 (1) as follows:

- “making available” is intended to cover the placing of child pornography on line for the use of others e.g. by means of creating child pornography sites or the creation or compilation of hyperlinks to child pornography sites in order to facilitate access to child pornography;
- “distribution” is the active dissemination of the material. Sending child pornography through a computer system to another person would be addressed by the offence of 'transmitting' child pornography;
- “procuring for oneself or for another” in paragraph 1(d) means actively obtaining child pornography, e.g. by downloading it (Council of Europe, 2001, p. 16).

Furthermore, article 9 (2), states that the term ‘child pornography’ shall include pornographic material that visually depicts:

- a. A minor engaged in sexually explicit conduct;
- b. A person appearing to be a minor engaged in sexually explicit conduct;
- c. Realistic images representing a minor engaged in sexually explicit conduct (Council of Europe, 2001b, pp. 6-7).

Based on the Explanatory Report to the Budapest Convention, it provides detailed explanations of the three subsections of the article 9 (2) stating that:

Subsection (a) seeks to protect children directly against abuse. The objectives of subsection (b) and (c) are to provide protection against conduct that might be used to encourage or seduce children into participating in child pornography and therefore protect them from becoming part of subculture that favors child abuse (Council of Europe, 2001b, p. 16).

The said report also clarifies the term used ‘pornographic material’ mentioned in article 9(2) by stating that:

It is determined by national standards, regarding the classification of material as obscene, inconsistent with public morals, or just corrupt. Also material that had just artistic, medical, scientific, or similar merit could be considered to be not pornographic by the state authorities” (Council of Europe, 2001b, p. 16).

Furthermore, it is important to explain here that the said article 9 (2) which preceded the one in the Lanzarote Convention is focused in the limiting term “visually depicted”. However, this article includes “virtual child pornography” (referring to realistic images representing a minor engaged in sexually explicit conduct). It also goes deeper by involving “persons appearing to be minors” in the definition of “child pornography”.

On the other hand, referring to article 9/2c, the Explanatory Report to the Budapest Convention interprets the term used ‘realistic’ which “do not in fact involve a real child engaged in sexually explicit conduct. This will include pictures that are altered or even generated completely by a computer” (Council of Europe, 2001b, p. 16). According to the abovementioned report, this process is known as ‘morphing’. By means of digital graphic software, one can use morphing to merge two or more photos into one, and even alter photos so that to create a whole different image. As cited by Thorsten Muller, Martin C. Calder has stated “these pictures can be posted on the internet without the knowledge of the victim” (Muller, 2016, p. 298). Furthermore, article 9, paragraph 2, falls short to define ‘pornography’. It merely involves the phrase ‘pornographic material that visually depicts...’ Obviously, the Budapest Convention in comparison to OPSC provides a broader meaning of child pornography. Another difference among the abovementioned conventions is the fact that the definition of child pornography provided in the Budapest Convention focuses on visual depiction. Due to the fact that article 9 refers to ‘material that visually depicts’ a child, the article does not include audio files. Furthermore, both the Article 20 of Lanzarote Convention and Article 9 of Budapest Convention criminalize the following conduct:

- producing child pornography;
- producing child pornography for the purpose of its distribution through a computer system;
- offering child pornography;
- offering child pornography through a computer system;
- making available child pornography;
- making available child pornography through a computer system;
- distributing child pornography;
- distributing child pornography through a computer system;
- transmitting child pornography;
- transmitting child pornography through a computer system;
- procuring child pornography for oneself or for another person;

- procuring child pornography through a computer system for oneself or for another person;
- possessing child pornography;
- possessing child pornography in a computer system or on a computer-data storage medium;
- knowingly obtaining access, through information and communication technologies, to child pornography.

A similar definition to the Budapest Convention is also used by EU Directive 2011/93 article 2 (c), defining ‘child pornography’ as:

- (i) any material that visually depicts a child engaged in real or simulated sexually explicit conduct;
- (ii) any depiction of the sexual organs of a child for primarily sexual purposes;
- (iii) any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes;
- (iv) or (iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes” (EU&CE, 2011, p. 7).

The said directive involves, representations both of real children and of persons appearing to be children, as well as realistic images of children. Again, this article of the directive is limited when it requires the material to “visually depict” sexual conduct or sexual organs. A similarity with the Lanzarote Convention is when the EU Directive in article 5 (3) explicitly states that “knowingly obtaining access, by means of information and communication technology, to child pornography should be punishable” (EU&CE, 2011, p. 8). It further highlights in paragraph 18 that “to be liable, the person should both intend to enter a site where child pornography is available and know that such images can be found there” (EU&CE, 2011, p. 3).

Referring to Albanian legislation, ‘pornography’ is included article 117 of the Criminal Code by stating that:

Production, distribution, advertisement, export, import, sale, and publication of pornographic materials in environments with children, by any means or form, shall constitute criminal contravention and shall be punishable by imprisonment of up to two years.

Production, import, offering, making available, distribution, broadcasting, use, or possession of child pornography, as well as the conscious creation of access in it, by any means or form, shall be punishable by three to ten years of imprisonment.

Recruitment, exploitation, compulsion, or the persuasion of a child to participate in pornographic shows, as well as the participation in such shows which involve the participation of children, shall be punishable by five to ten years of imprisonment (EURALIUS, 2017, p. 61).

Interpreting the article 117 of the Criminal Code is not in compliance with all components of OPSC Section 2(c). (Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes). More precisely, in the article 117 regarding the definition of child pornography, there is no representation of children in pornographic circumstances by whatever means and does not criminalize for depicting children engaged in real or pretended sexually explicit conduct, or any illustration of the sexual organs of a child for sexual purposes. Therefore, the Albanian government needs to amend by further developing the article defining child pornography in terms of including the depiction of children sexual organs. Furthermore, this article fails to mention child pornography as a specific definition and does not include all the likely forms of child pornography such as written pornography, video, audio or possession of child pornography. In addition to this, there is also no acknowledgement of virtual child pornography either. Failure of clear definition creates confusion and makes it possible for only exposure of children performing sexual activities be perceived as a crime. Finally, despite having ratified the Council of Europe’s Convention on Cyber Crimes (2002), criminal code of Albania does not punish the grooming of children for pornography phenomenon. The country has been unsuccessful into adopting any acts or laws so that to prevent accessing, publishing, dissemination, expansion, and manufacturing of child pornography.

It is disturbing, how in terms of levels of society, there is a high demand for child pornography, whether it is real or counterfeit images of children. There are several ways of how child pornography takes advantage of children. One way of child exploitation is by

producing images during sexual abuse without their knowledge and then selling or trading those images for the exploiter's profit. Or else, deceiving children by engaging them in pornography during sexual acts. Further to this, another way is making use of such material produced, by extorting and threatening children to stay into the business. During the investigation of identifying children image used in pornography, the offender turned out to be related to the child either by blood or custody. Nonetheless, it should be highlighted that trafficked children, those forced into prostitution and the ones living on the streets pose a high risk of being used in the production of child pornography.

On the other hand, the implementation of new technologies and the internet facilitate the exploiters to produce, disseminate and sell child pornography easily. This exposes various risks to children who use internet. This industry has developed into multimillion one that can be controlled from the abuser's home. The internet is used as a tool by paedophiles to share the information and contacting potential victims via chat.

Another issue on child pornography is related to the pornographic images of 'virtual children' that can be created. Pseudo-child pornography refers to digital technology by manipulating and forging images involving children sexual activity, without that child actually being engaged in a sexual activity. New issues and questions are raised in this context, whether we are dealing with a crime, in case the real victim is missing. Although virtual child pornography does involve using real children, still poses as much as harm as actual pornography to children as real ones are still at risk of being victims. The United Kingdom, Canada, and the United States, have amended their legislation to prohibit this type of pornography.

Referring to Albanian case, the distribution of child pornography materials is spread mostly through mobile phones rather than the internet. Just as different countries around the world, children in Albania have their cell phones that they may use for sharing pornographic materials using social media applications that are quite common nowadays. It is assumed that the global distribution of child pornography over the Internet without uniform laws to protect children makes it difficult for national law enforcement authorities to prosecute offenders locally.

Data Collected for Child Pornography

There is a lack of reported cases of child pornography in Albania. This does not mean that there is an absence of phenomenon in the country but displays the difficulties of investigating and detecting exploiters in Albania. “One of the cases was reported in daily newspaper ‘Shekulli’ in 2007. The following case takes place in Lushnja and involves a 16-year-old girl who fell victim of her 19-year-old ex-boyfriend. The latter threatened to distribute a recorded video of the couple during intimacy, if the girl would break up the relationship. The video was distributed as an act of revenge first to the ex-boyfriend’s friends, and later on, it was shared throughout the country via mobile. The young girl in her testimony said that she had no idea she was being recorded, and it probably” (CRCA, DCI & ACTSEC, 2012, p. 15).

Child Sex Tourism

ECPAT International defines ‘child-sex tourism’ “as the commercial sexual exploitation of children by people who travel from one location to another and there engage in sexual acts with minors. Often, they travel from a richer country to one that is less developed, but child-sex tourists may also be travelers within their own countries or regions” (ECPAT, 2009). The OPSC (2000) mention ‘child sex tourism’ in its Preamble by stating that “deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography”. In fact, article 10(1) of the said convention requires from states “to take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism”. Article 10(3) continues: “States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.” Moreover, The Lanzarote Convention (2007) in article 9 paragraph 2, mentions the ‘travel and tourism sector’ as an actor in the “elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation” (Council of Europe, 2007, p. 4). On the other hand, EU Directive 2011/93, article 26 refers on “measures against advertising abuse opportunities or child sex tourism”. Article

29 of the Directive further defines ‘child sex tourism as “the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children”. (European Parliament & The Council of European Union, 2011, p. 7). On the other hand, an important significant advance was the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, created by ECPAT Sweden, in 1996, as a follow-up to the first World Congress against Commercial Sexual Exploitation of Children (signed by Albania in 2007).

ECPAT describes that “child-sex tourists come from all walks of life: they may be married or single, male or female, wealthy tourists or budget travellers” (ECPAT, 2008b, p. 6). “Some child-sex tourists (preferential abusers and paedophiles) target children specifically; most, however, are situational abusers who do not usually have a sexual preference for children but take advantage of a situation in which a child is made available to them” (ECPAT, 2005, p. 18). Many factors affect the development of child sex tourism such as “the opening up of transportation routes and markets, unregulated mass tourism development, and accentuated wealth discrepancies, as in the case of North and South Eastern Europe, and Central America, which have experienced a growth in child-sex tourism” (ECPAT, 2008b, p. 16).

Another aspect to mention is that when a country enforces its efforts in prevention and protection of child exploitation that is when child-sex tourists try to find a country where it is less risky to have it as an activity. Additionally, being far away in another country, it is easier for abusive behaviour to happen by making use of anonymity and being away from social and moral behaviour that govern one’s attitude. Moreover, it should be noted here that tourism does not add to child sexual exploitation. It is rather, the exploiters that tend to make use of all the amenities offered by resorts, restaurants, tour companies, airlines and any other transportation company.

Referring to Albania, it is a tourist destination country, with millions of tourists visiting the country every year and the number of tourists is growing year by year which creates a threat to children as being target and victim of sex tourism and clearly pointed out by a report that “[t]he increase of tourism in Albania, whether national or international, and the existence of internal trafficking, increases the risk for children to become victims of child sex tourism” (CRCA, DCI & ACTSEC, 2012, p. 15). However, CRCA assumed that “the sexual

exploitation of children in tourism is not yet a very common phenomenon in Albania. Nonetheless several cases have been reported by media and NGOs, even though very few of them have ended up in investigation and prosecution” (Hazizaj & Maksutaj, 2009, p. 21). On the other hand, “public institutions have confirmed that exploitation of children in sex tourism is closely linked to internal child trafficking and is on the rise and spreading in Albania” (CRCA, DCI & ACTSEC, 2012, p. 16). The Ministry of Foreign Affairs Report 2010 reported that “one single case involving a British man sentenced of sexual tourism in Albania” (Ministry of Foreign Affairs, 2010, p. 3). “The towns where the female children are sexually exploited in the tourism industry include Tirana, Durres, Vlore, and Saranda, i.e. the capital, big towns and seaport towns” (Hazizaj & Maksutaj, 2009, p. 21).

Data Collected for Child Sex Tourism

Unfortunately, it is difficult to collect data that is accurate regarding CST, either it be involving the number of child victims or the number of child sex tourists. Many factors are thought to add to the challenging nature of the data collection. The first factor to mention is the involvement of criminal groups due to child sex tourism being an illegal activity. The second factor would be this topic still being considered a taboo one. Important stakeholders tend to minimize this issue fearing that it might have a negative impact on the country and diminish tourism development.

It should be highlighted that concerning is the lack of information from the important actors in government, media and law on this issue. Moreover, it is worrisome the fact that there is a general lack of knowledge and understanding on the said issue by the government, the media, the community and law enforcement in general. ECPAT states that “many child sex tourism cases are often incorrectly classified as incidents of sexual abuse of children, prostitution or paedophilia” (ECPAT, 2008b, p. 7). Additionally, NGOs have admitted that:

The sexual exploitation of children in tourism is not a well-studied phenomenon. However, several cases have been reported by media and NGO’s, even though very few of them have ended up in investigation and prosecution. The raise in tourism in Albania, whether national or international, and the existence of internal trafficking, it increases the risk for children in becoming victims of child sex tourism (CRCA, DCI & ACTSEC, 2012, p. 15).

Furthermore, interviews conducted with representatives of public institutions have confirmed that:

Exploitation of children in sex tourism is closely linked to internal child trafficking and is on the rise and spreading in Albania. The towns where the female children are sexually exploited in the tourism industry include Tirana, Durres, Vlore, and Saranda, i.e. the capital, big towns and sea-port towns. This happens especially in the summer during the high tourism season (CRCA, DCI & ACTSEC, 2012, p. 14).

A child sex tourism case occurred in May 2007 in an orphanage in Albania. The director of 'His Children Home' David Brown was accused of the charges of sexually abusing children and even supplying foreign visitors for sexual purposes with those orphans (via online advertisements). "The two Scottish men working at the orphanage were arrested by the British authorities and extradited to Albania in May 2008. As the director of the orphanage, Brown was also charged, and sentenced to 20 years of prison in Albania, along with the two other perpetrators" (CRCA, DCI & ACTSEC, 2012, p. 16).

Child Marriage

"There is no universally accepted definition of the term 'child' and thus no universally accepted definition of child marriage" (Sexual Rights Initiative, 2013, p. 1). The Convention on the Rights of the Child (CRC) (1989), in article 1, defines a 'child' as a "human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (United Nations, 1989, p. 1). However, CRC Convention does not specifically mention the term 'child marriage', but it states through article 24/3 that "all appropriate measures should be taken to abolish traditional practices prejudicial to the health of children" (United Nations, 1989, p. 7). Other articles related to children's rights that are linked to child marriage, such as article 13 "the right to freedom of expression" and "the right to protection from all forms of abuse" (United Nations, 1989, p. 7). Furthermore, the Committee On The Rights Of The Child through the General Comment 4, strongly recommends that "States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys" (UN Committee on the Rights of the Child, 2003). Another earlier convention, the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) General Recommendation 21 says that "notwithstanding the CRC's definition of child, the Committee considers that the minimum age for marriage should be 18 years for both man and woman" (UN Committee, 1994, p. 8). Further, the same

Committee states that “when men and women marry, they assume important responsibilities” (UN Committee, 1994, p. 8). “Consequently, marriage should not be permitted before they have attained full maturity and capacity to act” (UN Committee, 1994, p. 4). Moreover, article 16/2 of CEDAW Convention states that “the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage” (General Assembly, 1981, p. 6). Likewise, article 21/2 of the African Charter on the Rights and Welfare of the Child (1990) states that “child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be eighteen years” (African Union, 1990, pp. 18-19). The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964) through article 2, states that:

States Parties to the present Convention shall specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interests of the intending spouses (General Assembly, 1964).

Referring specifically to the meaning of term ‘child marriage’, ECPAT defines ‘child marriage’ or ‘early marriage’ as “the marriage of children below the age of 18. It can be considered as a form of commercial sexual exploitation when a child is received and used for sexual purposes in exchange for goods or payment in cash or kind” (ECPAT, 2008b, p. 16). Also, the United Nations Population Fund states that “child marriage occurs when one or both of the spouses are below the age of 18” (UNFPA, 2012, p. 10). Despite the above-mentioned legal documents, there is a difference in attaining majority varying from one country to the other, as in some countries majority is attained upon marriage, and it is these loopholes that exist within the national law that raise concerns. In Iran, for instance, the Civil Code article 1210 note 1 states that “girls attain majority at 9 years old and boys at 15 years old” (Iranian Parliament, 1925, p. 118). This means that if a girl in Iran gets married at the age of 10 years old it might not be considered legally as ‘child marriage.’ In Pakistan, based on The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, it is stated that “boys reach adulthood at 18 years of age, but girls reach adulthood at 16 years or at puberty.” (The Offence of Zina (Enforcement Of Hudood) Ordinance, 1979). Similarly “In Niger, a minor

may be emancipated and therefore attain majority through marriage, and the legal age for marriage is 15 for girls and 18 for boys” (Sexual Rights Initiative, 2013, pp. 1-2).

From other point of view, it should be clear that in some cases the age of marriage is quite different from the age of sexual consent. The Lanzarote Convention (2007), in Article 18 (1) (a) on ‘sexual abuse’ penalizes “sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities”, and in article 18 (2) states that “each party shall decide the age below which it is prohibited to engage in sexual activities with a child” (Council of Europe, 2007, p. 7). Referring also to the European Union (EU) Directive 2011/93 ‘On Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography’, in article 2 uses the expression ‘age of sexual consent’ by defining as “the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child” (European Union , 2011, p. 7). However, there is no international convention that set a legal age for sexual activities. The OPSC, The CRC, and ILO conventions leave free option to the States to set this age. Related to this ECPAT explains that “the legal age of sexual consent varies between countries, although many set the age of sexual consent at between 14 and 16 years of age” (ECPAT International, 2016, p. 7). For instance, “while in many countries a girl or boy may have reached the legal age of sexual consent at the age of 15 or 16, this should not be taken to mean that they are ready to enter marriage” (Stark, 2005, p. 26). In addition, because of a lack of legislative explanation of consent to sexual activity and consent to marriage can bring confusion in practice.

In Albania, the criminal code criminalizes sexual intercourse with a minor below the age of 14 (EURALIUS, 2017, p. 37). However, the Albanian Family Code, gives the authority to the local courts to allow children under 18 years old (with no minimum) to marry for exceptional circumstances or reasons.

Another issue to clarify on child marriage consist in that it often referred to as “early” and/or forced marriage since children, given their age, are not able to give free, prior and informed consent to their marriage partners or to the timing of their marriage” (UNFPA, 2012, p. 11). Further explanations of the related terms are provided as follows:

Early Marriage

“Early marriage has been interpreted, on separate occasions, as synonymous with child marriage or as more inclusive than child marriage” (Sexual Rights Initiative, 2013, p. 2). The Human Rights Council (HRC) Report states that:

‘Early marriage’ is often used interchangeably with child marriage and it refers to marriages involving a person aged below 18 in countries where the age of majority is attained earlier or upon marriage. Early marriage can also refer to marriages where both spouses are 18 or older but other factors make them unready to consent to marriage, such as their level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person’s life options (General Assembly, 2014, p. 3).

Following this statement, compared to child marriage, early marriage is a wider in notion as it includes some other factors, apart from age, which add to permitting a marriage too early and making a marriage improper. As mentioned in the above article, those factors are “level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person’s life options” (General Assembly, 2014, p. 3). This case reminds and refers to the term of ‘forced marriage’ and the value of free will among spouses. If one or both spouses are unable to express their will, then their consent is senseless whether they are 15 years old or 20 years old. Furthermore, various United Nations resolutions and reports use the term ‘early marriage’ and ‘child marriage’ without making any difference. For instance, the Resolution 66/140 on the Girl Child, use the phrase ‘early marriage, including child marriage’ (General Assembly, 2011, p. 4) “implying that early marriage encompasses child marriage but also includes situations that do not qualify as child marriage, such as marriages in which one or both spouses are below the age of 18 but have attained majority under state laws” (Sexual Rights Initiative, 2013, p. 2). Further ECPAT as it is also mentioned in the subsection ‘child marriage’ uses the phrase ‘child marriage’ or ‘early marriage’ “the marriage of children below the age of 18”. It can be easily noted that the terms ‘child marriage’ and ‘early marriage’ are defined in the same way. The General comment No. 4 (2003) of the Convention on the Rights of the Child constantly uses the term ‘early marriage,’ and never ‘child marriage’. On the other hand, “The World Health Organization (WHO), uses the term ‘early marriage’ consistently, and the WHO’s stated goal is to prevent marriage before the age of 18” (Sexual Rights Initiative, 2013, p. 2). “Some organizations, however, are concerned that the term ‘early marriage’ is less concrete than ‘child marriage,’ and fear that prohibitions against early marriage can allow for marriage at

any age based on social norms and customs. Other groups prefer the term ‘child marriage’ because it is perceived as more emotive than ‘early marriage and thus more likely to receive media and popular attention and support’ (Sexual Rights Initiative, 2013, p. 4). Early marriage is deemed as more amenable than child marriage, specifically when considered in reference to ‘evolving capacities’, a phrase that is mentioned in article 5&14 of CRC. As a concept used in CRC, evolving capacities acknowledges the differences in abilities to make decisions and maturity among children of the same age. At the same time, recognizes a child’s right to decision-making that should be reflected in his/her particular abilities. Furthermore, within the framework of marriage, it could be used to signify that a child deemed capable and mature enough, can choose to get married willingly and without any coercion should be permitted to do so, although being a minor. From a practical point of view if an informed and mature 16-year-old decides to marry his/her 20-year-old partner, could it still be flagged as a human rights violation? It is yet very uncertain to know who should be the one to decide, if children are mature enough to get married, let alone how will one measure maturity in terms of children being able to marry willingly or for the sake of culture and traditions.

Forced Marriage

The report of the Office of the UN High Commissioner for Human Rights on preventing and eliminating child, early, and forced marriage paragraph 6 defines ‘forced marriage’ as “any marriage which occurs without the full and free consent of one or both of the parties and/or where one or both of the parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure” (General Assembly, 2014, p. 4). The Council of Europe Parliamentary Assembly, in its Resolution 1468 paragraph 4, defines ‘forced marriage’ as “the union of two persons, at least one of whom has not given their full and free consent to the marriage” (Parliamentary Assembly, 2005). Furthermore, the Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, paragraph 22, defines ‘forced marriage’ as “marriages where one or both parties have not personally expressed their full and free consent to the union” (CEDAW & CRC, 2014, p. 7). “A forced marriage is a marriage to which one or both of the spouses did not give her/his/their free or full consent or is/are not able to owing to lack of maturity and/or

capacity” (ECPAT International, 2016, p. 65). On the other hand, the United Nations Declaration on Human Rights through article 16/2 states that “marriage shall be entered into only with the free and full consent of the intending spouses.” (United Nations, 2015b, p. 5). Moreover, article 16/1 of the Convention on the Elimination of All Forms of Discrimination against Women (1979) (CEDAW) prescribes equally for men and women “the same right freely to choose a spouse and to enter into marriage only with their free and full consent” (General Assembly, 1979, p. 7). Similar articles are included in “the International Covenant on Economic, Social and Cultural Rights” (1966) article 10/1 (General Assembly, 1966a, p. 3) and “the International Covenant on Civil and Political Rights (1966) article 23/2 (General Assembly, 1966b, p. 11). Another issue to draw it is the difference among the terms ‘child marriage’ and ‘forced marriage’. “Child marriage and early marriage are sometimes seen as forced marriages because it is considered that children cannot give their full, free, and informed consent to marry” (CEDAW & CRC, 2014, p. 7). Nonetheless, under certain circumstances, this definition can be shady as child marriage can occur without coercion too. It should be highlighted that forced marriage as a phenomenon occurs to both children and adults. The Istanbul Convention (2011) in article 37 (2) sets forth that ‘the intentional conduct of forcing an adult or a child to enter into a marriage is criminalized’ (Council of Europe, 2011, p. 10). World Vision has stated that “any situation in which boys or girls are coerced, enticed, induced or tricked into marriage is wrong. Forced marriages are sometimes used to justify the sexual exploitation of children, especially young girls” (ECPAT, 2005, p. 73).

Albania Legal and Social Explanation of Child Marriage in Albania

Referring to the Albanian legislation, various legal codes covers provisions regarding different issues related to marriage. The Family Code in article 7 sets the “minimum age of marriage between a man and a women who are 18 years old” (Albanian Parliament, 2003, p. 3). Further the article gives authority to the court in the location where the marriage is to be concluded may, for sufficient reasons, allow marriage prior to this age. Regarding this article, by law, an individual should be 18 years or older to get married. Then again, in the Family Code, it is stated that a local court can act as an authority to improve marriage for children younger than 18 years old, for certain satisfactory and essential reasons. However, these reasons are not clearly stated, and there is no minimum of an age defined either. In reference to this issue, a study was conducted in Albania on legal, social and case law

regarding marriage of children under the age of 18, in Shkodër, Kukës, Tropojë, Lezhë, Pukë, Fier dhe Kavajë, for the period 2011 – 2017. The following table presents the data in reference to the study conducted a forehead.

Table 5.18: The Total Sum of Requests Submitted to Court, on Underage Marriage in Reference to Municipality and attached to Respective Years (Mandro, 2018, p. 21).

Viti/rrethi	2011	2012	2013	2014	2015	2016	2017	Total
Shkodër	2	4	6	1	1	0	0	14
Kukës	1	1	1	3	3	1	3	13
Lezhë	3	0	0	2	0	0	0	5
Pukë	0	0	0	0	0	0	0	0
Kavajë	3	1	1	1	0	1	0	7
Fier	5	2	3	1	3	0	4	18
Tropojë	3	2	1	0	1	3	1	11
Total	17	10	12	8	8	5	8	68

From the data presented on this table, out of 68 requests submitted during the 2011-17 period, 56 were approved.

Nonetheless, a marriage should be permitted only on free will and be registered at an official register office. On the hand, the Civil Code of the Republic of Albania in article 6 paragraph 1 states that “upon reaching the age of eighteen years, a person shall acquire the full capacity....” (Albanian Parliament, 2014, p. 10) Further the same article in paragraph 2 states that “the wife who has not reached the age of eighteen years shall win the full legal competence through marriage. She shall not lose this competence even when the marriage is declared invalid or is solved before reaching the eighteen years of age” (Albanian Parliament, 2014, p. 10). In summary, through the article 6 of Civil Code, full legal capacity is gained at the age of 18, although if a girl marries before the age of 18, she is legally acknowledged as an adult. On the other hand, the Criminal Code does not have any provision to criminalize child marriage. However, there are reference articles as article 130 states that “forced commenced or continued cohabitation as well as the demand of an adult to go out of the territory of the Albanian state with a child in order to oblige him in marriage is punishable by a fine or up to three months of imprisonment”. Moreover, article 100 states that “sexual

intercourse with a minor below the age of 14 is a criminal offence, with a punishment of seven to 15 years in prison, while forced sexual intercourse with a minor aged 14-18 years is punished by 5 to 15 years of imprisonment”. Likewise, article 107/a referring to ‘sexual violence’ states that “when sexual violence is committed against a child under fourteen years of age or a child who is not sexually matured, regardless of whether it is committed by use of violence or not, it shall be punishable with no less than twenty years of imprisonment” (Albanian Parliament, 1995, p. 54). To recapitulate this legal observation, the Albanian legislation needs to explicitly state that early marriages are penalized and sentenced.

In people’s life, there are essential events of birth, marriage, and death that for most people are common. Marriage alone is an event of choice. However, a considerable number of girls, and to some extent some boys, engage in marriage without their free will, and at a very early age. Some other children are not mature enough to understand the significance of marriage, let alone choosing their marriage partner. These children may have given their consent of marriage for the sake of what is customary, or on behalf of it. Generally, the marriages are set by families and to the girls are not given the possibility to refuse the spouse. Therefore, those children become subject of forced marriage. Male plays a dominant role in those families. The father, as the authority takes the decision for the daughter related to the choice of groom, while mothers are left aside in this decision-making process.

Child marriage leads to various consequences. It is a violation of children’s rights among others “the right to equality on grounds of sex and age, the right to marry and found a family, the right to life, the right to the highest attainable standard of health, the right to education and development” (UNICEF, 2007b, p. i). “For both girls and boys, early marriage has profound physical, intellectual, psychological and emotional impacts...” (UNICEF, 2001b, p. 2). As a phenomenon, child marriage has an impact on both girls and boys, though not in the same way, thus making this phenomenon one of gender inequality. ECPAT points out that “in many cases, once married, an underage person can lose their status as a ‘child’ and whatever protection that affords nationally” (ECPAT, 2015, p. 24). In support of this statement, UNFPA further recognizes that “social norms and customs may dictate that once a girl is married, she be regarded as a woman, even though she may be barely 12 years old” (UNFPA, 2012, p. 12). Equally, where a boy gets married, he becomes a man and must throw away his childhood by taking adult roles and responsibilities. However, this does not mean that he or she is psychologically, physically, and emotionally prepared to this new

status. The same understanding is expressed by the General Comment of The Convention on the Rights of the Child paragraph 16, stating that “in some states parties married children are legally considered adults, even if they are under 18, depriving them of all the special protection measures they are entitled under the Convention” (UN Committee on the Rights of the Child, 2003, p. 6). For girls, other consequences of child marriage might be early pregnancy that might cause serious complications during pregnancy and childbirth which constitute a serious risk to the life and future health of both child and mother. They have also lack of information of reproduction. “Among the disabilities associated with early childbirth is obstetric fistula, an injury which leaves girls in constant pain, vulnerable to infection, incontinent, and often shunned by their husbands, families and communities” (UNFPA, 2012, p. 11). Moreover, child spouses are also subject of domestic violence within relationships that are unequal. Most of the girl spouses are unhappy, the only people they talk to are the people who have approved the marriage. They remain totally isolated from other part of society. Child marriage imposes them to lose their friends and relatives connections. Furthermore, child marriage has a negative impact on children’s education. Child marriage push the children to drop out school, specifically before completion of compulsory education and follow their studies. It further prevents to develop children’s personality and intellect, and to contribute to the wellbeing of their family and society as whole. Being married, often girls and boys get out of school to join the workforce or deal with domestic chores at home. Particularly in rural areas, many parents still think that when a girl is going to get married and work in another household, it is a waste of time to invest in girl’s education. On the other hand, parents are afraid to bring their children at school because of the risks that the girls might face such as sexual harassment. Further, being disconnected from education means not to have the opportunity to be socialized in the community or to make new friends. In fact, those families are part of the patriarchal view.

There are several of reasons why the phenomenon of child marriages occurs. Child marriage is a traditional practice in Albanian communities who suffers from “poverty, the lack of value placed on girls’ education, cultural attitudes, geographical isolation, social exclusion, trafficking, and emigration” (Elmazi, 2014, p. 1). Poverty issue remains the fundamental concern related to the practice of child marriage. Related to this, in rural areas there are families that pushes their daughters to marry with the main porpoise to support the family and stabilize their economic status. Another reason is that child marriage is practiced protecting young girls from kidnapping. There are other cases, when girls become victims

of early and fake promises of marriage as a strategy used by the traffickers to sexually exploit them for benefits. As it assumed by CRCA organization in Albania, “many young girls are attracted into love relationships or promises for marriage by young Albanian men living abroad or in larger cities” (Hazizaj & Maksutaj, 2009, p. 15).

Data Collected on Child Marriage

“Child marriage in Albania is not well researched and there is a lack of accurate sex and age disaggregated statistical data on marriages, divorces, births, and child and maternal health” (Shanaj, Hallkaj, & Cuninghame, 2015, p. 70). However, the U.S. Department of State reported in 2014 that “some Albanian girls are subjected to sex trafficking or forced labour following arranged marriages” (U.S Department of State, 2014, p. 1). Furthermore, “Different and Equal, a NGO assisting trafficked persons, reported that six per cent of the 77 cases assisted by them in 2013 were victims of trafficking resulting from forced marriage” (Shanaj, Hallkaj, & Cuninghame, 2015, p. 71). “Between 2002 and 2012, UNICEF Albania found that 0.2 per cent of children were married by 15 years old and 9.6 per cent by the time they had reached 18 years old” (Shanaj, Hallkaj, & Cuninghame, 2015, p. 71).

5.4 Conclusion

This chapter has mainly looked at the most prevalent forms of child exploitation in Albania. Among them, the major and severest forms of child exploitation are child trafficking, child labour, and sexual exploitation. Further, the chapter provides definitions of the key concepts related to forms of child exploitation and finds out the gaps that exist in Albanian legal framework. Moreover, the chapter provides available secondary data for each form of child exploitation.

After analysing the forms of child exploitation in Albania, the next chapter will provide an analysis of the factors that contribute to the child exploitation. The factors are interrelated with each other and play a key role in influencing the phenomenon.

CHAPTER 6: FACTORS INFLUENCING CHILD EXPLOITATION

This chapter examines the factors influencing child exploitation in Albania and provides information and data for each factor. The factors that contribute to child exploitation are very complex and often interconnected with each other. Different countries have their factors of child exploitation related to their specific situations and conditions. Referring specifically to Albania's case, children are exploited because of economic, political, social, cultural and family factors that expose them to be at a greater risk to exploitation. According to the research conducted by Terre des homes 2004, "among cases of children trafficked or at high risk of being trafficked, "80% point out the socio-economic problems as the reason behind trafficking" (Danaj, 2011, p. 15). Furthermore, Home Office Report (2015) declared that causes contributing to exploitation in Albania among others are "economic disparity, inadequate border control, widespread corruption, and lack of opportunities and education for young people" (Home Office, 2015, p. 11). On the other hand, most of the exploited children come from poor families and the exploiters consider them as an easy target to be exploited. Since children are recognized as a vulnerable group, they lack the capability and ability to protect themselves from threats unless there is a common responsibility to identify what makes them vulnerable. Another problem remains to the parents that are not able to predict the consequences of exploitation. The understanding of the risks of this phenomenon misses. Therefore, it is necessary to find out factors that push children to be exploited voluntarily or forced by the exploiters.

6.1 Economic Perception on Exploitation: "Supply and Demand"

The terms 'supply and demand' is used for the first time in economic analysis related to labour market and these terms are also related to people involved in exploitation (i.e. in trafficking). Roisin Stallard explains that "people who are exploited constitute the supply,

while the exploiters and those who profit from the exploitation such as sweatshop or brothel owners and clients of sex workers provide the demand” (Stallard, 2013, p. 6). Caror Allais, further states that “child exploitation occurs because there is a market for children in labour and in the sex trade, and this is matched by an abundant supply of children” (Allais, 2006, p. 8).

Different places where children are recruited and exploited help the case to reveal and recognize the factors of child exploitation. In this context, it can be found out the motive that encourages children to face the risks of exploitation and identifying the environment where the supply for exploitation is possible to exist. For instance, when trafficked girls are asked why they accepted to be trafficked, they respond that they wanted just to gain an income. From another perspective, state institutions such as social service centers, police authorities do not provide support for the victims. This is a cause to create possibility and environment for supply. There are many cases of girls raped by one of the members of the family who required assistance and protection from these institutions, and they are sent back without providing any support. The girls couldn't return home, so they decided to leave home and one of them was trafficked. This is related to the passive role and failure of all key actors involved to prevent exploitation such as family, parents, relatives, social services, police, school which instead of fulfilling their responsibility to provide security for the children they make possible the need of the supply for child exploitation.

Another concern is related to the fact that children are treated as factories in which their labour is mostly exploited. Many children in Albania seek opportunities to work. This case creates a “supply” of these children to be easily recruited and exploited in child labour. The true “demand” for the children comes when the main objective of the owner of the factory is to give to the children an insignificant salary (a very low wage) and to maximize his/her profit. The demand is coming also from the exploiters whose major objective is to make money by exploiting the children. Hans van de Glind explains that there is a difference “between consumer demand and derived demand by exploiters, recognizing that they occur at different points of the exploitation chain”. He concludes that “consumer demand is generated directly by people who actively or passively buy the products or services of exploited labour, for example, the tourist who buys a cheap T-shirt made by an exploited child in a sweatshop” (Glind, 2010, p. 107). However, this does not mean that this type of demand affects absolutely the exploitation of children. For example, it is not the fault of the

tourist who buys the T-shirt that a child is already being exploited. In this case, the tourist cannot be considered as an ‘accomplice’ in the exploitation. While demand is a tough case because it is caused by people who aim to profit from the exploitation “either in the course of recruiting and moving them or once they are exploited and earn money” (Bhabha, 2014, p. 144). These people are “pimps and brothel owners, the various intermediaries involved in exploitation, corrupt factory owners or farmers who exploit labour to keep their costs down, prices low and profits flowing” (ILO, 2009b, p. 23). On the other hand, there are also third parties such as “recruiters, agents, transporters, ‘controllers’, corrupt law and migration officials and others also make money from the exploitation process” (ECPAT, n.d, p. 19). Huge profits that derive from exploitation flow of migration and failure to enforce law altogether lead and create a path for the ‘demand’. Understanding the differences between types of demand helps to build the appropriate strategy and to take the necessary measures on how to identify the right people in the right way. The demand for exploitation can be also created by people who through their behaviour they help in exploitation. Furthermore, there are actions that without knowing the importance we ‘contribute’ to child exploitation indirectly, for example giving money to the child beggars can make the exploiters be always focused to demand children for exploitation.

6.2 Factors Influencing Child Exploitation: Push Factors

Factors contributing to the child exploitation are usually and simply being divided into two groups as “push and pull factors”.

Exploitation of children is strongly linked with the “push and pull factors” which lead to the supply side of child exploitation and strongly affects the illegal migration. The motivation that makes people move from their place to somewhere else is known as ‘push factors’. While the motives interesting people to a specific area are known as ‘pull factors’. However, UNICEF states that “pull factors on the demand side are of equal salience for effective counteractive measures against exploitation in children” (UNICEF, 2003, p. 5).

The following part will explain the most prevalent push factors that occur in Albania in details.

6.2.1 Poverty

“Albania is one of the poorest countries in Europe” (World Bank, 2020). Poverty is considered one of the major factors that cause child exploitation and makes children become the subject of exploitation. Child exploitation is a serious reflection of poverty and weak economic and social institutions. The increase of poverty affects also the increase of child exploitation. UNICEF states that “poverty, at a level that leads to difficulties in meeting basic needs in food, clothing and shelter, as well as every limited access to education and health services” (UNICEF, 2006b, p. 22) make children an easy target for exploitation. “According to the study conducted in 2003 by ILO, both parents and children point out that the main reason the children were exploited was terrible poverty and inability to meet minimum life conditions” (ILO, 2003, p. 27). Poverty influences children so negatively. As cited by Biccum (2010) a UNICEF report states that “those that grow up in poverty are more likely to have learning difficulties, to drop out of school; to resort to drugs, to commit crimes, to be out of work, to become pregnant at too early an age, and to live lives that perpetuate poverty and disadvantage into succeeding generations” (Biccum, 2010, p. 60). There are many cases that family cannot provide the minimum necessities.

A Living Condition Survey (LCS) conducted in 1998 showed that “29.6% of Albanians were poor, whereas half of them lived in extreme poverty” (Fortuny, Gundacker, Tomei, Kempf, & Roland, 2006, p. 15). “This means that almost one out of every three Albanians, or some 917,000 people, were poor, with over 500,000 individuals falling in the extremely poor category” (Fortuny, Gundacker, Tomei, Kempf, & Roland, 2006, p. 15). “In absolute terms, 46.6% of the Albanians were below the poverty line of 2 USD per capita a day, while 17.4% were below the poverty line of 1 USD per capita a day” (Fortuny, Gundacker, Tomei, Kempf, & Roland, 2006, p. 15). After years this situation has not changed much as UNICEF stated that “the average standard of living in Albania is among the lowest in the sub-region, with 25.4% of the population living below the national poverty line and 50% of the population living on less than \$4.00 USD a day” (UNICEF, 2013b, p. 2).

Poverty can also be identified based on the number of families that receive social assistance and the difficult conditions people live. Regarding this, in 2003 ILO provides some data stating that:

In 2003 there were 148,000 families under the social assistance scheme...Statistical data on housing and dwelling conditions of households show that only 15 per cent of households in rural areas have indoor running water, while 20 per cent have no water supply at all (IPEC, 2003, p. 5).

In 2005 “extreme child poverty was estimated at 24 percent, compared with 18 percent for the whole population” (Dottridge, 2004, p. 16). Furthermore, the rapid assessment surveys conducted by ILO (2005) found out that “of 61 children surveyed in Albania, 20 did not have enough food, 27 only sometimes had enough and 14 often did not have enough” (IPEC, 2005, p. 16).

There are families in Albania that live in a small area while the number of members within a family is high and some of the members are sick. In this case, children are the only solution for parents. Lack of necessities pushes children to seek work. Instead of enjoying their childhood, you can see children “in street-working and street-living selling, drinks, food, souvenirs” (Strehl, Street-Working and Street-Living Children in Peru:Conditions and Current Interventions , 2010, p. 20) and “working in services including shoe shining, porting, washing cars/windcreens, selling mobile phone calls, arranging (collective) taxi passengers, or selling the use of weighing scales” (Strehl, 2011, p. 49). On the other hand, you can see children laid down in the streets, sometimes sleeping and other times pretending to sleep with the purpose to attract the eyes of the passengers and to make them leave money or something else in their place. Vasilika Hysi highlights the problem by stating that:

...Children remain visible in the streets begging, cleaning car windows, and selling cigarettes, phone cards, and other items. While there is insufficient data to determine whether these children are exploited by criminal groups or other elements, they are being used by their parents to earn money (Reich, 2015, p. 102)

Both parents and children consider begging as an economic resource the only alternative to survive. When parents are asked why they not try to find a job, the most common answer is that they make enough money from children who beg, so they do not need to seek another job. Researchers on child issues Shukla and Ali (2006) emphasize the significance of the income of child as an economic contribution to the family budget by stating that:

For poor families, the small contribution of a child’s income or assistance at home that allows the parents to work can make the difference between hunger and a bare sufficiency. A high proportion of child employees give their entire

wages to their parents. Children's work is considered essential to maintaining the economic level of household (Shukla & Ali, 2006, pp. 127-128).

The survey conducted by ILO in 2003 in different cities of Albania revealed that children leave their home because of the economic problems that their parents have. Children feel desperate and without hope. They think they could escape and save themselves from economic problems that their family face.

From another perspective, parents in Albania agree that children should also work after school. Parents think that work help children to face the challenges of life, to appreciate the value of working, to gain incomes and provide a good future. ILO think differently by declaring that "the child is sent away to reduce costs for the family rather than to provide additional income" (ILO, 2002b, p. 35). It is unacceptable the fact that parents engage their children with economic responsibilities. These children grow up faster compared with other children that don't lack economic problems. Most of the girls lack opportunities to follow school because they have to take care of the members of the family. Boys try to migrate abroad as the only alternative to survive. They are obliged to face the difficulties of life alone without having any support.

However, there are other cases when poverty is not the only factor that leads the children being exposed to exploitation when it is combined with other factors. There are many cases of parents who have died, and children have remained alone without having anyone to support and protect them. Furthermore, there are cases of external factors that reduce the incomes of the family such as bankruptcy or other cases of natural disaster that are not predicted. However, it doesn't matter the factor that causes poverty rather than the concern of its existence that make the children vulnerable to trafficking.

6.2.2 Unemployment

There is a strong relation between poverty and unemployment. World Bank Report have stated that "more than half of all Albanian families in which the household head is unemployed are poor" (World Bank, 2005, p. 13). According to the Albanian trade unions, "lack of work is the single most important factor explaining family poverty" (Grumiau, 2004, p. 19). Furthermore, a study conducted by ILO entitled "Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Albania" through findings it stated that:

Most of the parents of the children victims of trafficking were unemployed, facing financial difficulties, housing problems and unhealthy living conditions. All parents and children at risk of trafficking responded that they were living in dire financial circumstances without any income or outside economic support. In these conditions, they could not satisfy even basic survival needs. Additionally, in almost all the families contacted, economic difficulties were accompanied by housing deficiencies. It was not uncommon for families to be living in cardboard houses without water, electricity, or toilet facilities (IPEC, 2003, pp. 9-10).

ILO further assumes that “an unemployment level of 22.7 per cent is one of the highest in the region and the situation is even worse in some districts that reaches more than 40 per cent” (IPEC, 2003, p. 5). Unfortunately, unemployment continues to remain high, “especially long-term unemployment” (Fortuny, Gundacker, Tomei, Kempf, & Roland, 2006, p. 13). The following table clearly illustrates that unemployment remains high up until 2015 as provided by the INSTAT.

Table 6.1 Unemployment Rate 2007-2015 in Albania (INSTAT, 2005-2015)

Unemployment rate									
Age groups	2007	2008	2009	2010	2011	2012	2013	2014	2015
Albania									
15-29	19.8	24.7	21.9	22.5	21.9	26.0	27.2	32.5	33.2
30-64	10.7	10.0	10.4	10.8	11.1	10.0	13.1	13.3	12.5
15-64	13.5	13.2	13.8	14.2	14.3	13.8	16.4	17.9	17.5
15+	13.4	13.1	13.8	14.0	14.0	13.4	15.9	17.5	17.1
Male									
15-29	22.8	25.5	21.6	23.8	22.8	28.4	29.7	35.6	32.3
30-64	10.7	9.1	8.5	8.3	10.0	10.4	14.6	14.0	12.2
15-64	14.4	12.7	12.2	12.8	14.0	15.2	18.3	19.7	17.5
15+	14.3	12.5	12.2	12.6	13.6	14.6	17.8	19.2	17.1
Female									
15-29	15.8	23.8	22.2	20.7	20.6	22.0	23.6	27.4	34.7
30-64	10.6	11.2	12.9	14.0	12.4	9.5	11.2	12.3	12.9
15-64	12.2	13.9	15.9	15.9	14.7	12.0	13.8	15.5	17.4
15+	12.2	13.7	15.8	15.9	14.4	11.7	13.5	15.2	17.1

6.2.3 Lack of Education

The school is an important institution which provides the integration and the development of the children. Convention on the Rights of the Child, article 28 emphasizes “the child’s right to education and points out the importance of equal opportunity for all children to have access to education” (OHCHR, 1989). The school also serves to protect children from external threats. It prevents and reacts to each problem that concerns the children. It informs them to be careful with the unknown adults that come closer to them. However, this does mean that school remains the only guarantor for the protection of children from exploitation, but it can reduce it. In this case, children can be able to understand better the risks of the environment and protect themselves from exploitation and trafficking.

Lack of education can make the children vulnerable to the exploitation. “There are 14,000 (4.6%) out-of-school children living in Albania” (Downman & Ubayasiri, 2017, p. 1). UNICEF (2013) further gives statistics about the situation Albania facing in participation of children in schools as below:

Secondary enrolment rates are among the lowest in the region, with a secondary school NER of 74%. Similarly, only 49% of children are enrolled in pre-primary education, which leaves the country far from achieving EFA goal number one; this figure drops to 30% in the rural areas. In addition, the GER for higher education is only 19%. (UNICEF, 2013b, p. 1).

On the other hand the research conducted by Save the Children has contested that “as many as 90% of girls no longer receive a high school education” (Renton, 2001, p. 2). “In urban centres, 52% of girls who finish mandatory elementary school continue their studies in high school, whereas in rural areas the figure is 28% for girls and 72% for boys” (Renton, 2001, p. 34). There exists continuously a huge difference between girls and boys in participation at schools. This happens because of poverty and traditional perception of the people in rural and remote areas. Girls are engaged in land works because the boys migrate abroad. They take the whole responsibilities as a housekeeper. The other reason of the lack of participation at school is the presence of fear. In remote areas where there are no infrastructure children have to get up very early in the morning in order to catch the class hour because the distance home-school is too far. Also because of the insecurities, parents decide to keep their children better at home, especially the females who risk more to be subject of sex trafficking. “Save

the Children contested in Bushat, (population: 1000) in the Shkodra district, that just two girls have gone to high school in the last decade” (Renton, 2001, p. 34). Another problem that children feel unmotivated to go to school is that there is totally a poor infrastructure. In the winter, there is no heat; there is no lightening, and lack of teaching methods and books that children are supposed to learn every day. The state does not provide any financial support for the schools in rural areas in comparison with the schools in urban areas. On the other hand, there are few teachers teaching in rural areas and those do not have the proper qualifications and they are poorly paid and fully demotivated. However, regarding the lack participation of children at school means a failure to the government system to monitor properly this phenomenon. When a child does not frequent school for a long time, the school is obliged to inform the parents and if the child decides to abandon school, the parents should receive a fine by the local authorities. This procedure was effective during the communist regime. Nowadays schools try to inform the parents, but this is done rarely, and school does not involve the authorities.

All this lack of necessities in the education system and the low percentage of children participation at school put the children at risk of being exposed to trafficking. By dropping out of school children think that they will be able to earn money. Furthermore, they believe that school does not help them to find a job. But they are not aware that by quitting an important value of life as being an educated person they lose more. This will be an obstacle of the future for the development of the children within the society. Low education and illiteracy push the children accept lower work salaries and make them be always vulnerable under the others dependency. They further will not be able to comprehend the contract’s conditions or other legal rights. Children without education loose also the communication skills, reduces their possibility to require assistance, being unaware of their rights and the institutions where they can seek for assistance. The disconnection of children from school as an institution that can identify risks of exploitation makes children be illiterate. They don’t even know the meaning of the term “exploitation”.

The number of children out-of-school is also closely linked to the blood feud phenomenon or vendettas. “One aggravating factor is that today the vengeance is sometimes directed also at the women and children of the targeted family, a practice forbidden by the old vendetta rules” (Grumiau, 2004, p. 22). Hundreds of Albanian families are isolated at their homes. Children from these families are forced to stay isolated and it is impossible for them to attend

school. There are initiatives to offer to those children private lessons at their home but considering the low number of teachers in these regions, not all the children involved in vendetta receive private lessons.

6.2.4 Low Education Level of Parents

Poor families don't have the capability to appreciate the value of education and do not encourage the children to follow it because parents themselves do not have the proper education or have little education. Most of them do not have a profession which means that educational level of the parents is very low. The only issue parents are faced is related to the lack of job possibilities. They place children at the center of family concerns. Their generation has suffered and the only concern of them is how to survive the demands of life. They justify themselves by not sending the children to school because of the financial problems they face. Hence, most of the Albanian families do not consider education as a prerequisite for the future of their children.

6.2.5 Domestic Violence

Children are subjected to physical violence, humiliation and other emotional and psychological abuse and neglect types. This abuse occurs within the family environment at home. Parents, stepfathers, siblings, grandparents and other members of family are responsible about violence exercised against children. In the Albanian society prevails the perception that hitting the child can discipline them better for being a responsible individual in the future. "The physical, emotional and psychological scars of violence can have a profound impact on a child's development, health and ability to learn" (Ainsworth, Gaia, & Nordenmark, 2012, p. 1). Even though, physical violence cause negative consequences to the children, majority of the parents believe that it has positive effects on children's education, so it should be used when it is necessary. There are cases in when the head of the family (father) pushes the child to work and if the latter rejects, he/she can be hit by his/her own father until he/she obeys his order. If the child does not reach to fulfil the expected amount by his/her father, he/she can be punished in different ways.

According to UNICEF data, “around 59% of Albanian children say they have witnessed forms of domestic violence” (Grumiau, 2004, p. 20). Furthermore, based on UNICEF MICS (multi-indicator cluster survey (household survey) the report shows that “from 2005 and 2010 in this region, more than 50% of boys and girls (and in some countries, more than 70%) aged 2-14 were subjected to at least one form of psychological or physical punishment by their parents or other adult household members” (Ainsworth, Gaia, & Nordenmark, 2012, p. 2).

When children are often subjected to violence, they decide to leave home and try to find other “shelter” in the streets of the town, where the risk of being exploited is always present. Since they have no possibility how to survive, they become easily victims of exploitation. Another situation that forces the children to leave their family is when one of the members of the family is an alcohol consumer and exercise violence to the children. This kind of situation creates an uncomfortable living. Alcohol undermines not only the health of the population but destroys also the institution of family. Furthermore, violence beside family is also present in school environment. In different mass communication tools are published cases when children are beaten by the teachers. This means that these teachers who exercise violence to the children do not respect the articles written in the ethical and behavioural code. For sure most of them do not know even the existence of this code. Another problem stands to the children themselves when they hit brutally each other and do not try to shape the situation differently by resolving the problems through patience and peace.

6.2.6 Health and Social Services

Albanian citizens suffer many problems related to the area of health and social services. There is a lack of infrastructure and lack of appropriate care related to these centers. Referring the health institutions, you have to pay everything by your own. If you do not give money to the doctors, they do not pay much attention to your and your children’s health. The doctors should not accept this kind of payment given by their patients because it is considered as an illegal act as the public health is free charge, but the reality confirms the reverse. In Albania the rule stands that all the citizens who pay regular insurance and taxes to the state authorities are granted free health services. However, the mindset of the Albanian doctors works differently. In cases when the patient or the relatives of the patient cannot pay the doctor because of financial difficulties, the doctors or the nurses behave rude to the

patient. Furthermore, another problem is related to the lack of the medicines within the hospitals. Most of the cases you are obliged to buy them from the other pharmacies, otherwise the hospital offer you medicines that are expired as the only ones that the state can also reimburse. Another problem is when the doctors of the public hospital recommend the patient to go to the private clinics because the doctors works in both public and private clinics. The situation is a disaster in the rural areas or small towns where there is a lack of qualified doctors and patients who have to travel to other cities to receive/get treatment for their health problems.

Regarding the children who needs specific treatment and the parents are incapable to provide financial sources in this regard, the children is left in the mercy of fortune. In most of these cases the state remains indifferent and the child could risk even his/her life. There are other cases when businessman or other nonprofit organizations or simple citizens collect funds how to help children with serious health problems. Children who are recovered to the hospital suffer different health problems. Some of these problems are caused by external factors that affect their living such as financial problems of the family that cannot provide for the children the basic needs for their well-being. There are other cases of children who spent days and nights in the streets and put their health in risk. There are also cases when health problems of children are caused by the establishment of the different factories and industries in the area where children live causing genetic mutations and making the children with disabilities for the rest of their life.

Another concerning problem is related to the lack of health services in the education institutions of children (kindergarten, school). On the other hand, there is a lack of first aid and its materials.

6.2.7 Migration

Albania has been isolated from other countries of the world for a long time because of the totalitarian communist regime from 1944 until 1990. After the 90's there was an increase of migration towards west countries. Based on ILO findings "the number of emigrants increased from 110,000 in 1991 to 428,000 in 1996, while the domestic labour force declined from 1.57 million to 1.27 million over the same period" (IPEC, 2003, p. 4). According to UN Department of Economic and Social Affairs data it was assumed that "Albania has one of the world's highest emigration rates, relative to its population, at -3.3 migrants per 1,000 people, and a total emigrant population of more than 1.25 million in 2014" (Barjaba &

Barjaba, 2015). Most of these numbers refers to families which come from rural areas that are less development in comparison with the urban areas. In Albania have occurred also unpleasant events, such as financial crisis, tragedies that has made the people feel hopeless on everything. On the other hand, lack of employment, lack of access to services has increased the number of migrants abroad in states such as Italy and Greece, recently in Germany knowing that they are neighbour countries and the travel expenses are low in comparison with other countries that are far away.

Albanian families have a strong relationship with each other, and the decision to go abroad is taken to provide a better future for the wellbeing of their children as they consider migration as the only solution to escape poverty and improve their economic conditions. However, when people go abroad, they face many problems such as discrimination, difficulties in finding a job, difficulties to fit in the society etc. On the other hand, parents abroad face many social challenges related to their children. Parents that migrate and do not reach to grant the legal documents for residence, they cannot register the children. In other cases when children are born abroad parents have not received yet the legal documents, the child risks to be unregistered and stateless. Consequently, children loose basic services and facing many problems with the law. In this case parents may be arrested, and children remain without support or they have been repatriated back to the country of origin.

In general, Albanian parents in migration want to find job for the whole members of the family with the objective to provide secure incomes for the children or they find someone else to hire their children in different companies where the possibility to work is open. The nature of migration and the opportunity to find a job abroad is both accepted by parents and their children. Unfortunately, parents neglect the risks and danger that can threat the children being exposed to labour market. By acting in this way parents can indirectly become exploiters of their children. Most of the exploited children are recruited through connection between a member of the family and the recruiter. When exploited children return to home, the parents are incapable to understand the consequences that exploitation has caused to children.

Referring particularly to the migration of children they decide to travel to reach a family member or alone in order to find any possibility to work. When children reach the destination country, they face other many problems and dangers. Since they migrate using illegal ways

they can be easily exploited. In the other side, they cannot seek for protection and assistance. Particularly “undocumented child migrants risk detention and often suffer egregious violations of their basic rights, including a lack of basic medical care” (United Nations Children’s Fund, n.d., p. 56). They may also be subjected of physical and sexual abuse. In case they are not detained they end up in the streets by searching for any type of work and exposing themselves to the threats of exploitation. On the other hand, there are cases when families trust to their friends, relatives or their neighbours. But these people result to be exploiters abusing with the hostility of the families.

From other point of view, there are another category of children who become victims of the exploitation when they behave as rebellious. They put their life at risk to follow their dreams and aspiration and expose themselves to danger adventurous. There are many children who leave their home and spent nights outside not only for economic purpose, but they want independence and freedom from their families. Other children migrate because they want to be socialized to another big city, to experience the challenges of life there. The decision of children to migrate in other cities is also influenced by their peers. They create confidence to people they know better and easily believe to the promises to taste a beautiful life outside the village. Some of the children follow bad peers who make them expose to drug and alcoholism. In case of girls who migrate in big towns they are influenced by peer group and are engaged in prostitution. Therefore, the influence of the peers contributes to child migration and vulnerability to trafficking.

6.2.8 Dysfunctional Families

The social and economic changes that occurred in Albania influenced the breakdown of the Albanian traditional families. Divorce rates has gone up year by year resulting in more single parents and increasing also the number of children on the streets. On the other hand, chronic diseases caused the death of one parent or huge economic problems has led people to stress, despair or into alcoholism and even more into suicide. Children who come from dysfunctional families can easily be recruited by the exploiters. ILO Report (2003) stated that “a majority of the children released from exploitation belong to dysfunctional families, a characteristic closely linked to poverty” (ILO, 2003a, p. 29). Another study conducted by ILO in Albania it reached the conclusion that:

Divorced parents; parents married more than once, sometimes joining children from different marriages; extended families living in adverse conditions, in quarrels and constant conflicts; families characterized by severe social problems such as domestic violence and paternal alcohol abuse were among the most frequent features of the dysfunctional families described (ILO, 2003b, p. 10).

Anthony Steen, delegate of the UK government at the international conference on the 2nd of April, in the Romanian Parliamentary building in Bucharest stated that:

A family based on strong values and united is less likely to have its members fall into the practices of prostitution. However, when the family does not function as it should, the unity is broken and the communication between its members is scarce then any of the members, especially the children, are very vulnerable to becoming preys of the human trafficking (Steen, 2014).

6.2.9 Culture Norms

To understand child exploitation in Albania, we must understand how exploitation is interpreted or recognized within the country and how it works with traditional social perceptions. There are different circumstances that make children vulnerable to exploitation because family accepts and respects some traditional culture norms. Particularly, early marriage is common in rural areas. There are cases of girls married at the age of 15. While, according to the Albanian Family Code the age of marriage is set 18 years. According to the perception of the inhabitants of the rural area, the girls should marry earlier as their duty is to take care of the family. In the north part the perception goes further; if a young girl has a love relationship and loses her virginity without being married she is considered as a shame for the family and society. From other point of view, a girl who is up to 20 and she hasn't got married yet she is prejudiced by the mentality of the society she lives. Since the girl has reached the puberty, the whole family looks to find her a husband without taking in consideration her rejection, her feelings and the inappropriate age to get married.

Early and forced marriage leads to exploitation. When those marriages fail because they result violent, unhappy, girls try to escape and save themselves from different types of abuse. Most of the girls attempt to leave the country and reach other destinations abroad. But because of lack of support from their husbands and parents, unfortunately, most of the girls end up in the trafficking chains as prostitutes. On the other hand, early marriages cause different problems for the personality of girls such as prohibition of education, early pregnancy, no economic independence and a lack of authority to take decisions. In the

villages there are also difficulties to find husband by the percentage of the gender. Most of the boys and men migrate abroad and the villages remain with grandparents, young girls and women. This situation is considered as an easy path for the exploiters. They convince the girls to escape with them in order to have a better live rather than living in the village. The exploiter proposes fake marriages to the girls showing to them fake feelings and love. They want to exploit them rather than consider the girls as a spouse. Those types of marriages even being documented serves for the hidden purposes of the exploiters such as for sexual exploitation or labour exploitation. Other extreme cases are when the parents themselves accept that their daughter is sexually exploited. In Albania, girls are obliged to obey the parents as part of the culture norms and fulfill their wishes in case of forced marriage or leaving home to obtain any income through commercial sex.

6.2.10 Gender Discrimination

Domestic laws provide an equal protection for both genders; however, this legislation is insufficient to change the society's perception. As girls find it much more difficult to find work, they may also be more of a financial burden on their families. Girls are often seen as a necessity and a kind of investment. They are the only ones who easily sacrifice their personal desires and take under their responsibilities different engagements related to their families. According to Albanian perception, domestic work helps the girls to be prepared and well trained before they get married and be part as a new member to a new family.

Most children exploited are girls because of the lack of protection in the Albanian families. The exploitative nature of the girls is strongly linked to the ignorance and low status of the families. They are not able to predict the risks that exploitation can cause to them. Some of them become victims of exploitation followed by some consequences such as early pregnancy, physical and psychological consequences, diseases, education, loss of childhood etc. Girls are also prejudiced by the family and the society itself for having early sexual activity anytime they find a way to escape from the traffickers. In this case, without having the support of family it is quite hard for them to get married and they fall again under exploitation. "The gendered labour market and cultural values concerning the role of women and certain patriarchal dominant structures are thought to make female victims easy targets of exploitation" (Kauffmann, 2015, p. 25).

6.2.11 Natural Disasters

Natural disaster such as heavy raining, earthquakes, and serious diseases may affect seriously child trafficking. Since there are children and families already living in economic difficulties, the happening of natural disaster would diminish the possibility to survive. In this case children have to move somewhere else in order to find a better place with new possibilities to live.

6.2.12 Inadequate Legislation

Lack of enforcement of legislation make people feel frightened to file suits against exploiters. Most of the parents and children involved in exploitation cases are threatened by exploiters and most of them keep the stories in secret. According to the survey conducted by ILO in main cities in Albania, parents interviewed stated that “as long as strong penalties for exploiters do not exist; we and our children will continue to be at risk” (ILO, 2003b, p. 13). This is a common concern even for the parents of children that have never been exploited. They are informed about the risks of exploitation and feel frightened about the security of their children. Parents blame the government for not setting severe punishment for the exploiters. Also, the opening of borders within the EU countries has facilitated the movement of people and this creates easy path for the exploitation of children. Moreover, during the communism period the security of human being was strongly protected compared with the democracy. The government had established a severe legislation and no body dared to violate it.

6.2.13 Lack of Birth Registration

Registration of all children born in Albania is still ongoing process. Particularly, tens of roman children are unregistered for different reasons such as changes in demographic movements of the Roma population and lack of information about specific procedures to follow in the civil status offices. These children are citizens of Albania, but there is no document that proves their nationality because their names are not registered. The Roma parents neglect to register their children by not giving importance to the case; others are not able to read and to write and for economic reasons. Since the child is born alive the parents should register him/her to the civil office and grant the certificate of birth. This is an important legal document that permits the child to enjoy all his/her legal rights. Furthermore,

the birth certificate gives to the children the permission to have access to education, health care and other social services. The UN Convention on the Rights of the Child, article 7, highlights “the obligation of the state to register child immediately after birth and provide for them the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents” (United Nations, 1989, p. 3).

Children who are unregistered lack personal nationality identification and assistance from the state institutions. Lack of birth certificate leads to risk of exploitation. When the exploiters plan to exploit the children abroad, they prepare for them fake documents by raising the age up to 18 years old as not to be considered as minors in order to facilitate the movement. The experts involved to the issue of birth registration propose the establishment of a modern electronic system for registering each birth and identify also cases of children that remain unregistered and free legal services.

6.2.14 Corruption

Corruption in Albania is inevitable. According to Transparency International’s Corruption Perceptions Index 2015, “Albania is ranked 88 among 168 countries with a score of 36 points on a 0 (highly corrupt) to 100 (highly clean) scales” (Lubani, 2016, p. 28). Further, the report stated that in the three previous years it continues to perform worse than most of the Balkan countries. “Albania’s corruption score in the Freedom House’s Nations in Transit report has not changed drastically since 2007, ranging between “5 and 5.25 on a scale from 1 (highest level of democratic progress) to 7 (lowest level)” (Lamallari, 2016).

Corruption help human exploitation in different ways. One case refers to fake documents given to the children to migrate abroad by changing their personal identity such as the name, the age, residence. As far as Albania is recognized as a transit country, it also serves for obtaining false passport for victims to travel somewhere else. Corruption impedes identification of exploitation cases since departments of government are corrupted. They may manipulate the investigation and evidences. Prosecutors may not investigate identified cases through the criminal procedure or may reduce the penalties and on the other side judges may judge for the benefit of the exploiters by setting light sentences. If corruption is present in the apparatus of state, criminal activity will be present too.

6.3 Conclusion

This chapter has explored the factors that influence child exploitation in Albania. Among them, poverty, unemployment, lack of education, low education level of parents, domestic violence, lack of health and social services, migration, dysfunctional families, culture norms, conflict and transition, inadequate legislation, lack of birth registration and corruption are being analysed in details. The aforementioned factors are strongly interconnected and interrelated with each other.

After analysing Chapter 6 regarding the factors of child exploitation in Albania, the following chapter analyses the public policy dimension on the related issue. The chapter, further, analyses the institutional and legal framework shortcomings.

CHAPTER 7: PUBLIC POLICY DIMENSION OF CHILD EXPLOITATION

Governments have been empowered to implement various initiatives to address child vulnerabilities and threats that affect the wellbeing of children. The government has the legal, social and financial capacity to successfully handle any responsibility. Therefore, the government has to respect, protect and fulfill children's rights. Respect means to refrain from interfering with the enjoyment of one's right. Protect prevents others from interfering with the enjoyment of the right and fulfill means to adopt appropriate measures towards the full realization of the right. The government play a key role in supporting the aspects of prevention, protection, and prosecutions of child exploitation related case. Nonetheless, where there is a serious political involvement and commitment to identify and address child exploitation and its related forms that affect children, anti-exploitation measures are greater.

Likewise, child exploitation in Albania is a phenomenon that can be reduced if legislation and policies go in parallel with actions and measures taken in an appropriate form to prevent and protect children from any form of exploitation. Therefore, the institutional mechanism for the rights and protection of the child from any form of exploitation has been established, and responsible actors dealing with child issues has been structured accordingly. Specifically, the Law "On the Rights and Protection of the Child" No. 18/2017 describes the composition of central and local level structure dealing with child issues as follows:

Institutional advisory and coordination mechanisms include (article 34/2):

- a) the National Council for the Rights and Protection of the Child, at the central level;
- b) the inter-sectorial technical group at the municipality or local administrative unit level.

Central level includes (article 34/1):

- a) the minister coordinating action for issues of rights and protection of the child;

- b) the State Agency for the Rights and Protection of the Child.
- c) any minister responsible, by respective area of competence, for the rights and protection of the child.

Local level includes (article 34/2):

- a) the municipality;
- b) the structure responsible for social services at the municipality;
- c) the child protection unit attached to the structure responsible for social services at the municipality;
- d) the needs assessment and referral unit attached to the municipality or administrative units;
- e) the child protection worker attached to the child protection unit and the needs assessment and referral unit.

Referring to the structure of the central level, The National Council for the Rights and Protection of the Child is to advise on and coordinate government policy for guaranteeing rights and protection of the child in all fields, particularly in law, social service, education, health and culture (article 35/2). Moreover, the minister coordinating action for issues of rights and protection of the child takes measures for the proper functioning of an integrated child protection system, the effective prevention and response on child protection, through coordinated multi-disciplinary inter-sectorial child-centered services (article 38/2). Various ministries, agencies and departments have the key role and major task to protect children from different forms of exploitation. For instance, The Ministry of Health and Social Protection has a key role in child protection issues. The Ministry ensures that children subject to different forms of exploitation have the proper psychological and physical medical treatment. Within the Ministry, operates its activity the State Agency for the Protection of Children's Rights and the Department of Social Services. Further, the Ministry of Interior deals with human trafficking responses while The Ministry of Justice administers justice for children. Moreover, the Ministry of Education has the main responsibility to make children feel safe on school premises. On the other hand, The State Agency for the Rights and Protection of the Child has the duty to provide direct support to the child protection structures at the local level (article 40). Any minister responsible by the respective area of competence for the rights and protection of the child, ensures full implementation of this law and the

progressive realization of the rights of the child, recognized in international instruments ratified by the Republic of Albania (article 39/a).

Referring also at the local level, municipalities are responsible for the establishment of the respective child protection structures at the municipality and administrative unit level under their subordination, in implementing standards, and, through these, an integrated system of protection of the child (article 46). Further, the structure responsible for social services at the municipality takes all the necessary measures to realize and guarantee child protection in the territory of the municipality, through its subordinate structures and in cooperation with other municipality directorates, the local protection mechanisms and other local institutions (article 47/1). While the child protection unit functions as a special unit within the structure responsible for social services at the municipality level and is tasked, specifically, with the prevention, identification, assessment, protection and follow up of cases of children at risk and/or in need of protection (article 49/1). Further, the child protection workers in the administrative units are part of the needs assessment and referral unit and perform only child protection-related duties. Any administrative unit of the municipality having more than 3000 children shall have at least one child protection worker (article 50/1). The inter-sectorial technical group responsible for handling cases of children in need of protection shall be established on an ad-hoc basis in every municipality and municipality administrative unit, which has over 3000 children (article 52).

The adoption of the “Law on the Protection of the Rights of the Child” (2010) has been an important achievement towards creating new agencies as the State Agency for Protection of Child Rights and likewise Child Protection Units to better monitor the national policies and procedures related to child protection.

However, in order to fully ensure the protection of children’s right and to prevent risk situations of exploitation, the Albanian government have a long way further. Both the central and local government has new challenges to face in this area. Even though the Law “On the Rights and Protection of the Child” defines the roles and tasks of the responsible actors in the field, there is still weakness in the system regarding coordination and collaboration, which practice proves to be very ineffective. Further, the study analyses these gaps into two aspects, institutional and legal framework shortcomings.

7.1 Institutional Shortcomings

Combating child exploitation is not a priority or a major concern of the Albanian government and its institutions covering child issues. The government, through its institutions, has not drawn its focus properly to the child protection system. Professor Vasilika Hysi, deputy and Chairperson of the Committee on Legal Affairs, Public Administration and Human Rights, has pointed that Albania “needs to consolidate, the institutions responsible for monitoring how the legal framework is implemented, the quality of child services and identify the gaps of the child protection system. Besides the work of civil society, the state institutions working in this field need to be strengthened” (SAPCR, 2013-2014, p. 5).

For instance, there is no institutional, structural, or organizational change made to fight child exploitation and its related forms. If one has a look at the literature, one can find few reports published in their respective official websites trying to provide a general picture of the phenomenon rather than analysing in details any form of exploitation. Further, these reports do not ensure regular monitoring of the problem, regular statistics collected. Moreover, there are no results or data of the strategies implemented and the legal framework adopted. By way of example, as mentioned above, the National Council for the Rights and Protection of the Child in Albania is an advisory body under the ministry, with the main function to coordinate action for issues of rights and protection of the child in all fields, particularly in law, social service, education, health and culture. It is funded by the State Budget, and other resources. The issue persisting is that there is a lack of proper monitoring of the Agency, and there is a lack of regular periodic reports conducted and published on child-related issues by the agency.

Further, referring to local government, municipalities have a low budget to support families in need, unemployed families, dysfunctional families etc. This lack of capacity of local government increases poverty rates and make children more exposed to exploitation. Hence, combating child exploitation is not a priority even in budget allocation. On the other hand, there is a continuous bureaucracy that always leaves people in need behind the doors of these directories. Further, Child Protection Units (CPU) that function at the municipal level lack financial resources to operate properly. Furthermore, due to lack of capacity building, The Child Protection Units mostly, performs as a child protection worker rather than a

professional unit. On the other hand, there is also a lack of evaluation and monitoring, no periodic reported duties and data.

On the other hand, the fight against child exploitation requires strong collaboration among actors. In Albania, this collaboration among government, NGOs and civil society to cope with child exploitation and reduce the phenomenon, is missing. NGOs play a very important role in addressing child forms of exploitation, but they do not have any government funding and policies or any other concrete support. Moreover, media, also known as the fourth power, has not been focused on child exploitation issues and its associated effects. There is no program dedicated to child issues, while in newspapers and tv news very few cases are reported through it.

Additionally, the education system is another key factor that can make an effective contribution to the fight against child exploitation by informing children about the risks and threats of exploitation and its forms. However, even this institution has its shortcomings. Children are not informed about exploitations risks and their rights in general. This important information is not implemented through curriculum and textbooks that could help to raise children awareness. Besides, there are no scheduled planned activities on child issues within the schools to guarantee that children are holders of their right, and can defend and claim their rights. By adding more to this, there is a lack of staff training to detect indicators of exploitation threats and further support children who are at risk. Furthermore, the psychosocial support is not applied properly due to the high numbers of children compared to the number of psychologists and social workers in which most of the time they are only one.

Another disturbing issue is that Albania lacks reliable official statistics on child exploitation cases. The availability of reliable data would ensure to provide a better understanding of the phenomenon and to further estimate the situation properly. Otherwise, it would be impossible to establish and implement strategies and effective policy where it is needed more.

In the end, there is a lack of involvement by the Albanian government in its commitment to combating child exploitation by providing and guarantying demanded resources needed by state institutions or agencies to cope with the problem. Terre des Hommes, an important

organization that has many activities in Albania, has assumed that “the existing services constitute not a child protection system, but rather a ‘patchwork’ of services and it considers that a comprehensive legal framework specifically addressing child protection is still missing in Albania” (Terre des hommes, 2015, p. 6).

7.2 Legal Framework Disparities

The Albanian constitution, other laws, by-laws, Codes, Regulations, Rules, Decisions of the Council Ministers, or Ministerial Orders, through provisions set in each respective document, serve to protect children and guarantee their wellbeing in a safe environment. The Albanian constitution has several articles in relation to child issues as follows:

- Article 54/1: Requires the State to provide special protection for children, the young, pregnant women and new mothers;
- Article 54(2): Provides that children born out of wedlock have equal rights to those born within marriage;
- Article 54(3): provides that every child has the right to protection from violence, ill-treatment, exploitation and his or her use for work, especially under the minimum working age which could endanger a child’s life or damage their health, morals or normal development.
- Article. 59(1)(d) sets out the State’s social objectives and requires it to “supplement private initiative” with education and qualifications according to the ability of children, young people and unemployed people.

Albanian laws related to children issues:

- The Civil Code (1994);
- The Criminal Code (1995);
- Code of Criminal Procedure (1995)
- The Labour Code (1995);
- The Status of Orphans (1996);
- Protection of Working Minors (Decision of the Council of Ministers) (1996);
- Promoting and Protecting Breastfeeding (1999);
- Asylum in the Republic of Albania (2002)
- Reproductive Health (2002)
- Integration and Family Reunion of Persons with Asylum in the Republic of Albania (2003);
- Family Code (2003);

- For the Social Assistance and Services (2005);
- Measures against Domestic Violence (2006);
- For the Protection of Children from Alcohol Abuse (2006);
- Adoption Procedures and the Albanian Adoption Committee (2007);
- For Juridical Aid (2009);
- Civil Status (2009);
- Protection of the Rights of the Child (2010);
- Protection against Discrimination (2010);
- Pre-University Education (2012);
- Resolution on Protection and Respect of Rights of the Child in Albania (2013);
- For State Police (2014);
- On the inclusion and accessibility of disabled persons (2014);

National strategies related to children issues:

- National Strategy and Action Plan for People with Disabilities 2005-2015;
- Reproductive Health 2010-2015;
- Gender Equality and Reduction of Gender Based Violence and Domestic Violence 2011 – 2015;
- Anti-Trafficking Strategy 2014- 2017;
- Social Inclusion 2014-2020;
- Plan of Action for Youth 2015- 2020;
- Plan for Roma and Egyptian Integration 2015- 2020;
- Social Protection 2015-2020;
- Action Plan for Children Focusing on the child's rights to development, education, health care, and legal protection 2012- 2015.

Albania has further ratified various international conventions relevant to children as follows (University of Minnesota, n.d.):

- Convention concerning Forced or Compulsory Labour (1957);
- Convention on Civil and Political Rights (1991);
- Convention on Economic, Social and Cultural Rights (1991);
- Convention on the Rights of the Child (CRC) (1992);
- European Convention and Protocols for the Protection of Human Rights and Fundamental Freedoms (1996);

- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1996);
- Abolition of Forced Labour Convention (1997);
- Minimum Age Convention (1998);
- Convention on Protection of Children and the Cooperation for Child Adoption Abroad (2000);
- Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2000);
- The Convention on the Worst Forms of Child Labour (2001);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2002);
- Convention against Transnational Organized Crime (2002);
- European Social Charter (2002);
- Convention on the Reduction of Statelessness (2003)
- Convention relating to the Status of Stateless Persons (2003)
- Optional Protocol to the Convention on the Elimination of Discrimination against Women (2003)
- Convention on Jurisdiction, Executed Law, Recognition, Implementation and Cooperation Regarding Parental Responsibility and the Measures on Child Protection (2005);
- Council of Europe Convention for Measures against Human Trafficking (2006);
- Hague Convention on the Civil Aspects of International Child Abduction (2007);
- Convention for the Protection of All Persons from Enforced Disappearance (2007);
- Convention on the Protection of the Rights of all Migrants Workers and Members of their Families (2007);
- First and Second Optional Protocol to the International Covenant on Civil and Political Rights (2007);
- Optional Protocol on Child Involvement in Armed Conflicts to the CRC (2008);
- Optional Protocol on Child Trafficking, Child Prostitution and Child Pornography to the CRC (2008);
- Council of Europe Convention for the Protection of Children Against Sexual Exploitation and Abuse (2009);
- European Convention on the Legal Status of Children Born Out of Wedlock (2011);
- European Convention on the Exercise of Children's Rights (2011);
- Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (2012);

- Optional Protocol on Communication Procedures to the CRC (2013);

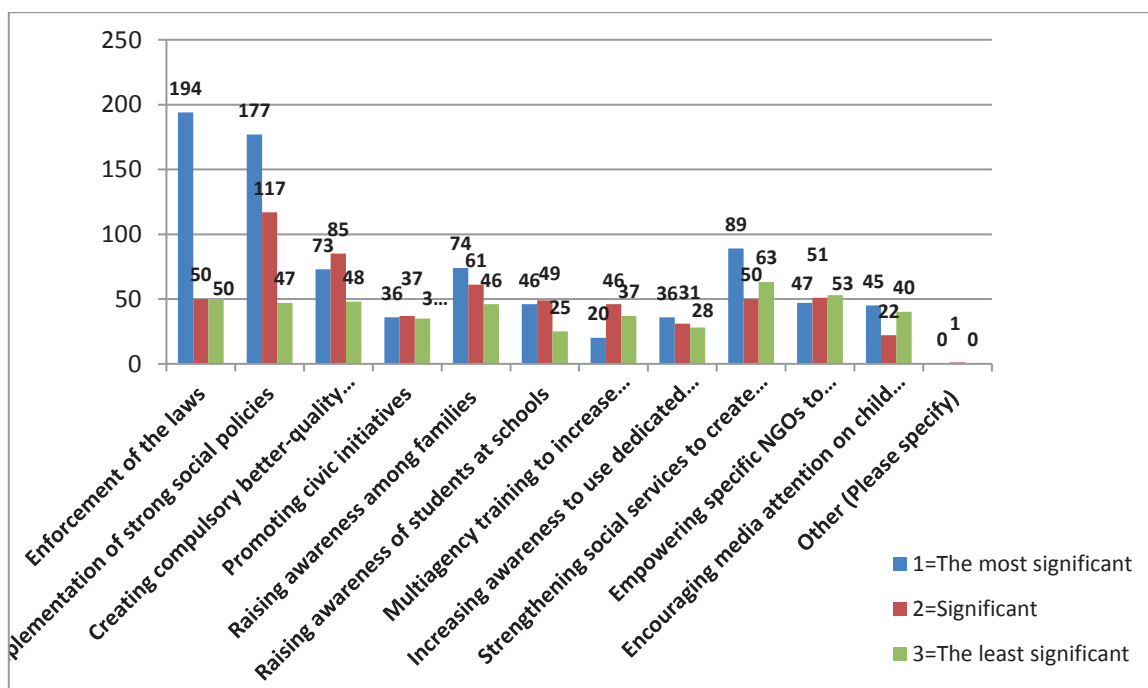
The ratification of the abovementioned conventions was a guarantee for the protection of children's rights, and Albania has the responsibility to ensure that the principles and provisions of the said are fully implemented in the Albanian domestic legislation. The Law "On the Rights and Protection of the Child No. 18/2017 in article 5 states that "the child shall be entitled to rights and these rights are universal, inalienable, indivisible, interdependent and progressive. The best interest of the child shall be the primary consideration in any child-related actions". Further the Convention on the Rights of the Child (UNCRC) in article 3.1 states that "the interests of the child should be a primary consideration in all actions concerning the child, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies" (United Nations, 1989, p. 2).

Additionally, it seems that the existing legal framework is good in general, but still, there are many gaps in this field that need to be fulfilled. Even though Albania has established a relevant legal framework, ratified conventions, national strategies and policies, effective implementation is missing. Several reports and studies conducted in Albania assume this gap within this system. It means that slow progress has been achieved overall. Related to this, "UN Committee on the Rights of the Child in its concluding observations for the CRC report of Albania (2012) which expresses the concern of the generally weak capacity of Albania to effectively implement child-related laws and urges the state to establish adequate mechanisms, frameworks and systems for an effective implementation" (Lai, 2016, p. 9). While UNICEF has stated that, "the challenge now is not with the set of laws as with their application in practice, which is inconsistent and fragmented" (Cabran, Finelli, & Bradford, 2016, p. 19). Further, there is still a lack of information and understanding about the existing child legal framework, principles and procedures across state institutions, society and families. Moreover, there is a lack of transmission of the responsibilities and roles of the actors involved to cope with child vulnerabilities. Moreover, the legal framework among other aspects aims to establish the structure that involves the responsible institutions, agencies, departments, their tasks and further the collaboration among each other. Regarding this, there is a lack of a document describing the functions and tasks of each respective responsible institution covering child issues. The Albanian government has not taken any appropriate measure to ensure the full implementation and efficiency of the law. From

another point of view, the legal framework has not been improved to enforce criminal, civil and administrative liability for all those involved in child exploitation. For instance, referring to the Criminal Code of Albania faces two main problems. First, it has unclear provisions related to clarification of terms and forms of child exploitation. Secondly, there is no enforcement of the legal provisions. For instance, when cases of exploitation have happened, light punishments have been given to the exploiters. In this case, there is a violation or breach of the existing rules. Furthermore, few cases of child exploitation are reported to the police and the court because of the involvement and the complicity of officials with the exploiters who ensure them not to be punished. This means that corruption within the government institution favors the occurrence of exploitation too. Therefore, law enforcement against all forms of exploitation must be done.

Reflections from the survey regarding the policies that should be prioritized to improve child issues (question 12) presented as a graph and referring also to question 14 comprised of some statements presented as a table.

Figure 7.1 (Question 12): Which of the following policies should be prioritized to improve child issues?



As the graph shows, the majority of respondents think that law enforcement (194 respondents out of 452 respondents) and the implementation of strong social policies (177 respondents out of 452 respondents) were the two main areas to be prioritized to improve the child situation in Albania. Following third, albeit with a gap, is to strengthen social services to create efficient assistance for exploited children.

Table 7.1 (Question 14): To what extent do you agree with the following statements? Please give your opinion for each of them.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
14.1 Albanian institutions are well equipped to cope effectively with child exploitation.	8	52	88	196	108
14.2 The families of exploited children trust the government enough to ask for help.	7	52	93	181	118
14.3 There is lack of awareness not only among the people, but also the concerned government officials.	89	212	85	46	15
14.4 Children are generally protected from exploitation.	6	57	72	195	116
14.5 Children have a good awareness of personal safety.	4	40	100	218	90
14.6 People are confident that local authorities protect children.	8	64	109	183	80
14.7 People who are in position to protect children may exploit them.	54	116	151	91	36
14.8 The number of child exploitations is extremely high. However, there are only few officially registered cases.	85	225	86	45	9
14.9 Child protection system should be further reformed to provide strong support and care for each child at risk.	229	188	23	10	2
14.10 There is a lack of involvement of governmental institutions in protecting children from exploitation. Therefore, NGOs remain the only actor caring for child issues.	84	186	92	73	16
14.11 Raising awareness about child exploitation at local level, through various social/communal activities is needed.	196	213	25	12	5

14.12 The Albanian community at large ignores and avoids the phenomenon of child exploitation.	72	175	114	77	5
14.13 There is a need to establish a special child court to deal with minor offences and most indictable offences.	191	170	67	20	4
14.14 In Albania there is a lack of institutional professional support for children with psychological and social needs.	129	199	86	25	11
14.15 There is a need to provide a child protection system in compliance with the Convention on the Rights of the Child.	188	204	40	12	7
14.16 Child exploitation can be reduced by adding subjects related to child issues in university curricula.	130	203	96	18	4

Respondents reflected a strong need for reform in the child protection system with an overwhelming 229 strongly agreed. When ‘agree’ is also added the need for reform was confirmed by (229+188) 417 out of 452. When it comes to the disagreement about the expected positive statement on the functionality, succeeds and efficiency of the regulations and institutions, respondents avoided being ‘strongly disagree’ so ‘disagree’ responses became dominant for those statements. For example, about children being aware of exploitation the disagree number is 218 and whether Albanian institutions are well equipped to cope with the issue the number of disagree responses is 196.

7.3 Conclusion

This chapter has attempted to examine the public policy of child exploitation from an institutional and legal dimension. Institutional gaps and legal framework disparities has been found out and evaluated. The chapter clearly shows that the Albanian government’s initiatives have been insufficient to cope with the child exploitation as a phenomenon. The institutions do not work efficiently. Therefore, NGOs remain the only actor that play a significant role in addressing child exploitation concerns and cases. On the other hand, an effective implementation of legal framework is missing. There is still a lack of information and understanding about the existing child related legal framework, principles and procedures across the state institutions, society and families.

After analysing the public dimension policy of child exploitation, the next chapter will focus on the elite survey findings and analyses.

CHAPTER 8: CHILD EXPLOITATION CONCEPTUAL FRAMEWORK: A QUANTITATIVE ANALYSIS

This chapter will look at the findings of elite survey that was conducted in Albania with 452 professional elites in 2018. Then the chapter will evaluate and analyses in detail with frequencies and crosstabulations as illustrated in the following pages.

The survey was conducted in English and in Albanian language (see appendices 1 and 2).

First the following part will present the demographic data of the respondents by referring their gender, age, field of study, workplace and job position.

8.1 Demographic Data of the Respondents

The following section will provide main information as illustrated in figures and tables on the demographic characteristics of the 452 elite respondents. Since the number of respondents from the age groups of '65 and older' was insignificant (3 out of 452), for the simplicity and clarity of the graphs, it was removed from all the age crosstabs used in this study. As a matter of fact, in most of the crosstabs, this group has 3 or fewer responses.

8.1.1 Age and Gender

Figure 8.1: Age Groups of the Respondents (Gender Distribution)

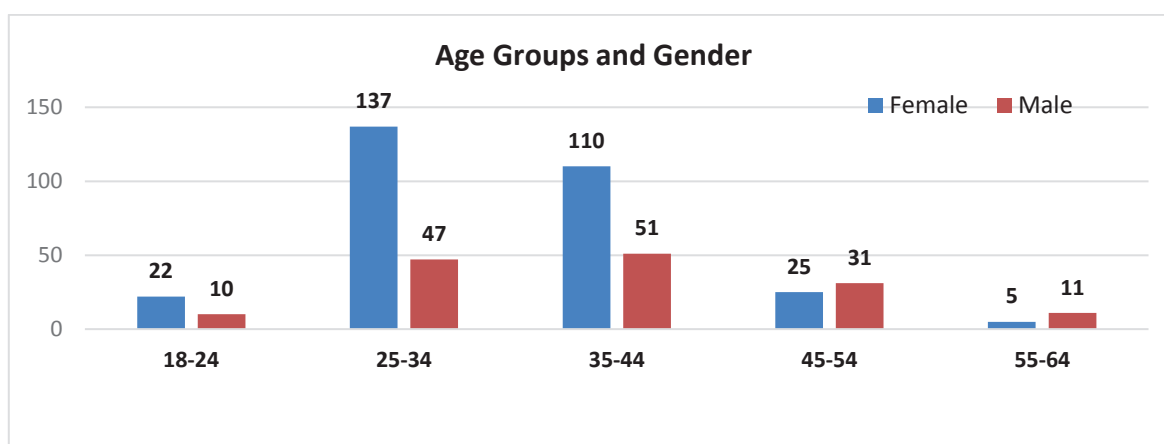


Figure 8.1 illustrates respondents in six age categories distributed by gender. The majority of respondents are aged 25-34 and 35-44 years old. Women are overrepresented in both of these age categories. The remaining part of age groups of 45 years old and over the male respondents are higher than females.

8.1.2 Level of Education

The educational background of the respondents is very high as this survey targeted professionals in child exploitation and relevant field in Albania. Apart from one high school graduate, all other 451 respondents are either graduate or postgraduate.

8.1.3 Field of Study

Table 8.1: Field of Study of the Respondents

	Frequency	Percent (%)
Political Science	43	9.5
Law	153	38.8
Other Social Sciences	208	46
Natural Sciences	35	7.7
Art	10	2.2
Sports	2	4
Other (Please specify)	1	2
Total	452	100

Since this thesis main perception is to evaluate child exploitation issue from political and legal perspectives, in the field of study section political science and law graduates are being given separate options than other social sciences. This way will make it possible to make a comparison between political science and law background respondents with other social sciences as well as natural science graduates' responses.

The above table illustrates the educational background of the survey respondents. A combination of several disciplines, "other social sciences" group is the biggest respondent group with 208 (46%) out of 452. Following the law as a single group is the biggest one with 153 (38.8%) out of 452 respondents.

8.1.4 Workplace

Table 8.2: Workplace of the Respondents

	Frequency	Percent (%)
Central Government	81	17.9
Local Government	80	17.7
NGOs	51	11.3
Judiciary	59	13.1
Academia	111	24.6
Media	70	15.5
Total	452	100

The table illustrates that the majority of respondents work in academia (24.6%), followed by central (17.9%) and local (17.7%) government, media (15.5%). Respondents working in the judiciary and NGOs were slightly less represented in the sample, 13.1% and 11.3% respectively. It should be clarified that even judiciary is slightly less represented, the academic group consist of a considerable number of academicians from law faculties and departments.

8.1.5 Job Position

Table 8.3: The Job Position of the Respondents

Job Position		
	Frequency	Percent
Head of the institute	9	2.0
Branch Manager	12	2.7
Member of board	1	.2
Consultant	11	2.4
Mayor/Deputy Mayor	3	.7
Member of Municipal Council	3	.7
Specialist	135	29.9
Policy analyst	13	2.9
Judge	24	5.3
Lawyer	37	8.2
Academics	110	24.3
Social Worker	15	3.3
Journalist	50	11.1
Other (Please specify)	29	6.4
Total	452	100.0

8.2 Quantitative Data Analysis on the Child Exploitation Issues in Albania

Table 8.4: (Question 1): Which of the following child related concepts you are familiar with?

	Frequency
Child protection	352
Child safety	272
Child welfare	252
Safeguarding	166
Child labour	231
Child trafficking	278
Child abuse	283
Other (Please specify)	2

In this question, respondents were requested to choose all the options they are familiar with. For each of the concepts, respondents replied with more than one option when applicable. Hence, more than 452 responses are recorded for this question. The three topmost familiar concepts are:

1. *Child Protection (352 responses)*
2. *Child Abuse (283 responses)*
3. *Child Trafficking (278 responses)*

On the other hand, the least familiar concept was ‘*safeguarding*’ (166 responses).

The following graphs present the top three most familiar concepts cross-tabulated with the independent variables: demographic characteristics of the respondents. This way, it is noticed whether there are differences in the order of these three based on the demographic-independent variables. Particularly in the workplace and profession, it is expected to see changes in the order/ranking.

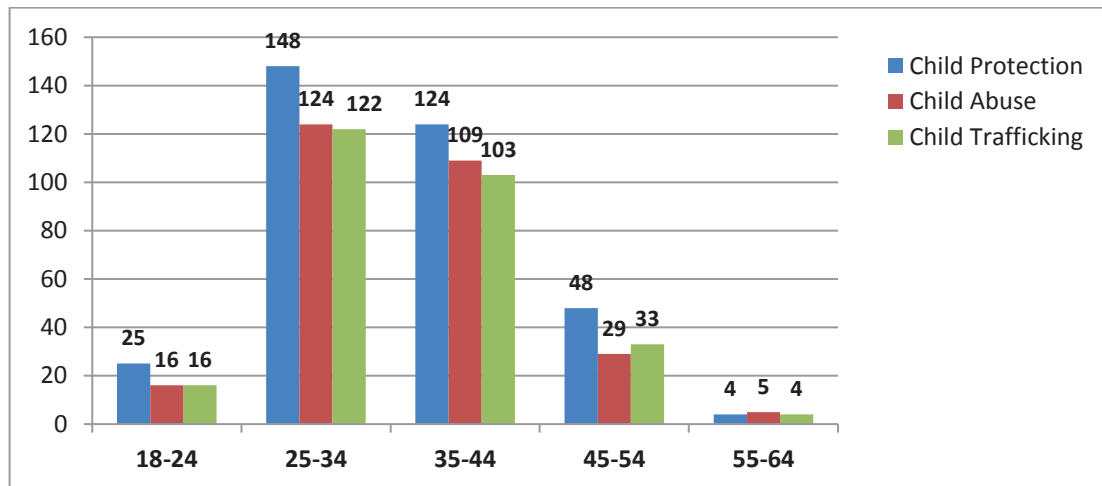
8.2.1 Familiarity with the Child Related Concepts

Figure 8.2 (Question 1): Which of the following child related concepts you are familiar with? (Gender Distribution)



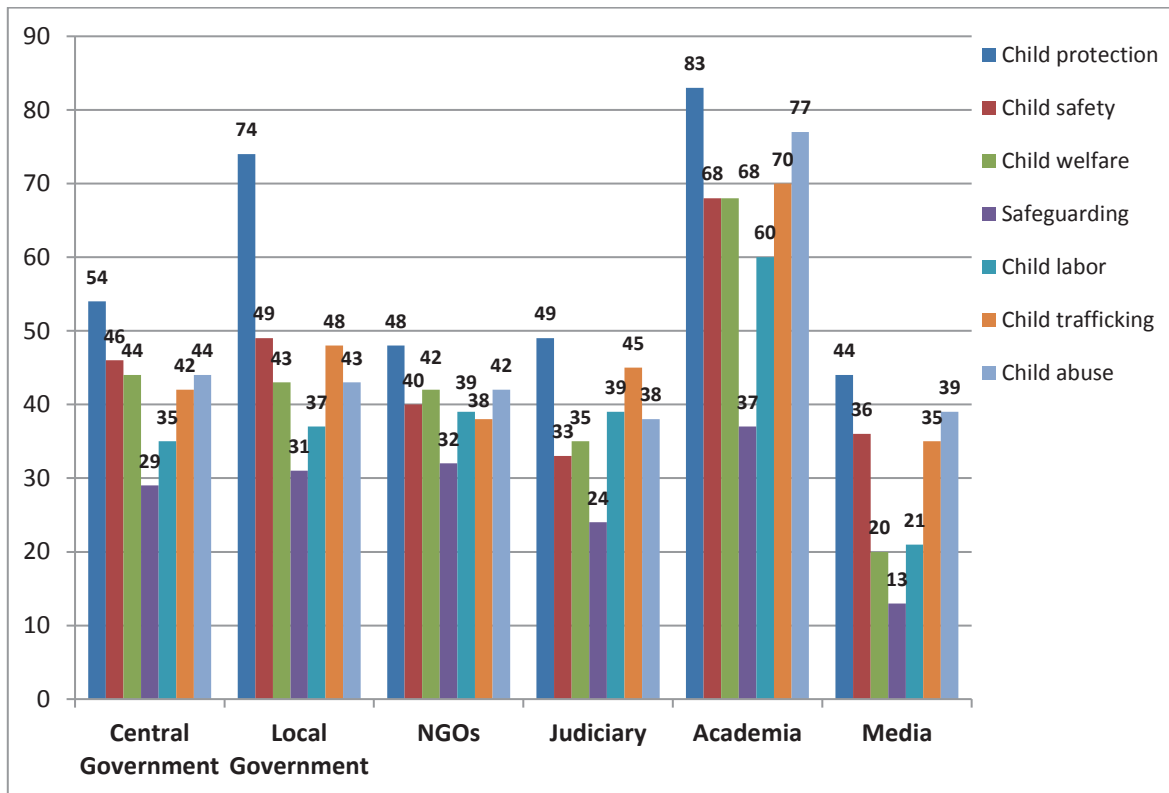
As the graph illustrates, these three familiar concepts resulted to be in the same order for female respondents as well. For male respondents, child protection is the most familiar concept, while abuse, and trafficking were second to come.

Figure 8.3 (Question 1): Which of the following child related concepts you are familiar with? (Age Distribution)



As seen in the graph, the two biggest respondent groups of the age of 25-34 and 35-44 address the familiarity of the three concepts, in the same order as illustrated above. Further, the order changes in the 45-54 age group, as child protection is still the most familiar concept, but child trafficking becomes second in order and child abuse third.

Figure 8.4 (Question 1): Which of the following child related concepts you are familiar with? (Workplace Distribution)



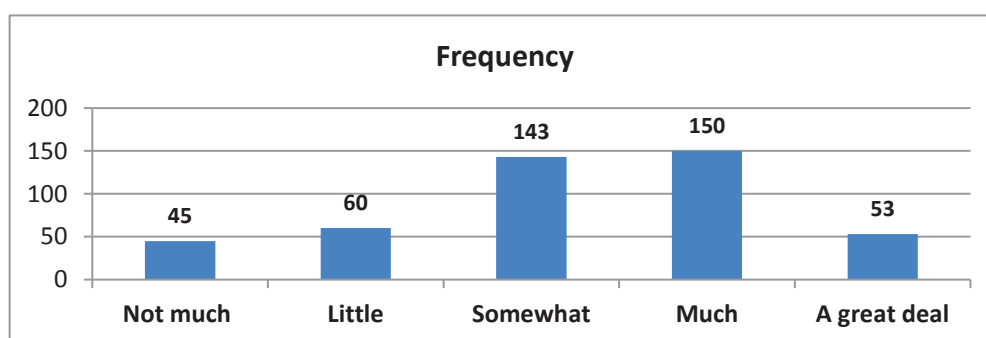
As the graph illustrates, the familiarity of the concepts cross-tabulated with the workplace shows mixed results, as the general order of the top three concepts varies depend on each respective profession. Child protection is still the most familiar concept in all categories. When it comes to the second familiar concept, there is a difference of opinions in academia and media where child abuse becomes second in order as a familiar concept, but in central and local governments child safety is placed second which was not even in the top three concepts. Probably, as the public policies implementers, central and local governments are familiar with this child safety concept more than other groups. For NGOs, second familiar concepts are child welfare (out of the top three concepts) and child abuse. While in the judiciary child trafficking is second in order, and child abuse becomes third. Referring to the third familiar concept for the remaining workplaces, in academia and local government child trafficking is third in order. In NGOs and the media, child safety is number third. In the central government child-welfare and child abuse shared third place.

Question 2 was formulated to have the perception of the elite respondents on the conceptual expected differences between adults and children. The question was “*To what extent do you agree with the explanation that children are incomplete beings who are not fully competent to determine and safeguard their interests*”? The question was evaluated and analysed in the upcoming Chapter 9.6 where the new concept of child security been introduced and defended.

Question 3 was formulated to understand the opinions of the respondents on the need for a new concept of ‘child security’ in order to reduce or even eliminate the confusions created by the diversity of the child-related concepts. For that reason, question 3 “Human Security does not properly address all child relevant issues. The Child victim is very different from adults. There are various concepts in the literature on child-related issues, as mentioned in question 1. Therefore, there is a need for a new comprehensive concept (similar to, and inspired by, human security) as “child security”, which can address children’s issues in a more sensible way. *To what extent do you agree this new concept of “child security” is needed?*”. This question is being evaluated in greater details in Chapter 9 where majority of it is dedicated to child security arguments.

8.2.2 Awareness of Child Exploitation in Albania

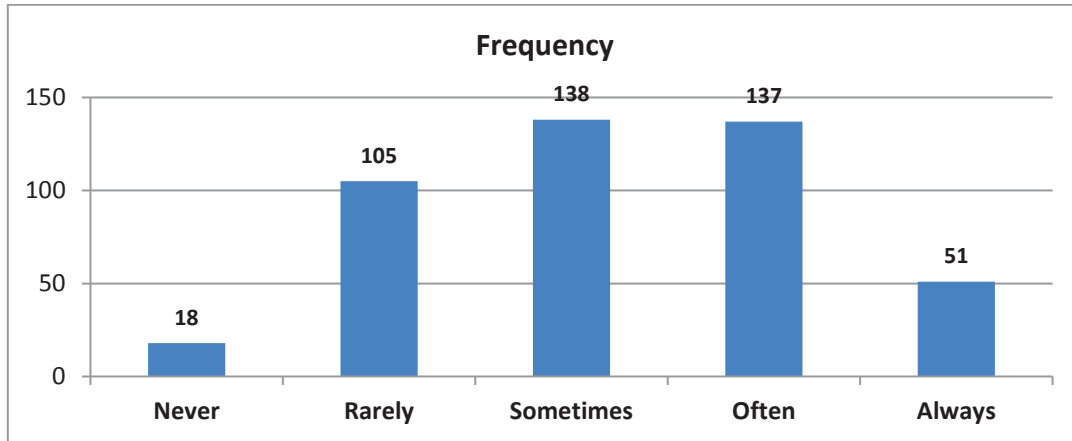
Figure 8.5 (Question 4): How much are you aware of child exploitation in Albania?



Over two hundred respondents stated ‘much’ or a ‘great deal’ of awareness of exploitation in Albania. On the other side, over a hundred respondents mentioned ‘little’ or ‘not much’. At the same time, almost 1/3 of the respondents (143) stated they are ‘somewhat’ aware of the phenomenon.

8.2.3 Frequency of Online Media Usage on Child Exploitation Information

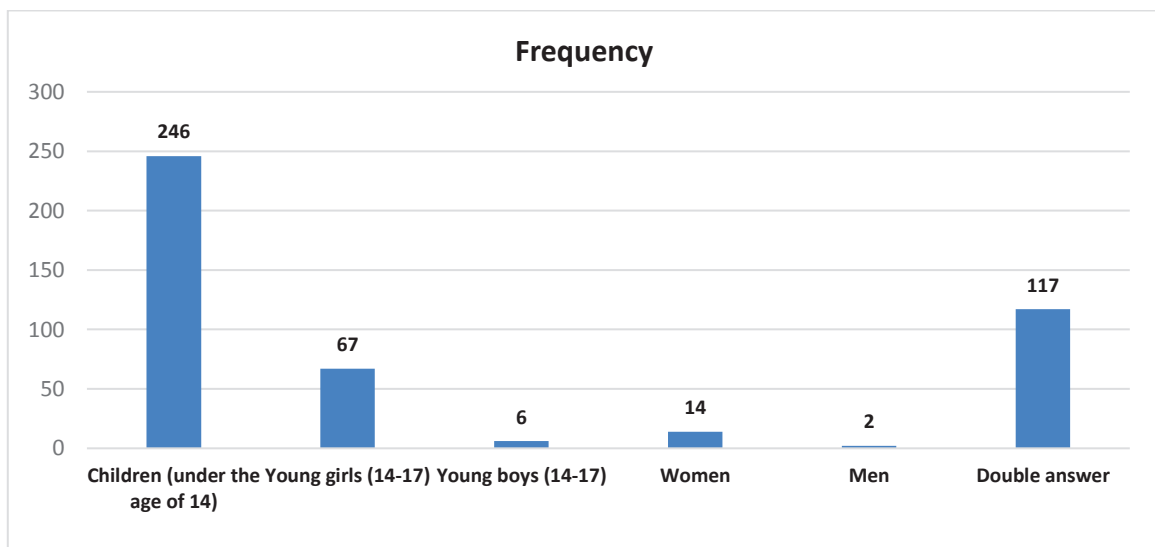
Figure 8.6 (Question 5): How often do you visit online media to gain information on child exploitation occurrences?



The majority of the respondents visited online media ‘sometimes’ (138) and ‘often’ (137) to gain information on child exploitation occurrences. By including ‘rarely’ we see that majority of the respondents use social media to gain information. Interestingly, only 18 respondents said that they never visited online media to gain information on child exploitation occurrences.

8.2.4 Target Groups of Child Exploitation

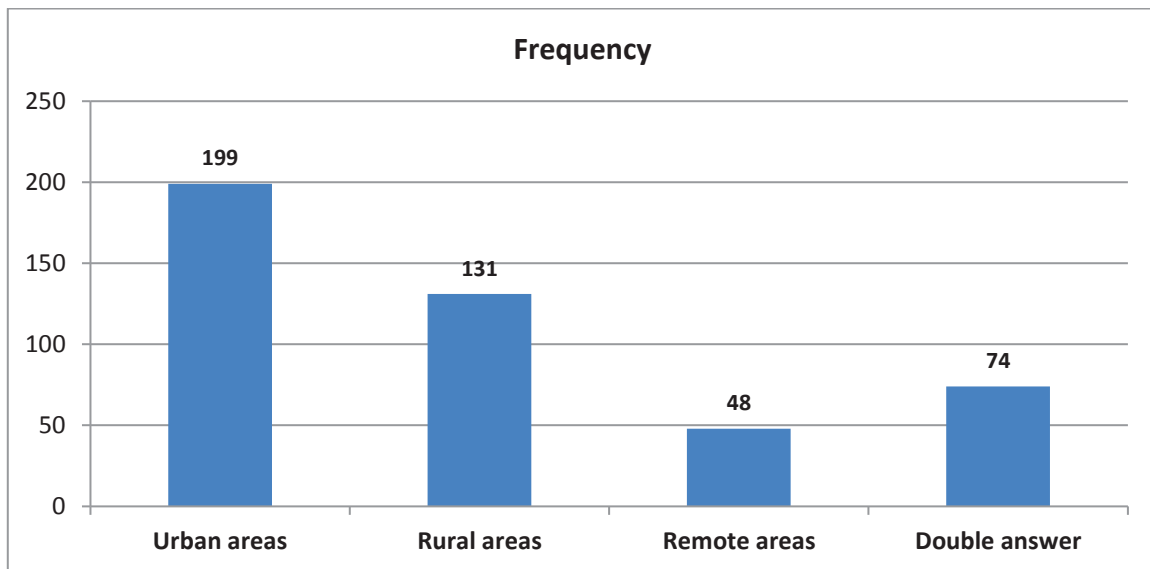
Figure 8.7 (Question 6): In your opinion, which one of the following groups are the target of exploitation?



The table illustrates that for the respondents, the biggest group for being the target of exploitation is children under 14 (246 out of 452), followed by young girls 14-17 years old (67 out of 452). It should be pointed out that the option ‘double answer’ is given for more than one group by 117 out of 452 respondents. This indicates the severity of the phenomenon of child exploitation in Albania.

8.2.5 Geographical Area of Albania Affected by the Child Exploitation

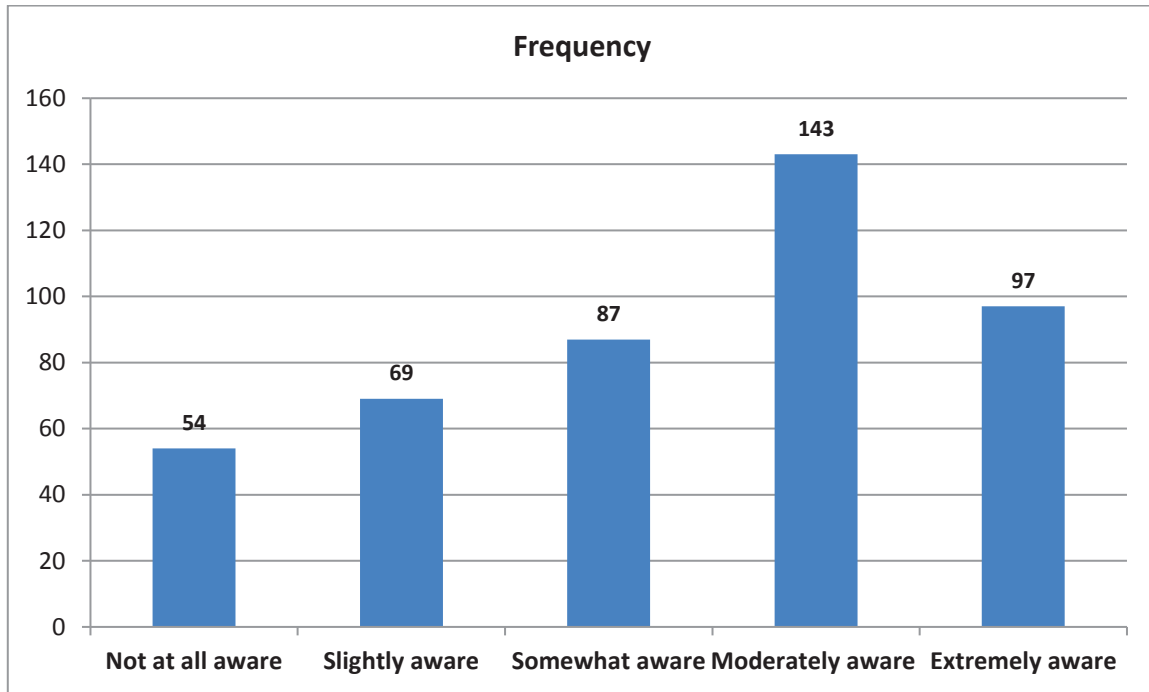
Figure 8.8 (Question 7): In your opinion, in which area of Albania child exploitation is most prevalent?



The majority of the respondents thought that child exploitation is most prevalent in urban areas (199 out of 452), followed by rural areas (131 respondents). Even technically, the double answer is considered invalid, but as the number is significant, it was kept in the graph to illustrate the geographically widespread phenomenon.

8.2.6 Awareness of Organizations Addressing Child Exploitation Issues in Albania

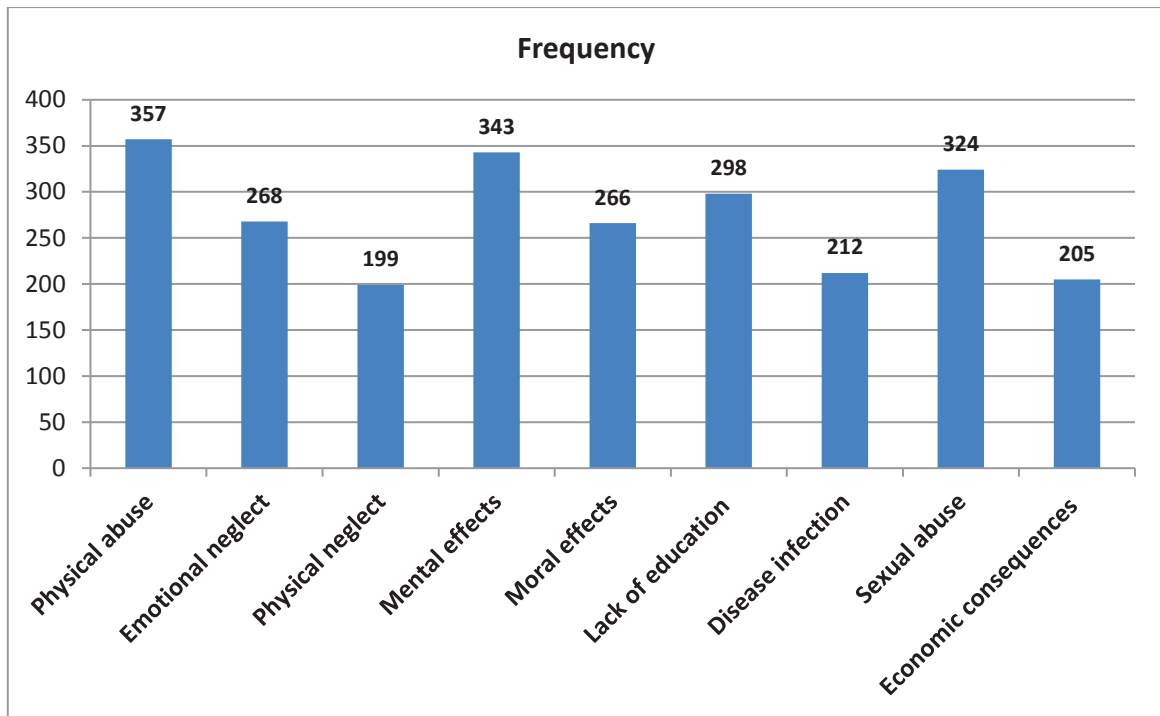
Figure 8.9 (Question 8): Are you aware of any governmental or non-governmental organizations responsible for addressing child exploitation issues in Albania?



The majority of the respondents were ‘moderately aware’ (143) of a governmental or non-governmental organization responsible for addressing child exploitation issues in Albania (143 respondents). As this is being an elite survey, it was surprising that 54 respondents (almost 12 percent) stated that they are not aware of any governmental or non-governmental organizations dealing with child exploitation in Albania.

8.2.7 The Consequences of Exploitation

Figure 8.10 (Question 9): What might be the consequences of exploitation for the victim child's life?

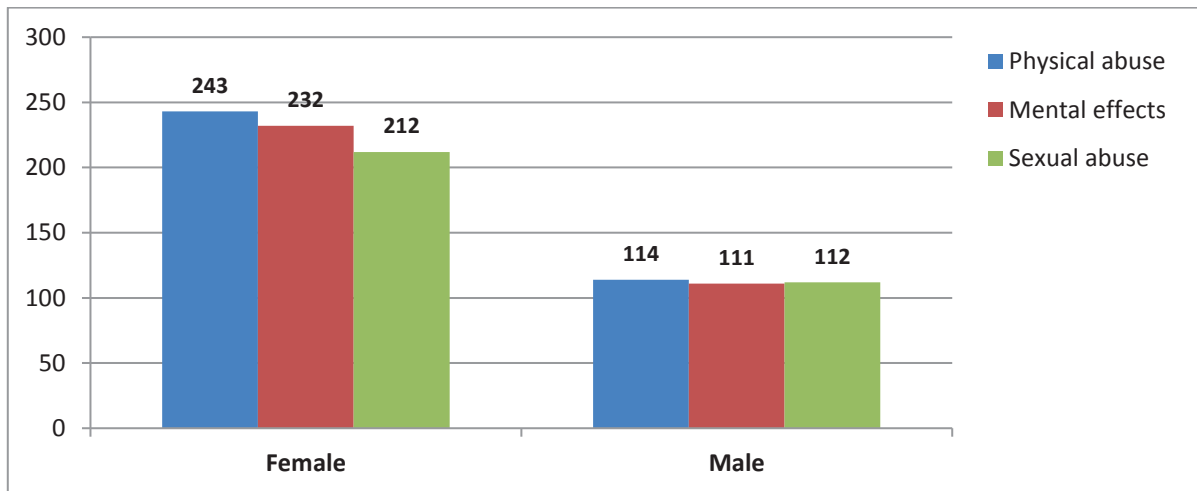


In order to find out the consequences of exploitation for the victim child's life, the respondents are being given the flexibility to choose all the relevant options. In analyses of this question, the top three choices and the least one is being evaluated.

Most respondents thought that physical abuse (357 respondents) followed by mental health issues (343) and sexual abuse (324) were the top three consequences of child exploitation. Even the lowest choice option was 'physical neglect' (199 respondents), which shows that all consequences somehow were being perceived as significant by all respondents. Being the lowest response may be a result of a lack of understanding of the term in the Albanian society. Furthermore, the Albanian family has been for long a paternalistic structure, and the term used 'negligence' was not paid significant attention.

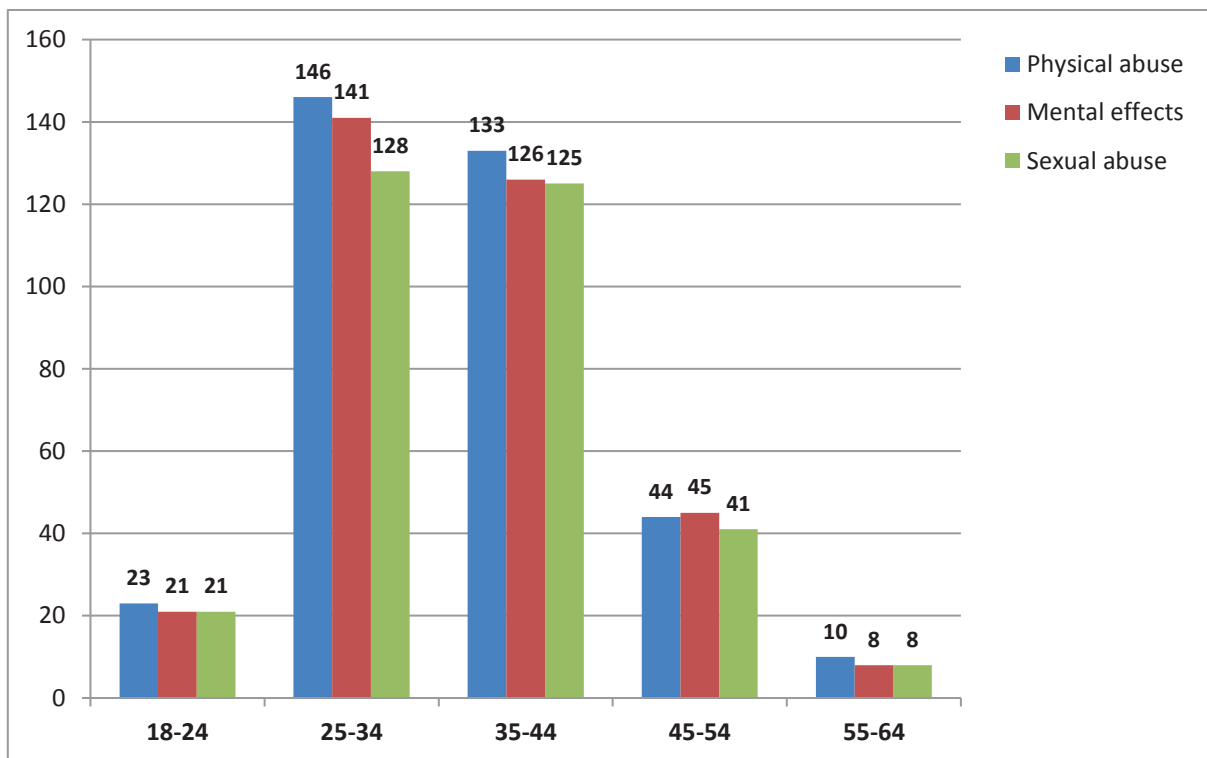
Another point from the above graph can be pointed out referring to 'economic consequences', which was the second least option chosen (205 respondents).

Figure 8.11 (Question 9): What might be the consequences of exploitation for the victim child’s life? (Gender Distribution)



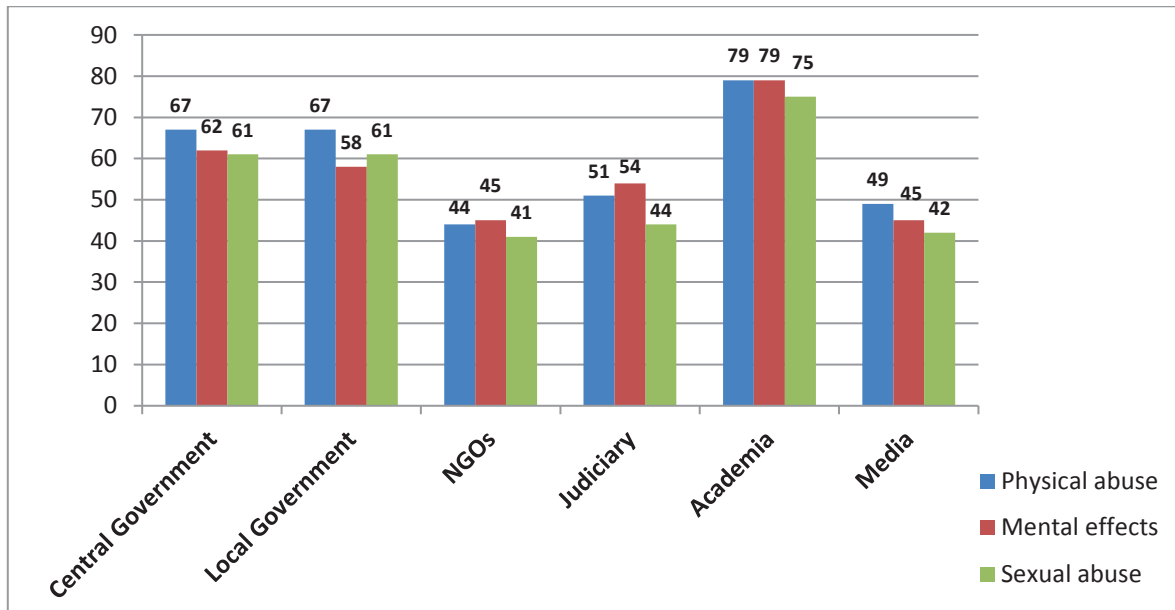
Both women and men see ‘physical abuse’ as number one significant consequence of child exploitation.

Figure 8.12 (Question 9): What might be the consequences of exploitation for the victim child’s life? (Age Distribution)



Apart from the age group of 45-54, in all other groups, ‘physical abuse’ was the top choice of the consequences of child exploitation. The 45-54 age group stated ‘mental effect’ as the greatest consequence of child exploitation, followed by ‘physical abuse’ and ‘sexual abuse’.

Figure 8.13 (Question 9): What might be the consequences of exploitation for the victim child’s life? (Workplace Distribution)

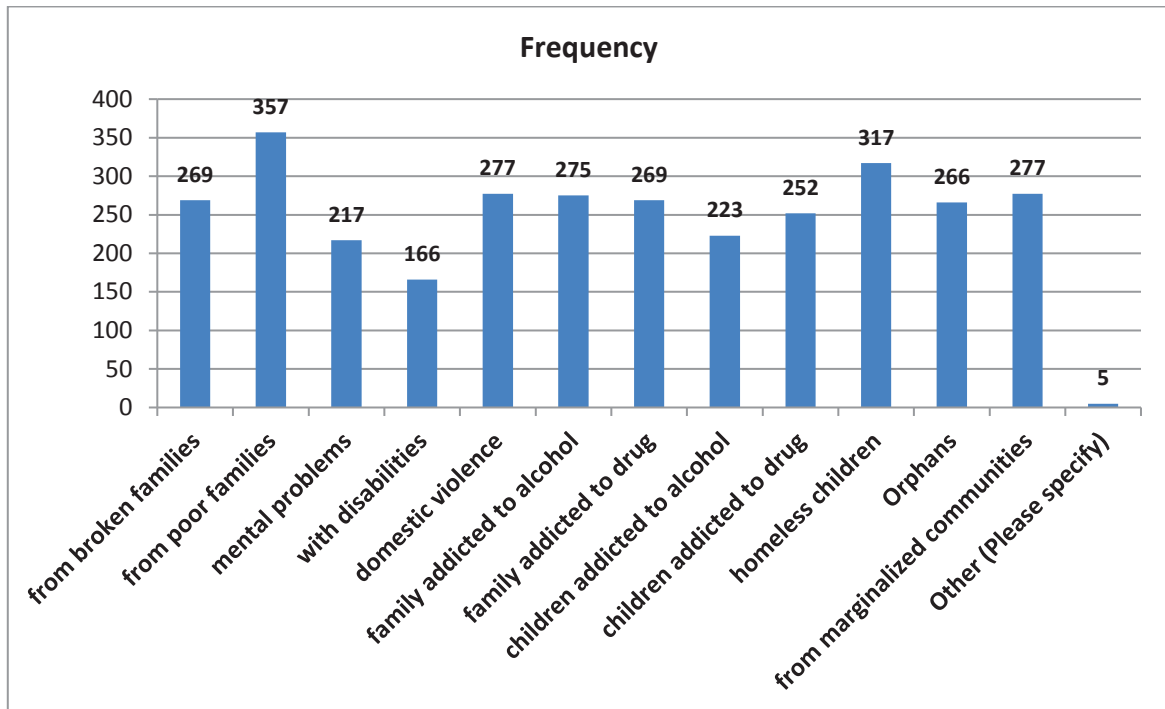


The above graph presents a combination of the top three chosen answers based on the workplace of the respondents.

NGOs and Judiciary considered ‘mental effect’ the greatest consequence of child exploitation. In academia ‘physical abuse’ and ‘mental effect’ had an equal response of 79 in the first place. Central, local governments and the media mentioned ‘physical abuse’ as the number one problem of child exploitation.

8.2.8 Categories of Children Targeted for Exploitation

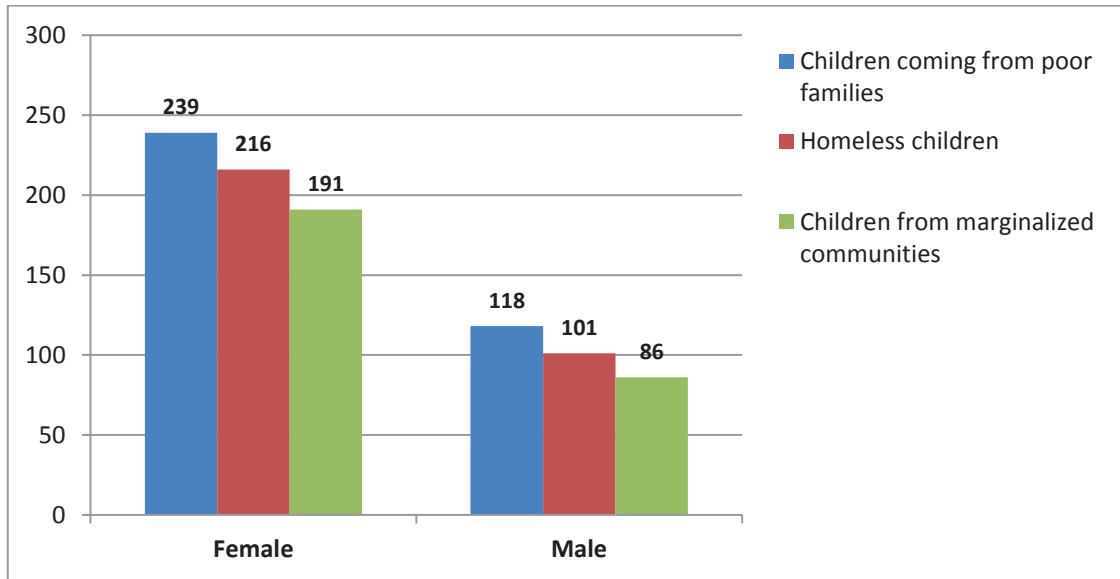
Figure 8.14 (Question 10): What sort of children is targeted for exploitation?



In this question, the respondents are been given 12 options +other option. As the table illustrates all these 12 options are being selected significantly, that even the lowest option of ‘children with disabilities’ is selected by 166 respondents. The rest options received much higher various results, up to 357 respondents. The top three target children groups are as follows:

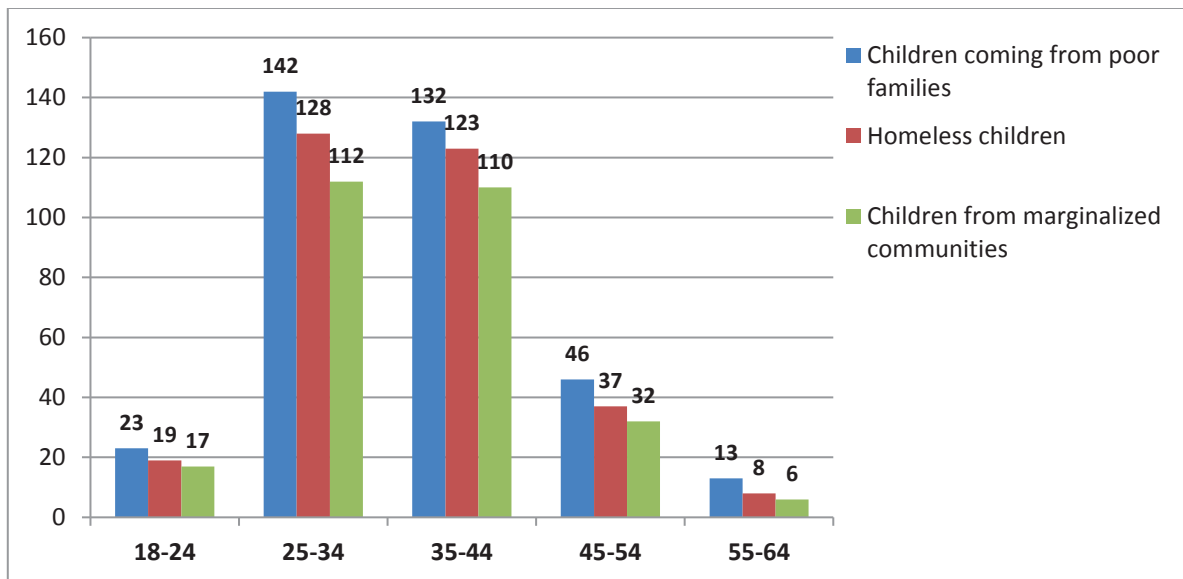
1. Children coming from poor families (357 responses)
2. Homeless children (317 responses)
3. Children from marginalized communities (277 responses) and ‘children subject to domestic violence’ is also 277).

Figure 8.15 (Question 10): What sort of children is targeted for exploitation? (Gender Distribution)



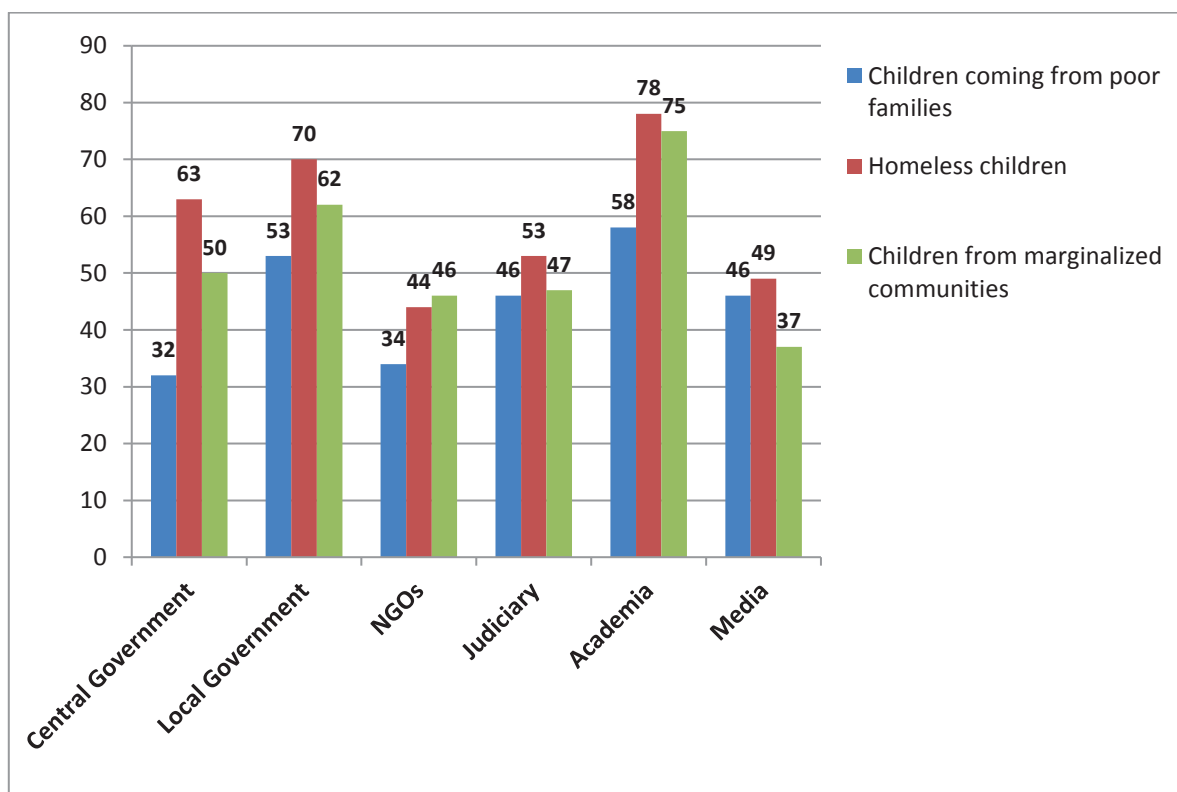
Both women and men thought ‘children coming from poor families’ suffered more from exploitation, followed by homeless children and children from marginalized groups.

Figure 8.16 (Question 10): What sort of children is targeted for exploitation? (Age Distribution)



All group ages thought children coming from poor families were subject to exploitation, followed by homeless children and children from marginalized communities.

Figure 8.17 (Question 10): What sort of children is targeted or exploitation? (Workplace Distribution)

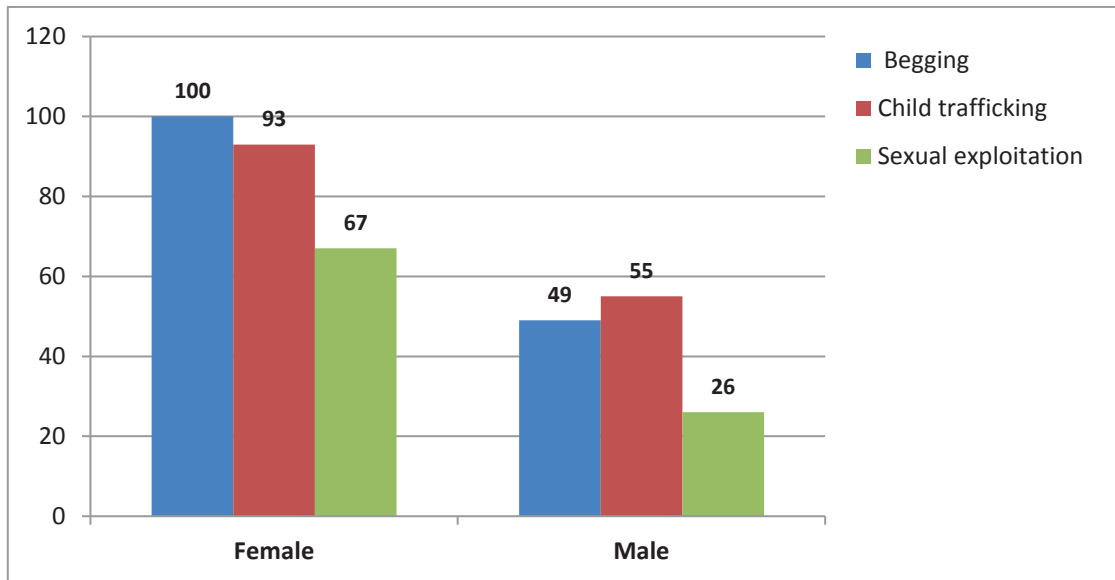


Respondents working on the government, NGOs, judiciary and academia thought homeless children were subject to exploitation, followed by children from marginalized communities and children coming from poor families. Only respondents working on the media thought children coming from poor families were subject to exploitation, followed by children coming from poor families, then by children coming from marginalized communities.

Question 11 has been evaluated in Chapter 5, “Which of the following alternatives is the main problem of child exploitation in Albania?”. Respondents are given 9 different problems and ‘other’ category to choose from, and they were expected to choose the three severest problems and rank them from 1=the severest, to 3=the least severe of these three options. ‘Begging’ and ‘Child Trafficking’ are selected as the severest problems, almost equally with 149 and 148 respectively, as being the severest and the severe problems. Interestingly, there is a big gap between the severe and the least severe problems, that the least severe option of ‘sexual exploitation’ received 93 responses.

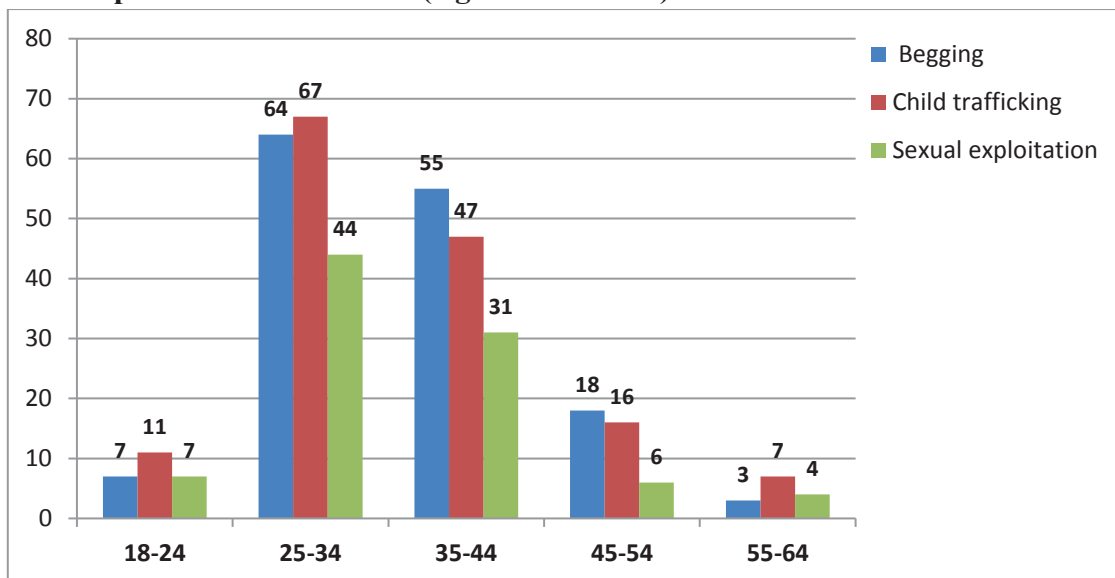
8.2.9 The Most Significant Problems of Child Exploitation in Albania

Figure 8.18 (Question 11): Which of the following alternatives is the main problem of child exploitation in Albania? (Gender Distribution)



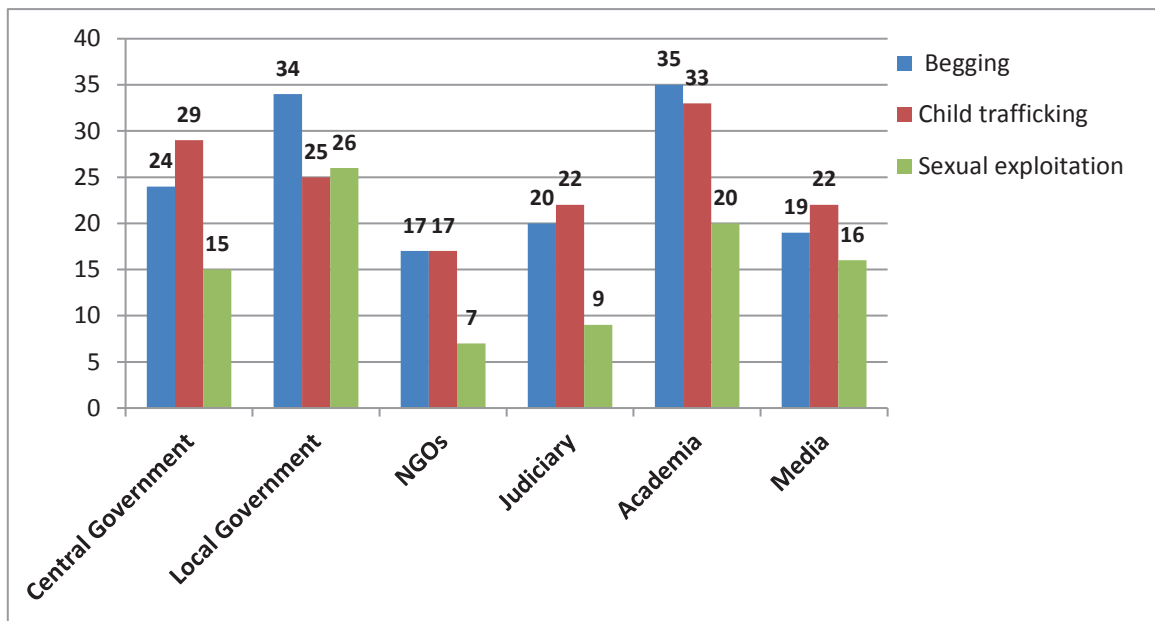
Women thought ‘begging is the main problem of child exploitation in Albania, followed by child trafficking and sexual exploitation, whereas men thought child trafficking is the main problem of child exploitation followed by begging and sexual exploitation.

Figure 8.19 (Question 11): Which of the following alternatives is the main problem of child exploitation in Albania? (Age Distribution)



For the young age groups of 18-24 and 25-34, and the elderly respondents, age groups 55-64 child trafficking was considered as the severest problem. However, for the middle age groups, 35-44 and 45-54, begging was ranked as the severest problem of child exploitation in Albania.

Figure 8.20 (Question 11): Which of the following alternatives is the main problem of child exploitation in Albania? (Workplace Distribution)



Based on the workplace the ranking of these three severest problems vary.

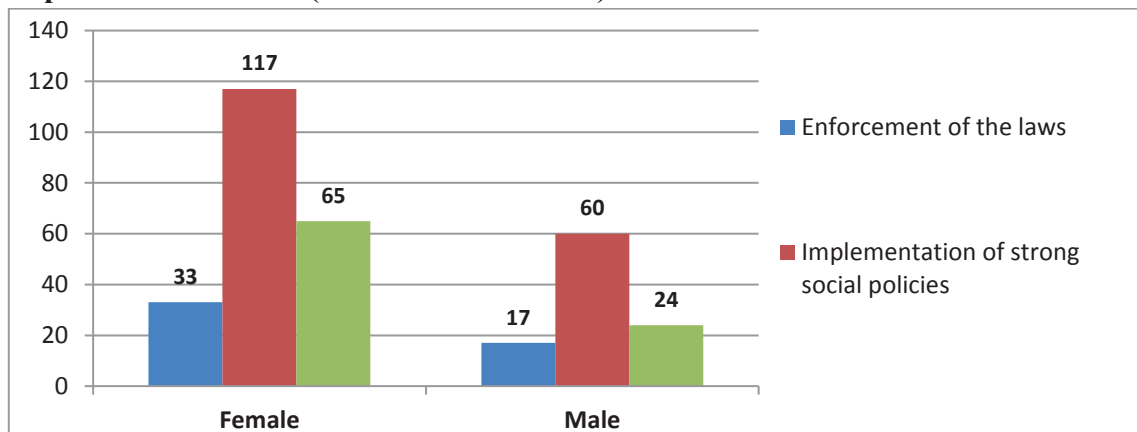
As the central government is the main public policy maker and mostly local government are implementers of these policies, there are differences in their perception of problems of child exploitation. For the central government, probably because of its complicated and organized structure, child trafficking has been considered the severest problem, while it was considered as the least severe by the local authorities. When it comes to begging, as probably the most visible phenomenon on the street of Albania, the local authorities consider begging as the severest problems of child exploitation.

Further to other groups, academia thought that begging was the main problem of child exploitation in Albania, whereas respondents in the judiciary and media thought that it was child trafficking. Respondents working in the NGO sector thought that begging and child trafficking were problems of child exploitation equally.

8.2.10 Public Policies to be Prioritized

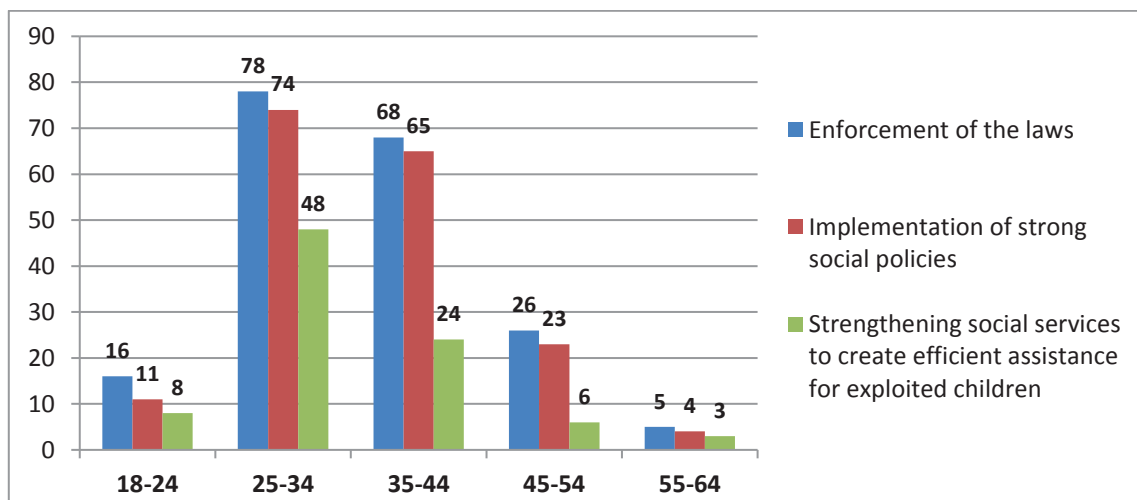
Question 12 was formulated to have the perception of the elite respondents on the Public policy dimension of child exploitation in Albania. The question is “Which of the following policies should be prioritized to improve child issues”? The question was evaluated and analysed in Chapter 7.2

Figure 8.21 (Question 12): Which of the following policies should be prioritized to improve child issues? (Gender Distribution)



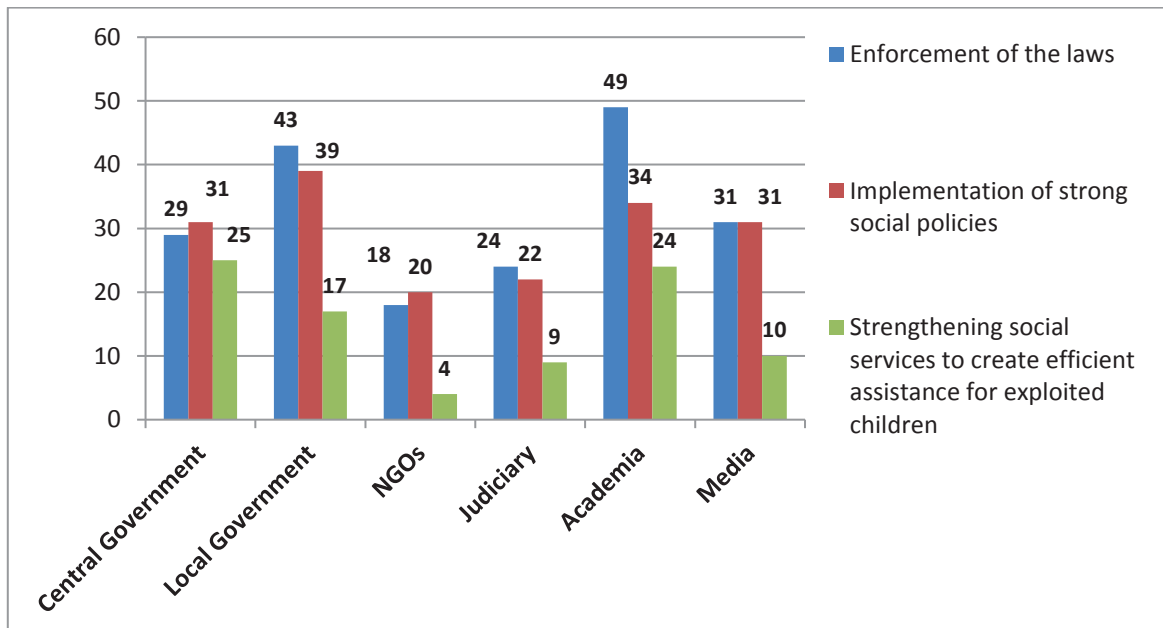
There is no gendered difference as in both genders the results are in the same order/ranking.

Figure 8.22 (Question 12): Which of the following policies should be prioritized to improve child issues? (Age Distribution)



There is no difference in group ages as all respondents reported firstly enforcing the laws, secondly implementing strong social policies and thirdly, albeit with a gap, strengthening social services to create efficient assistance for exploited children, as policies to be prioritized to improve child situation in Albania.

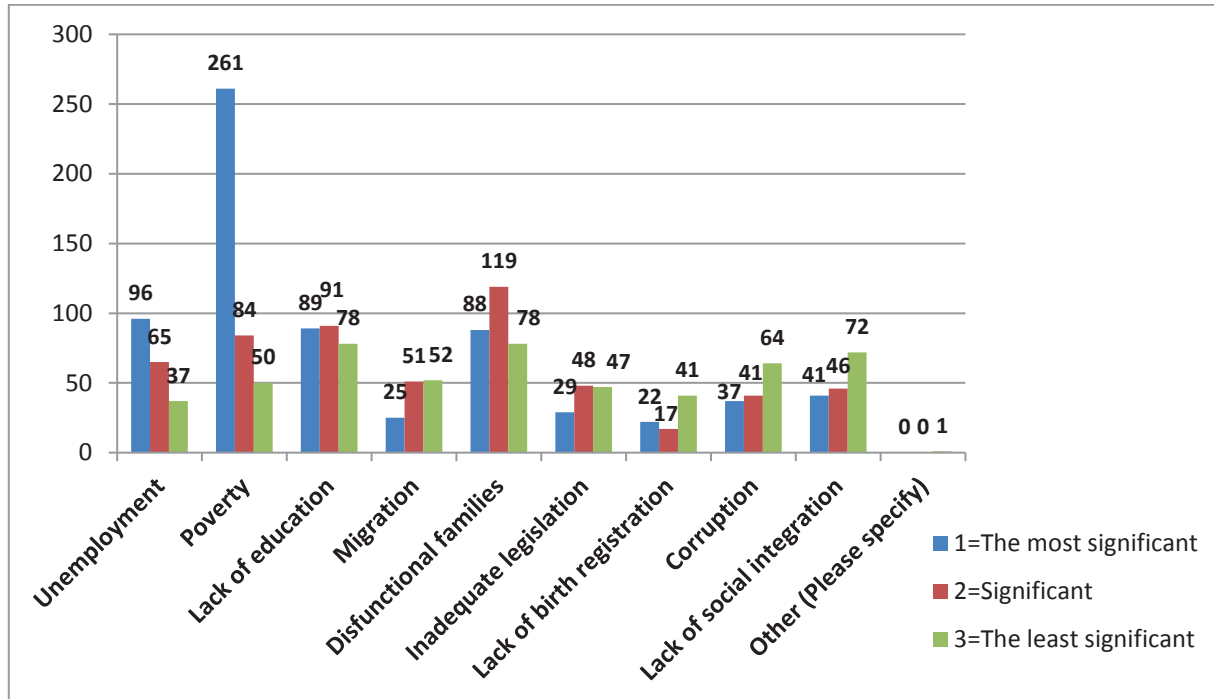
Figure 8.23 (Question 12): Which of the following policies should be prioritized to improve child issues? (Workplace Distribution)



Respondents working on local government, judiciary and academia reported enforcement of laws as the first area to be prioritized to improve the child situation in Albania. Respondents working in the central government and NGOs sector reported implementation of strong social policies, as the main areas to be prioritized to improve child situation. Respondents working on the media reported both of these areas equally as priorities, in which to work in order to improve the child situation.

8.2.11 Causes of Child Exploitation

Figure 8.24 (Question 13). What are the causes of children being subject to exploitation?

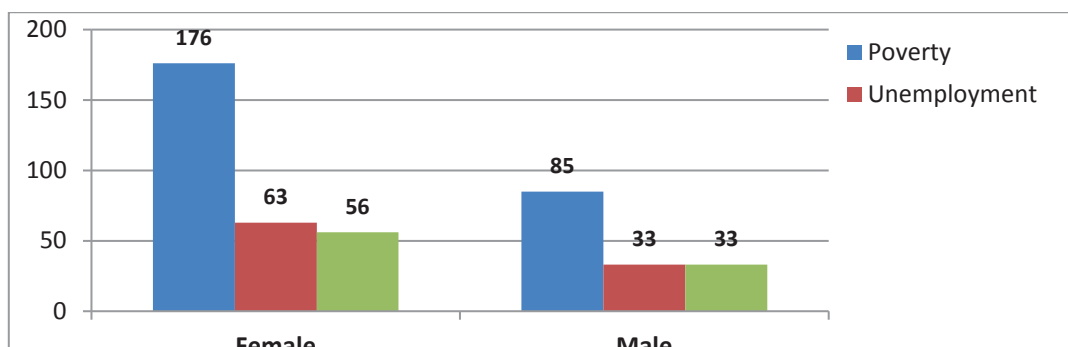


Top three:

The majority of respondents stated poverty as the main cause of children suffering exploitation. Albeit with huge gaps, followed were unemployment and lack of education as second and third main causes for children to be subject of exploitation.

1. Poverty (261 responses)
2. Unemployment (96 responses)
3. Lack of Education (89 responses)

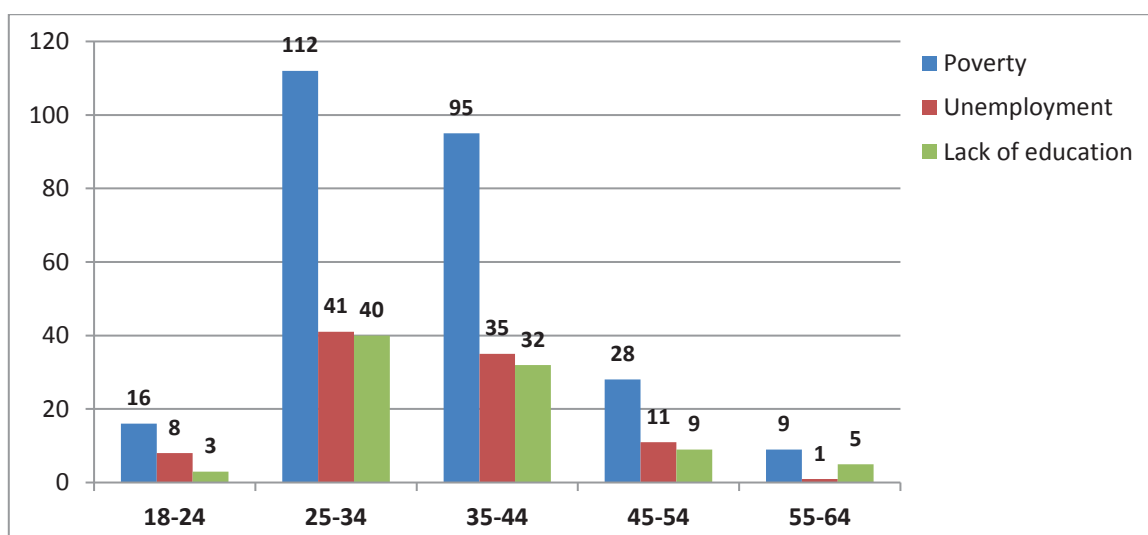
Figure 8.25 (Question 13). What are the causes of children being subject to exploitation? (Gender Distribution)



The order is almost the same. Poverty is still the biggest group.

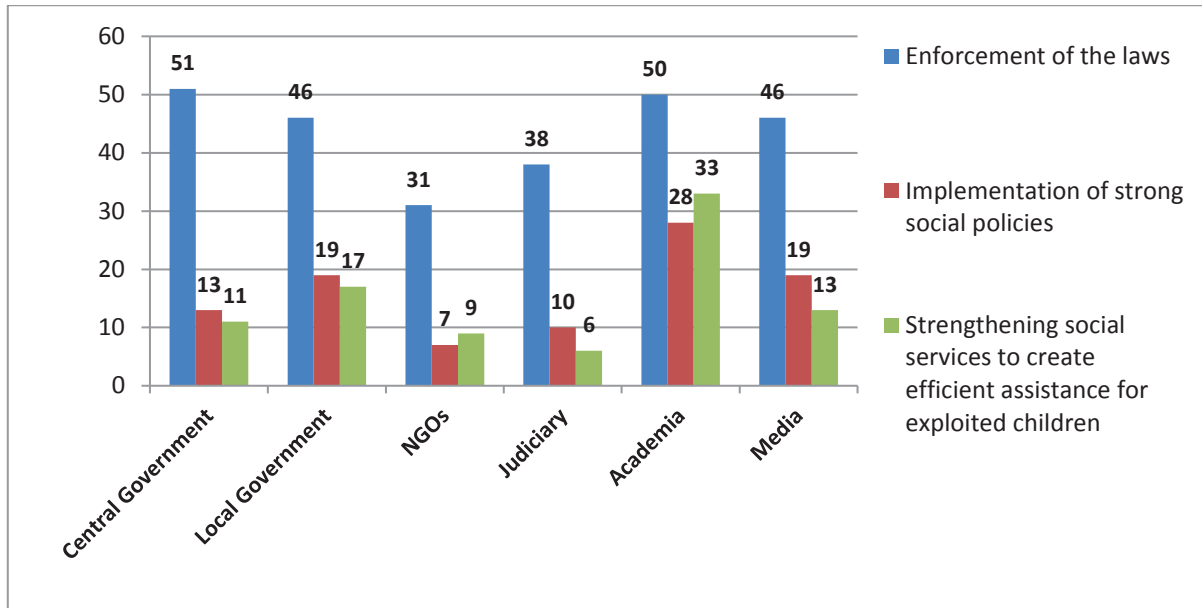
Both women and men thought of poverty as the main cause for children to suffer exploitation. Women thought unemployment is the second next cause for children to suffer from exploitation whereas men thought for unemployment and education are equal causes for children to suffer from exploitation.

Figure 8.26 (Question 13). What are the causes of children being subject to exploitation? (Age Distribution)



Respondents from all age categories thought that poverty is the main cause for children to suffer exploitation. However, only the elderly (55-64 years old) thought that lack of education is the second next cause for children to suffer from exploitation. All the rest of the age groups thought that unemployment was the second cause explaining this phenomenon.

Figure 8.27 (Question 13). What are the causes of children being subject to exploitation? (Workplace Distribution)



After providing the analytical part of the thesis in Chapter 8, the following chapter provides explanations and interpretations of human security concepts and their development internationally and in Albania. Further, the chapter points out the need for a new concept of ‘child security’ dedicated specifically to children with broader security problems and concerns.

Question 14 has been analysed into further details as referred to in Chapter 7.2.

8.3 Conclusion

This chapter was dedicated to analysing the elite survey questionnaire distributed to 452 respondents. The first part covered the demographic characteristics of the respondents which provides some figures and tables on the respondents’ age, gender, education and field of study etc.

The second part of the chapter evaluated the data on child exploitation related matters based on the respective questions in the ascending order except question 2,3 which were analyzed in the following chapter 9.

Since the respondents are coming from various backgrounds, their responses were diversified in line with the Albanian reality.

CHAPTER 9: REVISITING HUMAN SECURITY: A NEED FOR A NEW CONCEPT OF ‘CHILD SECURITY’

9.1 Security as a Core Concept

The concept of security is widely debated in international politics. It is considered as the basic need and a core value of human life. David A. Baldwin perceives security as “a prerequisite for the enjoyment of other values such as prosperity and freedom” (Baldwin, 1997, p. 22). He further states that “security, however, is not the only thing they value; and the pursuit of security necessitates the sacrifice of other values”.

“To be secure is to be untroubled by danger or fear” (The Concise Oxford English Dictionary, 1990, p. 1093). An earlier explanation of the need for security is given by the 17th century philosopher Thomas Hobbes emphasizes:

Without security “there is no place for industry... no arts, no letters, no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short” (Hobbes, 1651, p. 78).

Moreover, “in Hobbes ‘state of nature’ every human being is a potential threat because the struggle for survival in a world of limited resources is ‘war of all against all’ (Jackson-Preece, 2011b, p. 15).

People live in a society where security becomes an important value in their everyday relations. Besides the benefits that the society provides to people, cohabitation in their community can make the individuals face vulnerabilities to each other too. Even though people try to minimize the risks, they still cannot be safe. Some individuals are strong to manage those risks, and some others do not have the capacity to protect themselves. Jennifer Jackson-Preece states that “insecurity arises when some people will not restrain themselves

and cannot be restrained by others” (Jackson-Preece, 2011b, p. 16). This means that security depends on acts done by other people.

However, people cannot live alone; otherwise, they will lose the concept of interaction, communication, and collaboration. The meaning of life is to share human love, kindness, compassion etc. Hence, if you have ever thought to have absolute freedom not being harmed by other people you can consider yourself isolated, and you may lose human relations. In consequence, it is impossible to find absolute trust and mutual security among humans. An isolated human is untouchable from attack by other humans.

The ideal security cannot exist in any society even though you take any measure of insecurity; it is always present, and it can occur in an unpredictable time. David A. Baldwin further points out that “even if 'absolute' security was a possibility, it is not obvious that people would seek it” (Baldwin, 1997, p. 19). Furthermore, Charles Lindblom and Robert A. Dahl stated that:

Probably most people do not really want "absolute" security, if such a state is imaginable; "optimum" security would probably still leave an area of challenge, risk, doubt, danger, hazard, and anxiety (Lindblom & Dahl, 1953, p. 50).

Security is achieved when people do not harm each other and respect everybody's freedom. No one should accomplish their desires, dreams or ambitions by harming the well-being of others

9.2 Historical Changes in Understanding of Security Concept

There are several theoretical explanations and interpretations of various security types such as state security, national security, and human security. Security and national security draws attention to the protection of the state while human security gives priority to individuals. These approaches in contrast with each other may be briefly summarized as follows.

Throughout history, security was devoted only to the ruler (named the king, the emperor, the prince etc.). The ruler having the prestige, power and wealth exercised sovereignty over his territory through a single unified political will. “The king is emperor in his own realm” (Babbitt, 1985, p. 36) was the statement of that time. “The state was the personal property

of the prince, and the prince would use violence to defend and indeed extend that property” (Jackson-Preece, 2011a, p. 32). However, the political authority of the ruler started to change, and a new perception of popular sovereignty was required. This challenge occurred first from English parliamentarians through the Civil War of the 1640s. This new perception in interpreting the political aspects came to the conclusion that political power and sovereignty could not be transferred to the authority of one man or few because this is a strong temptation to abuse with it. Further, it was debated that sovereignty should be entrusted in parliament, which was “neither one nor few”. Sovereignty belongs to the people and not to the ruler. Further, the parliament has the authority to transfer the sovereignty from one to another prince when could change. This new political view occurred in England, known as the Glorious Revolution of 1688–89. The people represent their nation, and the state’s existence depends upon the expression of the national will. *The Declaration of the Rights of Man and of the Citizen* clearly expresses in article 3 that “no body and no individual may exercise authority which does not emanate from the nation expressly” (Republic of France, 1789, p. 3). The state belongs to all human beings, and it is not the property of the ruler. However, the people were yet the focus of security policy but the state.

The state since in its origin and till now has served to ensure security which means its ability to protect its borders from outside threats as “intervention, blockade, invasion, destruction, occupation, or some other harmful interference by a hostile foreign power or terrorist group” (Jackson, 2000, p. 187). The major concern of state security is to defend the state and its population from possible attacks.

Following the historical events, it is important to mention here that the American and French revolutions brought a new understanding of security perception that considered the (imperial) state, now designed as the nation state, to focus on its population and the relations between citizens to make them feel free and equal. Particularly, “the nation state in the western liberal tradition is understood as an extension of the will of the individual citizens who comprise it and thus becomes the supreme moral association within society” (Jackson-Preece, 2011a, p. 34). Jackson-Preece in her book “Security in International Relations” states about nation-state that “a well-governed nation state is a formidable security organization. (Jackson-Preece, 2011b, p. 26).

He further points out that “it is through the nation state that citizens guarantee their own security, individual as well as collective...and the state cannot pose a threat to its own

citizens whose personal interests are synonymous with state interests” (Jackson-Preece, 2011b, p. 26). In the Latin language it is used the phrase “*ubi bene, ibi patria*, where it is well with me, there is my country” (Stone, 2005, p. 214). “The term ‘national security’ has thus come to refer to all those public policies through which the nation state ensures its survival as a separate and sovereign community and, in so doing, the safety and prosperity of its citizens” (Jackson-Preece, 2011b, p. 1).

Referring to the above-mentioned historical literature regarding the evolution concept of security it is obvious that traditionally, security is understood as a defense of state territorial borders. Security is perceived as “how states manage threats to their territorial integrity, their autonomy, and their domestic political order, from other states” (Siddharth & Mallavarapu, 2005, p. 276). Johnson further sees the concept of security “as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust” (Johnson, 2011, p. 61); and others as “exclusive territorial control, diplomatic autonomy, and political independence” (U.S. Department Of State, 2005).

However, the end of the Cold War brought a new way of understanding security issues. It was assumed that “national security is insufficient to guarantee people’s security” (Siddharth & Mallavarapu, 2005, p. 288).

It was also assumed that ‘security’ should not anymore be identified through guns and weapons but mostly being focused in the daily life of people. Also “the issues that needed to be addressed should not only be in reference to the state, but also to peoples, nongovernmental sectors” (Saleh, 2010, p. 229). Mahbubul Haq, an international development theorist explained that “security will be interpreted as security of people, not just territory” (Bajpai, 2000, p. 10).

Here we can mention Robert Cox’s famous statement that “theory is always for someone and for some purpose” (Cox, 2010) and this statement can be linked to the new idea that security is always for someone and some purpose. This statement pushes the concept of security for critical interpretation and understanding, and further provides a positive answer in questioning “security for whom”?

The reconceptualization of security concept views the human being as a priority of security issues, contrary to the traditional security studies, that draw attention to state issues as the main concern.

The new debate on security issues included various actors such as NGOs and academics to think differently about security issues. It was understood that the traditional notion of state security and national security was narrow and inappropriate. To shift the focus of security to the individual and not anymore to the state means to change the narrow meaning into a broader explanation. “To broaden the concept is to recognize new threats to the old domain of state security, but to deepen the concept is to recognize that threats against other areas, particularly individual human beings” (Alberth & Carlsson, 2009, p. 8).

Therefore, the broader meaning of the concept was designed to identify new kind of threats and searching for the security domains considered as part of security issues and concerns too. These domains include “human rights violations, social injustice, environmental degradation and economic deprivation” (Bilgin, Booth, & Jones, 1998, p. 149). It is important to highlight again that these domains changed the security approach from the traditional concept of state and national security to human security. Due to its significance, human security will be given a dedicated section.

9.3 The Development of Human Security Concept

The nature of human security is better understood by identifying and addressing properly new threats that are currently affecting people’s life. “The individual remains no longer only frightened by the battles and weapons, but also when he is hungry, when his home is threatened, and when his day-to-day life is unsafe” (Rather & Jose, 2014, pp. 6767-6768).

For most people, a feeling of insecurity arises more from worries about daily life than from than from the dread of a cataclysmic world event. Job security, income security, health security, environmental security, and security from crime (UNDP, 1994, p. 3).

Therefore, today human beings are facing new challenges of living. Many of the individuals coming from poor families need shelter, food, water, and health services. In this point of view, it is crucial to address to identify the essential necessities demanded by individuals. However, the domains differ from one person to another one. For instance, for someone, there is an emergency to find a proper job and get employed and somebody else needs a shelter where to live. What is common for those individuals is the fact that lack of those domains can bring consequences to their lives. Poverty is “the deprivation of any basic capabilities” (Hasan, 2015, p. 8). Further, people are exploited because of poverty, people

commit criminal offences because of poverty. Hence, poverty, unemployment and other similar threats affect the security of human beings.

From another point of view, there are other cases when people are victims of threats caused by other factors. For instance, threats are also caused “by one group or another, whether these are terrorists, states, rebel factions, or paramilitary groups, even by organs of the state, police torturing prisoners” (Ibrahimi, 2014, p. 5) “or forms resulting from migratory movement, environmental degradation, ethnic, racial or religious conflicts, abject poverty and inequality” (Bhattarai, 2013, p. 14). Furthermore, “more than 800,000 people a year lose their lives to violence and about 2.8 billion suffer from poverty, ill-health, illiteracy and other maladies” (Popiden, 2015, p. 214). However, “humans are not the only threat to human security” (Futamura, Hobson, & Turner, 2011). Unpredictable natural disasters have taken the lives of millions of people, for instance, “the 2004 Indian Ocean tsunami, Hurricane Katrina in 2005, the Australian bushfires in 2009, the 2010 Haiti earthquake and the 2010 Pakistan floods” (Shaw, 2014, p. 146). “People feel for many years being displaced within their own place, their livelihoods destroyed, and facing long-term health issues” (Futamura, Hobson, & Turner, 2011).

The United Nations Development Program (UNDP) has developed the concept of human security. The UNDP describes the narrow and the broad definitions of human security. What makes the difference between the narrower to a broader definition are the threats that influence the life of the individuals. In particular, the UN’s understanding of human security is followed by two key elements, “freedom from want (economic and societal security dimensions) that refers to the broader definition of the human security concept, and freedom from fear (political security dimensions)” (Bogardi, Birkmann, Gebert, & Setiadi, 2009, p. 284) (take it as a sample) that refers to the narrow definition of the concept.

The UN has two reports where the human security concept is developed: the Human Development Report 1994 and the Human Security Report by the UN Commission on Human Security (2003). Due to the significance of these two reports for the development of security towards, its current broader understanding detailed information and analyses of these two is necessary.

UNDP Human Development Report (1994) defined human security as “safety from such chronic threats as hunger, disease and repression and protection from sudden and hurtful

disruption in the patterns of daily life” (UNDP, 1994, p. 3). Therefore, the report is focused on the protection of the individuals based on 7 categories of securities listed as below:

1. *Economic security*, which means an assured basic income and protection against sudden income declines, inflation and homelessness;
2. *Food security*, which means having both physical and economic access to basic food;
3. *Health security*, entailing basic health care and protection against infectious disease;
4. *Environmental security*, entailing protection against water scarcity, deforestation, overgrazing and natural disasters;
5. *Personal security*, entailing protection from physical violence from states, organized crime, crime, child abuse, rape and domestic violence;
6. *Community security*, entailing protection from ethnic clashes but also violence directed against an individual by a community, such as female circumcision;
7. *Political security*, which entails protection from human rights abuses (UNDP, 1994, p. 25)

In contrast to the UNDP report from 1994, the Human Security Now Report by the UN Commission (2003) provides a definition of human security. The Commission states:

To protect the vital core of all human lives in ways that enhances human freedoms and human fulfillment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity” (United Nations, 2003, p. 4)

Reflecting on the Commission’s definition of human security as a concept, it leads the individuals to enjoy and protect their rights and responsibilities that “enhance human freedoms and human fulfillment”. To be successful on this matter, the Commission pays the attention to the education policy and strategies for the improvement and progress of this important area of the individuals and protecting those individuals from gender discrimination. Referring again to the above statement, it is mentioned as “*give people the building blocks of survival, livelihood and dignity*” and linking it to the statement of Thomas stating that dignity incorporates “personal autonomy, control over one’s life and unhindered participation in the life of the community” (Thomas, 1999, p. 3). Here we understand that human security has also a strong relationship to human development and human rights. These two concepts highlight many concerns and issues related to human security. Authors

think that “they are both connected to the fact that the umbrella concept of human security moves together developmental aspects and human rights aspects under the heading of security” (Alberth & Carlsson, 2009, p. 20). This means that violations of human rights refer to the threats that affect security in a broader sense and impede the development of individuals. Further, human development remains a very important component of human security because it is the key to enjoy life with dignity. As Caroline Thomas supports the idea by stating that “human security describes a condition of existence in which basic material needs are met, and in which human dignity, including meaningful participation in the life of the community can be realized (Thomas, 1999, p. 4). In summary, the Human Security Commission states that “human Security complements state security, strengthens human development and enhances human rights” (United Nations, 2003, p. 2). However, the Commission does not consider human security as a substitute for the traditional security approach, but just as an alternative to it.

Another important Report referring to the concept of human security has been written by the European Union entitled “A Human Security Doctrine for Europe”. The report states that:

A human security approach for the European Union means that it should contribute to the protection of every individual human being and not focus only on the defense of the Union's borders, as was the security approach of nation-states (Liotta & Owen, 2006, p. 94).

The three reports mentioned above well explains that the traditional concept of state security and the narrow concept of human security are shifted to the new conception of human security. However, it was not only the UN and EU who contributed and gave a solid definition and explanation of the security concept but there were individual states that significantly contributed to the development and evolution of the concept with a rich literature provided by those countries. Among others particularly two countries, Japan and Canada, are very significant and in leading position which they deserve to dedicate specific explanation and analyses.

UNDP and the Canadian government identify “indirect and direct” types of threats (Siddharth & Mallavarapu, 2005, p. 296). Further, they both listed everyday violent crime, repression, terrorism, and genocide while as indirect threats they listed threats related to safety and well-being” (Siddharth & Mallavarapu, 2005, p. 296). Others categorize threats “as objective in nature, involving tangible, measurable elements, such as insufficient income,

chronic unemployment, lack of access to adequate health care and quality education” (Tadjbakhsh & Chenoy, 2007, p. 29)

Canadian Government perceive human security as “an alternative way of seeing the world, taking people as its point of reference, rather than focusing exclusively on the security of territory or government (Raven-Roberts, 2001, p. 2). Further, Lloyd Axworthy, a Canadian politician explains that “human security includes security against economic privation, an acceptable quality of life, and a guarantee of fundamental human rights” (Thomas, 2002, p. 110). The Canadian approach to human security is more restrictive compared to the understanding of UNDP and the Human Security Commission statements. The government of Canada talks of human security in the terms of “freedom from pervasive threats to people’s rights, safety or lives” (Tadjbakhsh & Chenoy, 2007, p. 48). It is individual-oriented not states but the threats it presents are focused on the traditional aspect, including “violence from armed conflict, human rights abuses and organized crime”, but not poverty, disease or environmental degradation etc. (Alberth & Carlsson, 2009, p. 17). On the other hand, the Canadian government didn’t support the broader UNDP concept introduced in 1994, considering it “an unwieldy policy instrument because of the breadth of its approach” (Tadjbakhsh & Chenoy, 2007, p. 30). Other opponents and supporters of the Canadian Government approach are Krause and MacFarlane preferring a narrow definition of the concept. Krause further states that:

Human security ought to be about ‘freedom from fear’, the broad vision of human security as ‘freedom from what’ is ultimately nothing more than a shopping list; it involves slapping the label of human security on a wide range of issues that have no necessary link to each other (Krause, 2009, p. 150).

Meanwhile, the Japanese Government follows the broad definition of the human security concept by including threats that go beyond the traditional perception. The government has suggested that:

Human security —comprehensively covers all the measures that threaten human survival, daily life, and dignity—for example, environmental degradation, violations of human rights, transnational organized crime, illicit drugs, refugees, poverty, anti-personnel landmines and...Infectious diseases such as AIDS—and strengthens efforts to confront these threats (Mi, 2004, p. 252)

The common idea of the actors dealing with human security issues is that people must have “a bundle of basic resources, both material and psychosocial that constitute an indivisible set of necessary inputs and conditions for stability and well-being” (Arie, 2000, p. 12). Furthermore, Caroline Thomas and May Kaldor talked further about the dimensions of human security. Caroline Thomas, in “*Globalization, Human Security African Experience*” describes that human security has two main dimensions named qualitative and quantitative dimension of human security. The quantitative dimension refers to the basic needs of the individuals. Meanwhile, the qualitative dimension is “...about the achievement of human dignity which incorporates personal autonomy, control over one's life and unhindered participation in the life of the community” (Thomas, 1999, p. 3). Meanwhile, Mary Kaldor Professor of Global Governance, London School of Economics and Political Science, describes in detail other three main dimensions of human security by stating that:

1. Human security is about the security of individuals and communities. By emphasizing the security of individuals rather than states, human security implies a commitment to human rights, but it does not deny the importance of the more traditional state-centred threats;
2. Human security is about the interrelationship between freedom from fear and freedom from want and about physical as well as material insecurity, with the emphasis on economic, scientific and cultural cooperation. It means that human rights do not just cover political and civil rights but economic and social and cultural rights too;
3. Thirdly, human security implies an extension of rule-governed security as opposed to war-based security. It implies that relations between states are governed by a law paradigm rather than a war paradigm. It is about the non-use of force in relations between states and the extension of law-governed security to the whole (Kaldor, 2011, p. 446).

The Indivisible Relation Between Human Security and The State

Human security is strongly related to state, and national security as most of the threat comes from or occurs within the territory of a state. Related to this, The Human Security Commission emphasizes that:

Human security and state security are mutually reinforcing and dependent on each other. Without human security, state security cannot be attained and vice versa. Human security requires strong and stable institutions. Whereas state security is focused, human security is broad (United Nations, 2003, p. 6)

The relation between state and individuals existed earlier where state served to guarantee the safety of the individuals and their wellbeing. Hobbes stated that “protection was the absolute responsibility of the state” (Owen, 2003, p. 16). The term “responsibility to protect” is mostly concerned with human security. Here, we can mention the “The Responsibility to Protect Report” (ICIS 2001) which emphasizes the core principles regarding the responsibility of the state to protect its people as follows:

1. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself; and
2. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect (ICIS, 2001, p. 11).

Furthermore, the measures that push the states take in order to take responsibility for providing human security; the report highlights three important responsibilities listed as below:

1. *The responsibility to prevent*: to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk;
2. *The responsibility to react*: to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention;
3. *The responsibility to rebuild*: to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert (ICIS, 2001, p. 11)

It is quite unfortunate, that in practice states are completely, or partly failing to satisfy the needs of the citizens, by means of not respecting the ‘social contract’ in order to provide and protect social, and economic necessities. This all, despite, the theoretical link that exists between the state and human security. The first case this issue occurs is when the state cannot afford to manage risky, and threatening situations to the individuals. By way of illustration, in Somalia’s case, “25 Pakistani UN soldiers were killed and 35 Somalis including women and children” (Rees, 2005, p. 117). Also, “18 American troops got killed in a gunfight in

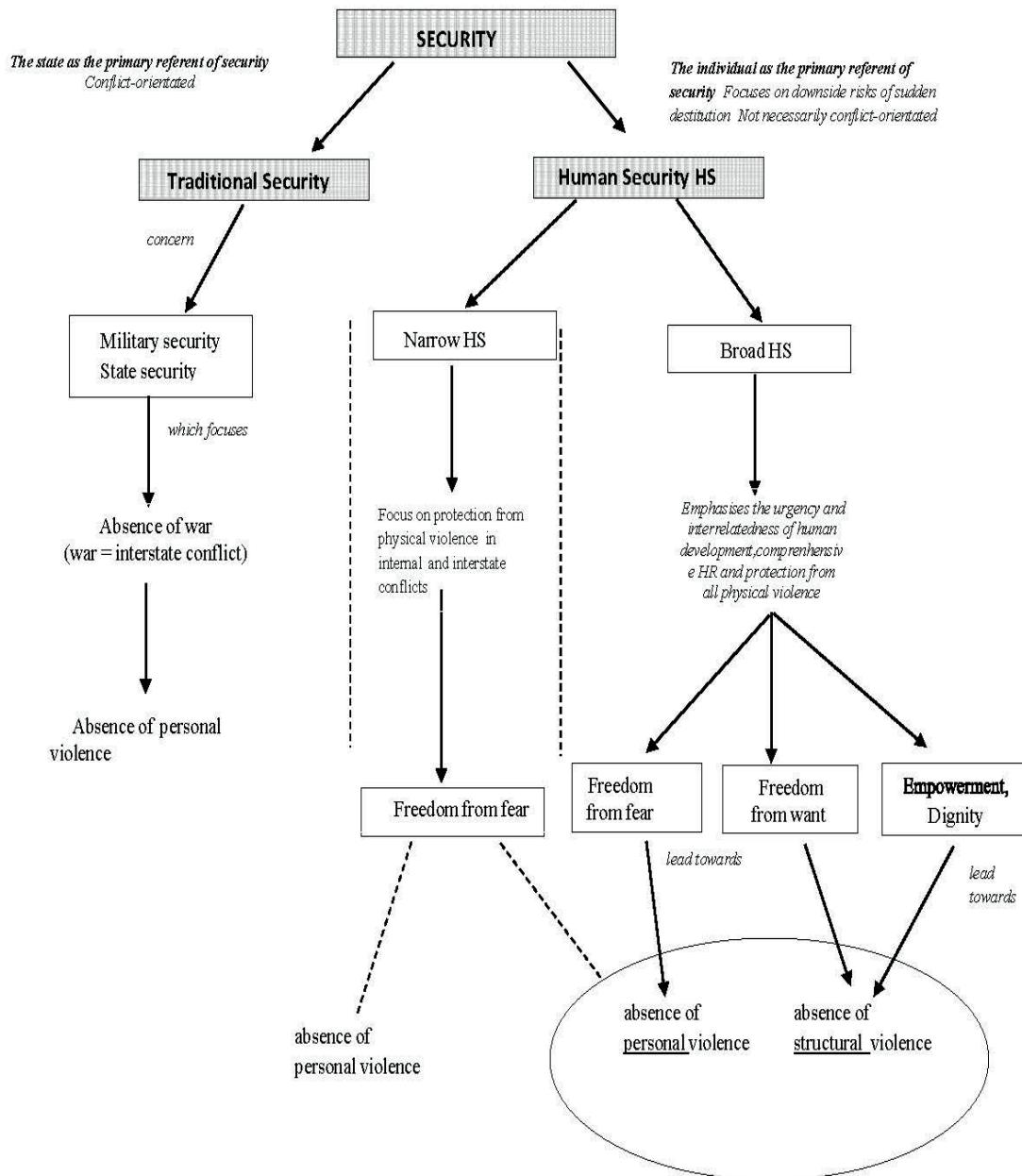
Mogadishu and President Clinton then decided and ordered U.S troops to get out from Somalia” (NPR, 2013). “Rwanda is also another failed state in providing security for its citizens with a civil war where 800,000 men, women, and children (Genocide in Rwanda, 2015) were killed.

The second case presented, is when a state deteriorates to the point of losing its legitimacy to rule a country, by threatening the security of people and turning against its citizens. For instance, Arab Spring countries are the referring case of states that failed to protect their citizens like Libya, Iraq, Egypt, Syria. For such countries, protecting their citizens are no longer a priority to the state. “Over the last century thirty million people were killed in international wars, seven million in civil wars and 170 million people were killed by their own governments” (Trent, 2007, p. 44).

Hobbes, in his famous *Leviathan*, points out that states create insecurities between each other because “of their independence, are in continual jealousies, and the state and posture of gladiators; having their weapons pointing, and their eyes fixed on one another...and continual spies upon their neighbors; which is a posture of war” (Hobbes, 1651, p. 79). Likewise, this affects negatively its citizens and their lives.

The responsibility of the government is to ensure security for all human beings. Furthermore, it is important to contest the evaluation of human security issues handled by government institutions and other relevant actors, their duties and responsibilities on this matter. Government should establish and implement clear strategies and policies to better cope with human security issues. Krause states that “the use of the concept of human security leads states and policy-makers to focus on different issues, to ask different questions, and even to promote different policies” (Krause, 2007, p. 2). On the other hand, cooperation among government and existing NGOs will bring positive results in managing human security challenges. For instance, the enforcement of laws in relation to penalties against the perpetrators who violations the security of the individuals will be good progress.

Figure 9.1 Development of The Concept of Human Security



9.4 Theories on Human Security

This part is to explain the main theoretical approaches to the concept of security. These approaches have shaped the nations' security approaches and perceptions on the concept of security.

9.4.1 The International Relation Theory

Security in international relations theory has been viewed in its narrow meaning having the focus on the state and its government recognizing military-oriented security as part of realist perspective. The narrow concept of security follows “the framework of the Westphalia system of international relations, in which a sovereign state is bound to defend its political independence, territorial integrity, and its people” (Ohta, 2009, p. 5) “However, this kind of state-centric or politico/military-centric view of security is ill-suited to dealing with transnational terrorism, massive population movements, infectious diseases such as HIV/AIDS, and threats to the earth’s environment, global issues that transcend the territorial boundaries of states” (Peimani, p. 193).

As mentioned above, The Cold War era conducted the first efforts to extend the concept of security. Barry Buzan in his book “People, States and Fear” presented non-military issues of security. Buzan further presents five key areas of human security as follows:

1. Military security concerns the two-level interplay of the armed offensive and defensive capabilities of a state, and a state’s perceptions of other states’ intentions.
2. Political security pertains to the organizational stability of states, their systems of government, and the ideologies that give them legitimacy
3. Economic security involves access to the resources, finances, and markets necessary to sustain acceptable levels of social welfare and state economic power.
4. Societal security entails the sustainability of traditional patterns of language, culture, religious and national identity, and customs.
5. Environmental security, finally, concerns the maintenance of local environments and the planetary biosphere as the essential support systems upon which all other human enterprises depend.

9.4.2 Critical Theory

Critical theorist supports the idea to broaden the traditional concept of security as being a state-oriented approach. Being mostly focused on military security, this kind of security concept has only a narrow view of threats. In this point of view, the critical theory puts much emphasis on the concept of security, arguing for a reconceptualization that will broaden and deepen the concept. Ken Booth as the representative of the critical theory mentions three elements that

identify the traditional security approach. He pointed out “military threats and the need for strong counters; it has been status quo oriented; and it has centered on states” (Alberth & Carlsson, 2009, p. 5). He further admits that these elements should be changed, and the security concept should not be any more considered as the security of the states but the security of the individuals.

The purpose of the critical authors to change the security traditional approach makes the priority of the security concept the emancipation of the people and their feeling of being free rather than the state. As we see, Booth creates an important relation between emancipation and security. In this regard, he states that:

Emancipation is the freeing of people (as individuals and groups) from those physical and human constraints which stop them carrying out what they would freely choose to do. War and the threat of war is one of those constraints, together with poverty, poor education, political oppression and so on. Security and emancipation are two sides of the same coin. Emancipation not power or order, produces true security. Emancipation, theoretically, is security (Snyder, 1999, p. 83).

Richard Wyn-Jones explains emancipation related to security “as the development of possibilities for a better life already immanent within the present – that provides its point of critique of the prevailing order” (Jones R. W., 1999, p. 28). Furthermore, Max Horkheimer, one of the original founders of the Frankfurt School of thought, explains emancipation as “the potential for a better life already as inherent in the existing forces of production, although capitalism as a system hindered this potentiality from humanity” (Alberth & Carlsson, 2009, p. 6).

9.4.3 Constructivism

“On the basis of constructivism, security gets meaning under conditions that states understand from their environment in which they act and form the meaning that they give to anarchy” (Yusoff, 2012, p. 14). Further, Wendt mentions Hobbesian, Lockean, and Kantian as the representatives of the three cultures of anarchy. He argues that “Hobbesian culture dominated the world affairs until the seventeenth century and states cast each other in the role of ‘enemy’” (Wendt, 2000, p. 9). Therefore, the focus of the state was the use of violence against each other in each case. Violence was considered as a defense to survive. “In a

Lockean culture, which has characterized the modern state system since the Treaty of Westphalia in 1648, states view each other as rivals that may use violence to advance their interests, but that are required to refrain from eliminating each other” (Wendt, 2000, p. 9).

9.4.4 Neorealism

“No theory of international politics emphasizes security more than neorealism, which posits it as the primary motivation of states”. Neorealists analyses have not consigned a detailed explanation of the definition of security, despite its importance. Kenneth Waltz as the representative of the theory observes that “in anarchy, security is the highest end. Only if survival is assured can states seek such other goals as tranquillity, profit, and power”.

By the end of the Cold War, the security dimensions did not change, however, the substantive of these dimensions that were deemed as appropriate during the Cold War were likely to change from those of the 1990s. Different forms of security, as identity security, environmental security, economic security, military security; are not necessarily regarded, as different notions. Each of these is determined by referring to the above-mentioned dimensions. Wolfers (1952) explicated a conceptual framework, which adopted what is referred to as ‘the new ideas’ about security. A call for a ‘conceptual breakthrough’ was made by the United Nations Secretary-General that goes besides armed territorial security. It is claimed that the world needed a theoretical breakthrough in order to better understand the post-Cold War world, by expanding the concept of a moral community, encouraging recognition of increased interdependence and a political breakthrough needed to strengthen the bequeath to follow an expanded security agenda. Nonetheless, none of these notions needs a conceptual breakthrough, which goes beyond the specifics identified by Wolfers.

9.4.5 Realism

Realists as are often referred to as proponents of national security, take it for granted that in the world we live in, states function as both main security threats and sources of security. According to realism, states live in a world of reciprocal suspicion, conflict and fear, where they must constantly fight for survival. National security policies aim to maintain and create armed forces for nationwide obstruction and defense. These policies are also directed at measures dealing with terrorists, criminals, rebels, etc. The paradigm accompanying national

security is best fitted to address issues as the ones of Cold War, of two opposite states conflicting with one another. It is less equipped to deal with issues of totalitarian, weak or failed states, this due to the inclination to put an end to the difference between state and personal security.

9.5 Understanding Security and Seven Components of Human Security in Albania

During the communism period, Albania has been a supporter of the state-centered approach in understanding security concept. While after the establishment of the democratic regime and with the adoption of the new Albanian Constitution in 1998 the security concept was redefined based on human rights principles and values.

A controversial year is the one of 1997, known for the inclination of the pyramid schemes, which as a result led to a nationwide anarchy and a collapse of the state. The events that followed in the subsequent year, lead to the Socialist Party be placed into power. The said party had prepared a draft of the fist strategic document and with the assistance of NGO's in Albania and international actors, to advance the defense policy and the security framework, so that to be able to address the respective challenges. Following is a table with some strategic documents illustrating when were those ones reviewed and the date of approval.

Table 9.1: Strategic Documents of Albania (Hide & Kamberi, 2010, p. 10)

Title of The Strategy	Adopted Date	Amendme nt Review
1.Security Strategy Document of the Republic of Albania	2000	Yes, 2004
2. Defense Policy Document of the Republic of Albania	2000	Yes, 2007
3. Military Strategy of the Republic of Albania	2002	Yes, 2005
4. Strategy of the Ministry of Defense Sector 2007-2013	2007	No
5.National Strategy on Integrated Border Management Action Plan	2007	No
6.National Strategy on Public Order Sector and State Police and its National Action Plan	2007	No
7.National Action Plan for the Fight against Trafficking in Vehicles Motor	2007	No
8. Strategy to Fight Organized Crime, Trafficking and Terrorism	2007	No

The table presents documents on national security and defense strategies designed in 2000 when Albania has a stable political economy after the challengeable events that occurred in 1997 because of the pyramid collapse, the political transition in 1998 and Kosovo crisis of 1999.

“Security strategies and security doctrine framework at local level identify four categories as threats and risks for Albania: organized crime, terrorism, disasters and problems of transition” (Kamberi, Hroni, & Baka, 2011, p. 10). The approval and the update of those documents is based on some related issues as follows:

1. The change in the Albanian security environment, as well as the regional security environment;
2. The pressure of international community for developing comprehensive strategic security framework;
3. Membership in NATO and the EU perspective, or the so-called “Euro-Atlantic integration agenda”
4. The legislation” (Hide & Kamberi, 2010, p. 12).

The relevant step forward to a safe environment in a country is what a strategic framework on security and defense consists of. Nonetheless, there is no set format to assess and evaluate challenges, threats and risk either these be coming from the local or international environment. It is argued that Albania’s Strategic Framework offers a more conventional viewpoint focused on territorial integrity of the state, instead of concentrating on citizen human security. Relying to this position, the 1998 Albanian Constitution ensures fundamental rights and considerable progress is noticed over the years regarding these rights. However, in order to reach for higher standards as far as fundamental freedoms are concerned, the legal system reform and the rule of law; there will always be room for more improvement. As Albania is currently trying to pave the way into the EU, these reforms are a necessity to be fulfilled.

Human security in Albania has been seriously threatened “from political instability, macroeconomic fragility and lack of government capacity or willingness to provide basic services and to protect people’s safety and security” (JICA, 2006, p. xv). Poverty results to be the major concern affecting human security.

Seven Components of Human Security Interpreted in The Case of Albania

Food Security

The term 'food security' refers to "all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life" (Committee on World Food Security, 2012a, p. 12). Living in rural areas allows it to some people to grow a variety of food to address their own needs, in addition to distributing by means of selling it in the market. This way also working as a regulator of supplying goods for some people and incomes for others. In Albania, "the period following the fall of communist regime resulted in a total dependence on imported food products" (Hroni, 2009, p. 2). As far as human security is concerned, another direct impact to it would be a shortage financial investment in the rural area, the abandonment of lands in the rural areas, and an adverse legal framework to encourage a fair competition with imported goods. One reason why lack of food is deemed as important as malnutrition, is because it is directly linked to families coming from a poor economic background, which then leads to high infant mortality, and poses a high risk for food security. Food emergencies come as a result of political crisis and failure. The best examples to support this claim are 'Operation Alba' in 1997, and 'mission Pelikani' in 1991; which to date are deemed as the best to illustrate how a state fails to address food crisis, by even providing the most basic needs for its citizens.

Economic Security

According to the International Labour Organisation (ILO) economic security includes "basic social security, defined by access to basic needs infrastructure pertaining to health, education, dwelling, information, and social protection, as well as work-related security" (ILO, n.d, p. 1). It refers also "to the condition of having a stable source of financial income that allows for the on-going maintenance of one's standard of living currently and in the near future" (Committee on World Food Security, 2012b, p. 261). ILO also defines the basic security concept as:

Limiting the impact of uncertainties and risks people face daily while providing a social environment in which people can belong to a range of communities, have a fair opportunity to pursue a chosen occupation and develop their capacities (Barry, 2012, p. 166).

In 1997, many economic issues occurred in Albania following the pyramid system which caused many families to lose their savings and incomes. In turns the government failed to address this recession and prevent the chaos that was to follow. It is the state's responsibility to protect its people from economic crises by enabling social assistance, reducing taxes for businesses and also implement fiscal assistance and laws to help business flourish. On the other hand, Governments support and strengthen the attempts made to enable sustainability for all. In this context the Albanian state, is required to have established preventive measures and warning systems for both economic and financial crisis but also natural disasters, with the support of the international system, so that to avoid economic recession, which will have a direct impact on its citizens. However, "over the last ten years the unemployment rate in Albania has decreased from 18.4 % in 1999 to 12.7 % in 2008 and this can be attributed to economic growth which has been stable at around 6%-7 %" (Hroni, 2009, p. 2).

Environmental Security

The environmental security is an important aspect of national security. "It refers to the integrity of land, air, and water, which make human habitation possible" (Walpole, p. 19). Environmental security refers also to the responsibility of the state to reduce the threats coming from natural disasters. The natural disasters cause serious consequences on basic needs of people like absence of water, food and shelter and feelings of insecurity of people where they live. On the other hand, the natural disaster cause lack of resources to manage the difficult situation. For instance, the floods that occur particularly in the north-west areas of Albania draw attention to have a safe environment. Unfortunately, the state has not succeed to take the emergency measures in providing replacement accommodation for the citizens in such cases. Another concerning issue is the air pollution in Albania affected by different factors. In this case the government does not have a proper strategy, policy or plan how to eliminate its effects in order to protect people's health.

Personal Security

'Personal security' refers to "security from physical violence" (Metan, 2014, p. 323). Further, it is also defines as "the legal and uninterrupted enjoyment by a man of his life, his body, his health and his reputation" (Chitty, 1839, p. 14). Referring to the data, at least "14% of the Albanian population feels unsafe in their homes whiles not less than 20% of the

Albanians feel personally unsafe in the streets” (Hroni, 2009, p. 3). There are various of threats related to personal security that need special focus as follows:

- Threats from the state (physical torture);
- Threats from other states (war);
- Threats from other groups of people (ethnic tension);
- Threats from individuals or gangs against other individuals or gangs (crime, street violence);
- Threats directed against women (rape, domestic violence);
- Threats directed at children based on their vulnerability and dependence (child abuse) and
- Treats to self (suicide, drug use) (Zwitter, 2011, p. 105).

Health Security

World Health Organization explains ‘health security’ as “the activities required, both proactive and reactive, to minimize the danger and impact of acute public health events that endanger people’s health across geographical regions and international boundaries” (WHO, 2021). Millions of people die every year of infectious and parasitic diseases, such as HIV/AIDS and malaria. “A majority of these deaths are related with poor nutrition and an unsafe environment, particularly polluted water” (Panisset, 2000, p. 105). There are various parasitic and infectious diseases as malaria and HIV/AIDS, from which millions of people die every year. Another major concern, from which thousands of women die from is maternal mortality. It is also deemed as a signal of a failed healthcare system to the core. Regarding Albania’s case, a lot of progress is made in terms of refinement of health care centres and hospitals, in addition to educating young mothers. Nonetheless, the quality of services provided differs compared to many other countries. A lot of improvements should be made regarding sanitation and safe water supply. Despite the healthcare reform taken from the government’s side, further progress is needed. A lot of NGO’s and various institutions have made patients care along with treatment and quality of medication, and hospital hygiene improvement; their priority.

Community Security

Community security is “a powerful approach that builds human security and contributes to wider peace and development goals” (Safeword, n.d.). It helps to improve relations between states and members of society.

“Community security affirms the need for institutional and technical reforms, investments in transitional interventions that build upon existing capacities and sources of legitimacy” (Bennett, 2004, p. i). People are part “of a social group which can be a family, a community, an organization, a racial or ethnic group and possess a personal security, also providing this individual with an identity and reassuring set of values” (Gadzama, 2013, p. 455). For instance, The Greek minority enjoys a comfortable position in Albania. They participate in political decision-making representation, receive a good education in their native language. While, The Macedonian Minority located in Prespa, near Korça, raise many problems related to:

- Lack of education opportunities
- Lack of population registration
- Difficulties in preserving their own culture and national identity
- Lack of political representation and furthermore lack of investments
- Developing policies in this region (Institute for Democracy and Mediation, 2009, p. 23).

United Nations further explains that “the absence of safety and security measures can perpetuate lack of trust amongst individuals, communities and the state. This can affect economic growth and investment, and absorb government resources, which could otherwise be spent in development” (UN, 2021).

Political Security

“Political security ensures both the physical security of the State and its citizens from threats both internal and external” (IPLI Foundation, n.d.). Political security follows democratic values and principles strongly related to the protection of human rights. The understanding aspect of political security in Albania includes 5 major points as follows:

1. Level of democratization;
2. Protections against state repression are freedom of speech/press.
3. Respect for human rights.
4. Democratic Expectations.
5. Prevention of torture, abolishment of political sentences. (Security Monitoring Network Experts, 2009, p. 23)

9.6 ‘Child Security’: Adoption of a New Concept as a Solution

Linking to what was mentioned on human security, it was clearly stated that the new dimension of human security focus on people rather than on states. However, there are still some challenges in human security understandings or missing elements that need to be mentioned. Human security is expected and understood to cover all human beings without any differentiation and division. As a matter of fact, in political theory there are discussions about the limitations of the political concepts to express the aimed meanings and understandings. For instance, this is the case for the concepts and types of democracy, human rights, race and ethnicity and gender concepts. Related to women’s rights there is a discussion about whether there is a need for a special right for women while we have already human rights concepts supposed to cover all human related issues. Historically, women were subject to severe discrimination all over the world in politics, society and business since the recorded time of ancient Greece. Barbara Goodwin, in her book ‘Using Political Ideas’ addresses the same matter by stating that “the past woman were denied the political and property rights basic because they were considered unequal, being supposedly inferior to men in terms of intelligence and judgement” (Goodwin, 2014, pp. 377-378). Therefore, even there was human rights concept, in practice it was not covering and protecting the women’s rights due to their special position and identity. Thus, the last few decades, in parallel to feminist movements there has been a strong demand for the women’s right.

Furthermore, regarding the human security concept there is another discussion related to women’s security issue. As the Report titled ‘Women's Empowerment in the Context of Human Security’ (1999) states that “there is one missing element in human security’ (Woroniuk, 1999, p. 19) which refers to the case of the fundamental differences and inequalities between women’s and men’s security. The report further points out that “human security has not reflected an understanding that women's security interests are often different than men's nor have they highlighted women's empowerment as a priority” (Woroniuk, 1999, p. 19). This means that human security concept being considered not sufficiently covering and protecting women’s rights.

Similar limitations and challenges are valid for child related matters even based on stronger arguments. For instance, there are huge differences among adults and child conditions and perceptions. This means that there is not only one missing element in human security, but children constitute another missing part in human security discussions. Related to this, it is

difficult to ask 'where are the children' if children are not in the picture of human security dimensions.

Therefore, children related discussions should be integrated into limitations of human security concepts and discussions as woman security is supposed to be integrated into human security. To push the discussion further, it would be appropriate to offer a new and comprehensive concept as 'child security' to dedicate child related issues and concerns with various official and social support at every stage.

The concept of child security would offer a special importance to children's issues because of the status and the special characteristics that children own. Therefore, this study aims to attach human security to child issues. However, child security should be considered as important as human security with the main difference that human security refers to adults' problems and issues, and child security is expected to focus specifically on children with wider security problems and concerns. Therefore, in literature it looks like there is a need for a strong, good concept parallel to human security, but comprehensive and strongly dedicated to children issues and studies.

On the other hand, if we explore the literature, we can easily observe that human security has dedicated less space regarding to child issues. As it is mentioned in this chapter, when explaining human security concept, most of the studies talk about adult security issues (state and individual centered approach). The people-centered approach makes human security an important instrument for understanding and identifying global vulnerabilities. In this regard a question may be raised: the major concern of human security is to ensure protection of the most vulnerable groups in society, which make us think deeply and ask who are more vulnerable than children? As Luke Pring truly pointed out in 'Children in Armed Conflict: Human Security' that "human security identifies the vulnerable as among the most vital to protect in society, surely children one of the most vulnerable groups in need of such assistance" (Pring, n.d).

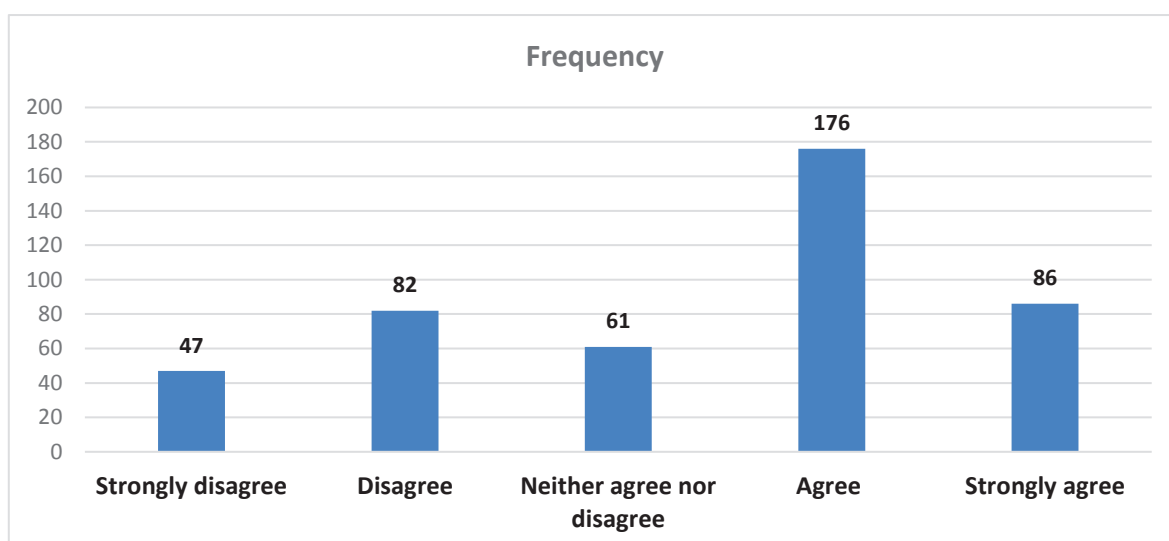
Clearly children are very different from adults in every aspect. Lee Qvortrup (1994) critically points out differences between child and adult distinguishing adult as 'human beings' and child as 'human becomings'. According to him, "the division between beings and becomings is that between the complete and independent and the incomplete and dependent" (Lee, 2001, p. 5). Further, the Commentary on Children's Rights, support this argument by stating

children are "incomplete beings who are not fully competent to determine and safeguard their interests" (Wizner, 1990, p. 650).

Furthermore, from a legal perspective, until the child reaches the maturity, he/she is under the control of parents or other adults. Moreover, the Declaration of the Rights of the Child, states that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth". (UN General Assembly, 1990, p. 1).

The differences in adults and children conditions are also being confirmed by 452 elite respondents in the elite survey conducted by the researcher of this thesis in Albania.

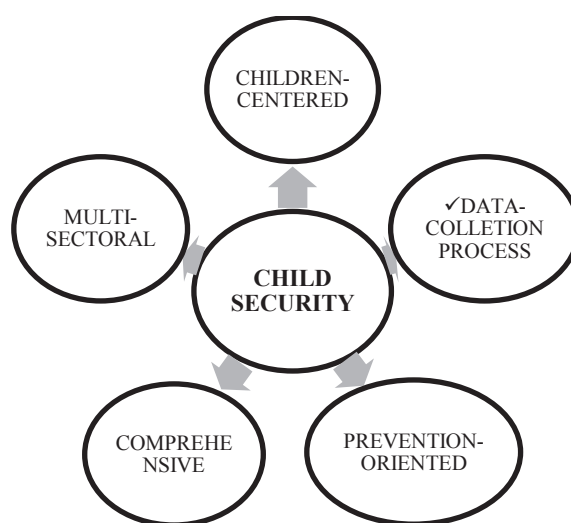
Figure 9.2 (Question 2 of the survey): To what extent do you agree with the explanation that children are incomplete beings who are not fully competent to determine and safeguard their interests?



As the graphs shows, more than half of the respondents (262 out of 452) either agreed or strongly agreed with the idea of existing significant differences between adults and children.

It should be pointed that by its nature, this new proposed concept would be related to multidiscipline. In other word, child security should be an inter-disciplinary concept such as child psychology, sociology, politics, law, economics, international relations. The new concept also should be multidimensional displaying the following characteristics:

Figure 9.3: Multidimensional Characteristics of Child Security Concept



Source: Produced by the author of this thesis.

As a children-centered concept, child security places the children at the center of analysis. Children are subject of various forms of exploitation as analysed in Chapter 5 of the thesis. Therefore, child security can be described on a multi-sectoral understanding of insecurities which involves threats and includes causes of insecurity relating for instance to economic, food, health, environmental, personal, community and political security as they are all mentioned in the United Nations through the Human Development Report 1994 in the context of human security issues. Related to this, child security would serve to emphasize the interconnectedness of both threats and responses when addressing these insecurities.

On the other hand, child security involves comprehensive approaches to utilize the wide range of new possibilities to tackle such threats in an integrated manner and to stress the need for a strong cooperative multidisciplinary and multisectoral responses that bring together the agendas of those dealing with security issues of children.

Moreover, child security is prevention-oriented with the focus to minimize the impacts of insecurity, to engender long-term solutions, and to build child capacities for undertaking prevention. Further it can serve to address child insecurities, to emphasize early prevention rather than late intervention and to encourage strategies concerned with the development of mechanisms for prevention, the mitigation of harmful effects when downturns occur and, ultimately, with helping victims to cope. This can be realized as a combination of strong

norms, processes and institutions, including the establishment of the rule of law, good governance, accountability and social protective instruments. Furthermore, child security would re-emphasize and require the development of an interconnected network of different stakeholders, drawing from the expertise and resources of a wide range of actors as the private and public sectors at the local, national, regional and international levels.

Finally, a child security could serve for the implementation of the data collection process as well as to inform the analysis of the data from a child security perspective. Data collection involves the affected community when gathering data on the needs, vulnerabilities and the capacities of the affected community on child insecurities. This information can then be shared with relevant stakeholders from:

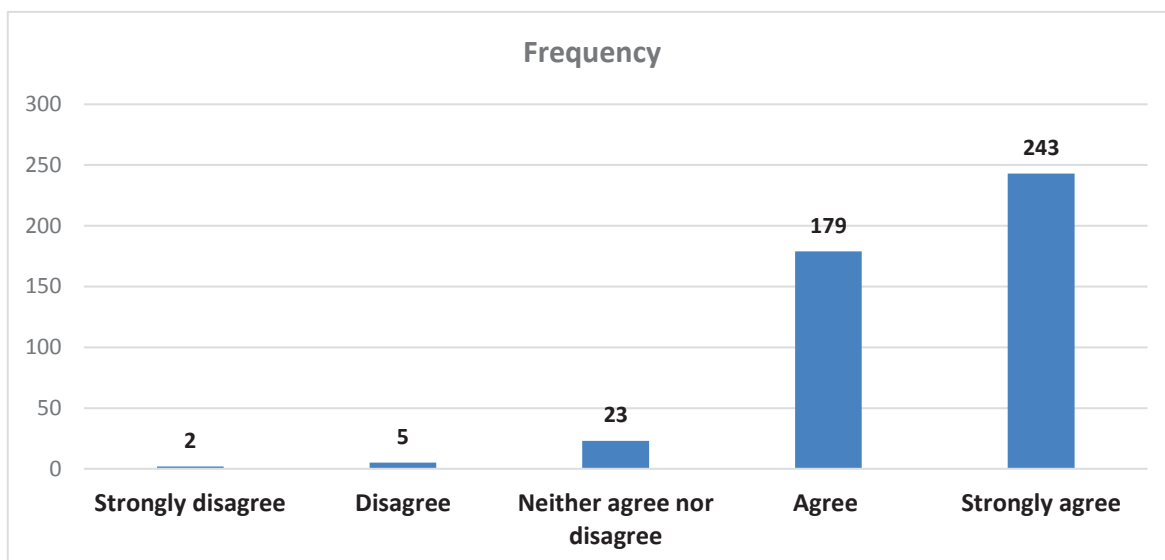
- ✓ Civil society
- ✓ National and local governments
- ✓ International organizations
- ✓ Donor agencies
- ✓ Private sector
- ✓ Academic community
- ✓ Legal Community
- ✓ Media

Furthermore, a database on the linkages and the interconnectedness of insecurities, as well as the impact of externalities on sectors that are often not considered together, can provide critical information on improving child security policies, programmes and projects by all relevant above mentioned parties. Further, a complete Child Security Index, would provide to policy makers with easily accessible information about emerging and ongoing child insecurities. In addition, identifying gaps in services and resources, as well as areas or groups of high vulnerabilities, encourages political debate and acceptance for finding concrete solutions to identified child security challenges. Regarding this, the child security concept can be a powerful tool for the decision makers and policy makers once it is supported by the national and international legal framework and institutions. Furthermore, engaging key decision-makers is critical for strengthening the political will to advocate for child security issues.

Additionally, children must be approached and studied separately from a new point of view of new concept to cover all aspect of child issues. Child Security will give the sense and the idea that the children are being given utmost attention to cover relevant activities, protecting, preventing and provide to children safer environment and secure living conditions.

Furthermore, it is expected that the new concept will be welcomed by academics, applied by practitioners, lawmakers and policymakers internationally. The need for a new concept for child related issues also being supported by the results of survey conducted for this thesis. More than half of the respondents (243) were ‘strongly agreed’ with the need for a new concept of child security. When ‘agreed’ respondents added, the total becomes 422 support the same statement. Only a small minority of 7 respondents see no need for such a new concept as presented in the following figure 9.1. It should be emphasized one more time that the respondents were professional people with good knowledge and experience on child related issues in Albania. In short, their opinions are highly supportive of the statement of a need for a new concept of child security.

Figure 9.4 (Question 3 of the survey): Human security does not properly address all child relevant issues. The Child victim is very different from adults. There are various concepts in the literature on child related issues as mentioned in question 1 of the survey. Therefore, there is a need for a new comprehensive concept (similar to, and inspired by, human security) as ‘child security’ which can address children’s issues in a more sensible way. **To what extent do you agree this new concept of “child security” is needed?**



Finally, this new concept is expected to be beneficial for the future researchers and practitioners by diminishing the confusion of diversified concepts and by simplifying the complexity resulted from the many concepts.

9.7 Conclusion

This chapter provided the historical and theoretical explanations and discussions on human security issues with its drawbacks in comprehending child related issues and protecting children against all threats and violations. In order to complete the gaps stemming from the human security concept, a need for a new and comprehensive concept is argued and defended in this chapter. This concept is ‘child security’ which is dedicated to children and their physical, psychological and material protection and security.

The following final chapter comes up with conclusions drawn from the whole study and provides some recommendations on policies to diminish, if not eradicate, child exploitation and related issues and concerns in Albanian context.

CHAPTER 10: CONCLUSIONS AND RECOMMENDATIONS

10.1 Conclusions

The main objective of this thesis was to analyse and evaluate the current situation of child exploitation in Albania. Further, the thesis aims to contribute to the academic field of child related issues and concerns and help to policymakers to produce a better and comprehensive public policy on dealing or tackling with child exploitation.

Child exploitation has been a challenging phenomenon in the country since the early 90s when the democratization process started. This study shows that not much attention has been paid to addressing child exploitation issues in Albania since many problems, challenges and obstacles remain unsolved yet. Therefore, there is a need to have a broad understanding of child exploitation issues and problems related to this sensitive area of study and to find out the major problems that affect the phenomenon.

This study has been structured in order to find out the severity of the child exploitation with multidimensional analyses to cover the following structure:

- **RO1:** To examine and clarify the definition of the concepts of child exploitation and child security and to place these within the larger concept of human security in order to elucidate better terms of concepts.
- **RO2:** To identify most common forms of child exploitation in Albania and evaluate gaps in recorded and existing cases of child exploitation by using media, official government documents, international reports and other literature.
- **RO3:** To analyse the social, political, economic and other factors that give rise to child exploitation.
- **RO4:** To elucidate aspects of the practitioner and public policy responses, or lack of responses, to child exploitation.

Based on this structure, the following research questions are being employed:

- **RQ1:** Will greater conceptual and legal clarity surrounding child exploitation, child security, and its insertion into a human security framework, advance the issue of child exploitation?
- **RQ2:** How do economic, political and social factors, in particular economic and social inequality, with an emphasis on poverty, account for and explain the phenomenon?
- **RQ3:** How can we identify and understand disparities in handling the child exploitation issues in Albania and the gap in data between reported child exploitation and actual child exploitation?
- **RQ4:** How can this study inform practitioners and policymakers on the issue of child exploitation?

In order to find out explanations for these four research questions, this study proposed four main hypotheses:

- **RH1:** Greater clarity of legal and conceptual definitions – notably child exploitation, child security, human security - will advance addressing the issue of child exploitation.
- **RH2:** Closing the gap in data between actual child exploitation cases and reported cases will advance institutional and legal dimensions in addressing issues.
- **RH3:** Inconsistencies and lack of understanding and attention to social, political, economic, legal factors result in insufficient action of child exploitation issues, particularly as related to families in poverty who are most vulnerable.
- **RH4:** An elucidation of the concepts and the conditions of child exploitation will improve policy decisions taken by policymakers on the issue.

First, the thesis examined the conceptual aspects of child exploitation in the existing literature and national and international legal framework. Albania has enriched it by ratifying various international conventions and implemented those into domestic legislation to combat human exploitation and its related forms. However, there are many shortcomings unsolved yet. Exploring the literature, several child exploitation related concepts were used, explained and understood in different approaches as mentioned in Chapter 4 of the thesis. Because of

this diversity, there is a confusion and lack of clarity on child exploitation concepts. Furthermore, when examining specifically, the Albanian legal framework as the Albanian Constitution, the Criminal Code, the Criminal Procedure Code, the Civil Code and the Labour Code and none of them give an explicit definition of what a ‘child’ means. Further as the thesis mentioned in Chapter 5, the Criminal Code of Albania lacks a definition of the term ‘exploitation’ and the terms related to forms of child exploitation as ‘child trafficking’, ‘child labour’ and ‘sexual exploitation’. This gap occurs due to the lack of compatibility with international principles and lack of full implementation of the laws. Also, this confusion that exist on child exploitation related concepts causes problems in policy making and implementation. **Thus, the first hypothesis, *RH1: Greater clarity of legal and conceptual definitions – notably child exploitation, child security, human security - will advance addressing the issue of child exploitation is upheld.***

Second, the thesis evaluated the recorded and existing cases of child exploitation using all the available sources. Data provided from The Ministry of Interior, The Ministry of Justice, The Ministry of Public Order, The Sector against Illicit Trafficking at the State Police, the Prosecutor of Serious Crimes, First Instance Court for Serious Crimes, Appellate Court for Serious Crimes, and Supreme Court, differ with each other and they are not precise. The insignificant numbers presented in their annual reports and showed in Chapter 5, means that very few cases of child exploitation have occurred. Those are simply single cases taken from practice rather than a systematic observation of the phenomenon. Therefore, the data reliability is to be questioned because it cannot be acknowledged for those numbers to represent the whole country. From a point of view, child exploitation in Albania is not well researched and creates challenges to collect reliable data and difficulties to understand the magnitude of the phenomenon. On the other hand, Albania lacks a formal data registry of both exploited children and exploiters since there are no periodic annual reports by all actors that deals with child relates issues and exploitation. Moreover, the population of child exploitation is difficult to be identified properly. However, these few cases of child exploitation in Albania, do not mean that there is an absence of phenomenon in the country but displays the difficulties, obstacles and corruption of investigating and detecting exploiters in Albania. Contrarily, the international actors as U.S. Department of State, UK Reports, G R E T A (Group of Experts on Action against Trafficking in Human Beings), International Labour Organisation, Save the Children Report, The United Nations

Children's Emergency Fund (UNICEF), The Child Rights Centre Albania (CRCA), Defense for Children International (DCI), The Albanian Coalition against Child Trafficking and Sexual Exploitation of Children (ACTSEC), Commissioner for Human Rights or the United Nations Human Rights Office (UNOHCHR), Organization for Security and Co-operation in Europe (OSCE), The Office for Democratic Institutions and Human Rights (ODIHR) and End Child Prostitution and Trafficking (ECPAT) reported other data that are in contradiction with national recorded cases of child exploitation by claiming that the number of children involved in child exploitation in Albania is higher than declared officially. As mentioned throughout the thesis, regrettably Albania remains to be a source country for child exploitation related forms as trafficking, child labour and sexual exploitation cases. **Thus, the hypothesis, RH2: Closing the gap in data between actual child exploitation cases and reported cases will advance institutional and legal dimensions in addressing issues has been confirmed.**

Third, the thesis explored the interrelated factors that influence child exploitation. The thesis argued and found out that poverty has a very significant correlation with child exploitation and other factors as unemployment, lack of education, low education level of parents, domestic violence, lack of health and social services, migration, dysfunctional families, culture norms, conflict and transition, inadequate legislation, lack of birth registration and corruption are strongly interconnected with each. This strong correlation also has been upheld with the survey results in reference to question 13 "*What are the causes of children being subject to exploitation?*" and the majority of respondents (261 out of 452 respondents) selected **poverty** as the main cause of children suffering exploitation. From other point of view, poverty has also a strong correlation with those children who come from poor families and are exploited in various forms. Poor families address the impossibility of the parents to maintain their children because of their unemployment or other reasons that prevent them to fulfil their obligations towards them. In reference to question 10 of the survey "*What sort of children are targeted for exploitation?*", 357 out of 452 respondents chose the option 'children coming from poor families' as the target children for exploitation. **Thus, the hypothesis, RH3: Inconsistencies and lack of understanding and attention to social, political, economic, legal factors result in insufficient action of child exploitation issues, particularly as related to families in poverty who are most vulnerable is confirmed.**

Fourth, the thesis examined the public policy dimension of child exploitation to identify institutional gaps and legal framework disparities on the issue. This study pointed out that the fight against child exploitation in Albania has been weak even though various initiatives and efforts has been made by the Albanian government and other actors to cope with it.

Starting from a social aspect, the challenge starts with the Albanian families that have a dominant influence on their children. Parents are the only authority who decides everything on children's behalf, the way they are disciplined, deciding for their education etc. The Albanian mentality even justifies the use of violence within family as the appropriate form to educate those children. This way of raising or educating children that affects negatively the physical and the psychological part of the children is practiced by parents both with high and low education level. Therefore, this kind of mentality affects the sensitive part of the policymakers that only collect laws rather than implement them efficiently and effectively. Consequently, the system that aims to indicate all the vulnerable children and their cases of exploitation has huge gaps. As it mentioned in the thesis child exploitation is a very serious problem in Albania, but very few cases are identified, reported and sentenced in courts. The enforcement of laws lacks, and punishment of the exploiters remains ambiguous. Exploiters are characterized by high level of impunity, and low level of cases of prosecution and arrest as being presented in the reports of various ministries and other institutions in Chapter 5. This means that the Criminal Code did not fulfil the demanded results. In order to fight with the crime related to child exploitation and prosecute the exploiters criminals, the court system should be strengthened by establishing a special child court to deal with criminal offences committed against children. In reference to the survey question 14, 361 out of 452 respondents supported the same idea.

Considering that relevant forms of exploitation as trafficking, child labour, sexual exploitation are recognized as punishable crimes, the judicial system has failed to sentence the exploiters and, in this point, they have also avoided their legal responsibilities. Consequently, the Albanian government has the major responsibility to ensure a successful prosecution of the child exploitation that means also the violations of children's rights. Henceforth, a reform on criminal law is needed.

Furthermore, another concluding point consist in the Albanian institutions that deals with child issues that they just prove their existence in the list part of the structure of government,

rather functioning properly and fulfil their responsibilities. There are only few individuals that do not have any authority or competence to establish or implement strategies, plans and policies. There is a lack of monthly or annual periodic reports by their part. They seem to be ‘a decoration picture’ within their offices. Furthermore, there is a lack of coordination and collaboration among institutions with each other, and institutions with other actors involved in child matters. Child exploitation has not been considered as a priority concern by the government. Most of the current initiatives has been taken by national and international NGOs. Generally, NGOs has played an important role by focusing their agenda to children issues as promoting children’s right, addressing children’s vulnerabilities and forms of exploitation, proposing policies, organizing awareness campaigns, publishing relevant studies and reports etc. Moreover, NGOs support and provide services to children as victims of exploitation. However, their activity has not been strengthened and supported by government for funding, even though, the majority of the respondents (270 out of 452) in the survey supported the statement that “NGOs remain the only actor caring for child issues”. Furthermore, the survey also illustrates that there is a significant distrust towards the government in coping with child exploitation issues professionally and efficiently. Majority of the respondents (304 out of 452) disagree with the statement that “Albanian institutions are well equipped to cope effectively with child exploitation”. This result also indicates that government has got capacity and implementation problems. Therefore, NGOs becomes important agent in handling better in child related issues and concerns.

In combating exploitation both local and central government and all relevant actors involved in child issues should strongly collaborate to protect children’s rights and children who are already exploited. In the cycle of actors could be children themselves, all family members and relatives, society, teachers, doctors, social workers, law enforcement authorities etc. Despite this, the collaboration should not be limited at national level but also be expanded into international level like European level for international human rights protection. Since the forms of exploitation as a phenomenon has a wide dimension, the Albanian Government should not be isolated but cooperate with other countries to exchange and combine strategies and policies in the fight against exploitation. The continues support by the international community would bring positive results in this regard. Lack of collaboration will reduce the possibility of the government to combat child exploitation successfully. On the other hand, lack of collaboration of the above-mentioned actors will decrease, at the same time, the opportunity of the children to be protected and further increase the possibilities of the

exploiters to exploit children. **Thus, the hypothesis, *RH4: An elucidation of the concepts and the conditions of child exploitation will improve policy decisions taken by policymakers on the issue is upheld.***

Furthermore, the thesis identified some of the most prevalent forms of child exploitation in Albania. Among them, the biggest and severest forms of child exploitation are child trafficking, child labour, and sexual exploitation. Furthermore, based on the survey results regarding question 11 “*Which of the following alternatives is the main problem of child exploitation in Albania*”, by giving 10 options including the ‘other’. The respondents are required to choose three and rank them based on the severity on the problem according to their individual perception. Among them, ‘begging’ (a form of child labour) and ‘child trafficking’ were selected as the severest problems almost equally with 149 and 148 respectively (out of 452 respondents). While the least severe option of ‘sexual exploitation’ received 93 responses. This is explained due to a lack of reported cases of child sexual exploitation in Albania.

Overall, parents, policymakers and other actors dealing with child issues should be aware that children have universal, inalienable, indivisible, interrelated and interdependent rights the same as the adults. Related to this the difference consist in that children require from adults to respect children’s rights and not make them vulnerable of various forms of exploitation. Children are members of the Albanian society same as the adults. The wellbeing of children means the wellbeing of the whole society. Children are nobody's property, and nobody has the right to exploit them. Hence all the relevant actors on child issues must build, promote, protect and prevent children at risk of exploitation and save them properly.

Preventing exploitation means to respect the best interest of the children. However, the progress can be made if the phenomenon is monitored properly and followed by reliable information that shape the real magnitude of the problem.

Furthermore, to combat child exploitation, it should be calculated what it has been done on child exploitation area and what is urgently needed to be done in order to build new coherent policies and strategies followed by values and principles in order to ensure the safety and wellbeing of children. For that purpose, this thesis offers a new concept of child security in

order to serve for the establishment of a strong and effective legal system and reorganization of political institutions. Further, the child security should be all inclusive rather than being limited on specific child issues but addressing all forms of child exploitation, to protect and prevent possible cases. Child security will ensure the safety of the children from any form of exploitation.

The fight against child exploitation means to protect children's rights which is still a moderately new term in Albania and there is a hope that process of being a EU member will speed up this process and will create better institutional and legal structure to protect children's rights and to prepare them for their safer future.

10.2 Recommendations

This section presents some policy recommendations for child exploitation in Albania based on the analysis results of previous chapters. The recommendations as a result of the major problems that have been highlighted in this study are as follows:

Improving the Existing Legal Framework

Revising the existing legal framework related to the child exploitation and its forms means to monitor and evaluate if the children's rights are being respected properly. Reforming the legal framework in the area of child exploitation means articulating provisions that clearly emphasizes the principles of children's right and their protection from any form of exploitation. Therefore, there is a need to improve and strengthen the existing legal framework against all forms of exploitation. One of the gaps of the legal framework mentioned in the policy dimension in Chapter 7 was the lack of implementation. Implementation of the laws in the fight against exploitation serves as an important deterrent to child exploitation. Hence, the Albanian government shall take the proper measures to ensure that the Law "On the Rights and Protection of the Child" is fully implemented and effective in order to protect children against exploitation. Further, some changes are needed in the Criminal Code of Albania related to clarification of child related terms and concepts that are missing in the Code and each of the forms of child exploitation related concepts. As explained in Chapters 4 and 5. Moreover, it must be ensured that criminal liability and punishment is imposed on all the individuals involved in child exploitation. Punishment

should be imposed starting with family members and relatives and to others who exploit children for various reasons. These legal improvements must include the punishment of the police officials who abuse their legal power and collaborate with exploiters. Furthermore, strong penalties generally mean protection and support of children, and reduce the violations of children's rights in compliance with the requirements of the Convention on the Rights of the Child. The enforcement of the legal framework will help to fight corruption within the judiciary system.

From a new perspective, because of the gaps that legislation faces on child issues, the drafting of a Children's Code with the major objective to ensure the protection of children from exploitation and related forms could be a great achievement of Albania. This process requires the involvement of the respective government institutions and other stakeholders. However, this is a long process which requires a serious commitment in order to obtain positive outcomes.

Improving Activities of the Institutions

The government should plan to increase the budget and the number of staff regarding the functioning of the National Agency for Child Protection in Albania. This Agency should be monitored properly and ensure regular periodic reports on child exploitation and all forms of it are done and published. Further, Albanian municipalities need to seriously make changes and improvements in social services regarding the budget and strategies followed by this level. Efficient social services that provide economic aid to vulnerable families can decrease poverty and lower the risk to be exposed to human exploitation. Moreover, children coming from dysfunctional families should be protected and without professional support they can easily be exploited.

Collaboration of Relevant Actors

Combating child exploitation among other strategies requires strong collaboration and coordination of actors dealing with child exploitation issues. Collaboration of state institutions with NGOs and other relevant actors is mostly demanded. Altogether, they can monitor and evaluate initiatives to prevent child exploitation, always in compliance with national and international policies. On the other hand, NGOs plays a very important role by

reporting problematics of children in Albania. Nevertheless, they continuously need financial support and coordinate their work with government policies. Furthermore, transnational cooperation among countries of origin, destination and transit on child exploitation issues is an urgent step to be taken. The Albania government and its neighbors should sign bilateral and multilateral agreements, including collaboration between each other on children protection as victims of exploitation. The effective implementation of these agreements can enhance the fight against child exploitation.

Increase Awareness on Child Exploitation

Awareness activities about child exploitation are needed. Awareness should involve various target groups starting with parents and children. Awareness can take many forms of dissemination through meetings, messages, brochures, media discourse. Another strategy that might be effective is to invite the well-known and famous personalities to raise awareness on child exploitation issues. They can easily increase the audience and have a great impact on society. Awareness campaigns need also an adequate budget and funds supported by the Albanian government and other organizations, or donors that all together can contribute to the sustainability of child exploitation.

A New Developed Education Policy

One of the strategies to combat child exploitation is to implement information on child exploitation in the educational system through curriculum and textbooks. Education affects positively conducting awareness and preventing cases of child exploitation. It further provides for children a promised future and makes them stay away from exploitation threats and risks. The state plays an important role in this regard, if it fulfils all the necessary requirements to have a quality education, but also to facilitate it by having free of charge study materials, books and school uniforms for all children. Moreover, schools must ensure children safety and protection on their premises. From another point of view, there is a need to train teachers in order to be able to identify and address possible threats of exploitation and to provide support for those children who are at risk or to those children who might have been victims of any form of exploitation. Most of the respondents (333 out of 452) are also

supporting the idea that “Child exploitation can be reduced by adding subjects related to child issues in university curricula”.

Training on Child Exploitation Issues

Government and civil society actors have limited capacity on the issue of child exploitation. There is a need for training on child exploitation by involving all actors engaged in the fight against this phenomenon as teachers, prosecutors, health representatives, social workers etc. The area of training can be focused on children’s rights, on the law for child protection, forms of exploitation, factors and risks and consequences of the exploitation etc. It is important to emphasize in this part, that those training can contribute to enriching more of the research on child issues in Albania for both adults and children and to continuously provide a picture of the phenomenon.

Implementation of a Database System

Albania lacks an appropriate database on child exploitation cases. It is mentioned in the thesis that data provided on child exploitation cases by different sources are not reliable, and they differ significantly. Hence, creating a digital database will help to an accurate systematical collection of the child exploitation cases, the use of available reliable data, and further facilitate the work of researchers in collecting cases of exploited children. Albania needs the implementation of an effective database system, and this can be achieved by giving INSTAT more autonomy from the state units and financial independence, in order for the accountability to be preserved for the data collected and reports produced. Another recommendation would be to create a new financially independent and autonomous unit. This unit will operate under the Prime minister’s office and also respond to the Albanian parliament. This way, the data collected, and reports produced by the unit, will remain neutral, without depending on political influence and rotation. Being under the primer’s office, but autonomous by means of operating, will increase the unit’s accountability and lower the risk of corruption. Another benefit of having an independent separate unit, within the Prime minister’s office, is an efficient coordination of child related activities nationwide.

Finally, in order to realize most of the above recommendations and to achieve success in the fight against child exploitation at local, national and Western Balkans levels.

There is a need for a simple, easy to define and understand as well as a powerful concept of 'child security'. With this new concept complexity, diversity and confusion of the many concepts of child issues will be minimized if not eradicated. In this way, all the above policies of raising awareness, collaborations among the institutions and actors etc., will be achieved. This need for a new concept, at least in the Albanian case, is being confirmed by a great majority (422 out of 452) of elite respondents from Central Government, Local Government, NGOs, Judiciary, Academia and Media.

This topic is very broad and diversified, involving many other disciplines such as economy, public policy, international relations, psychology and sociology.

Naturally, it is not possible to cover all aspects of this phenomenon in a single study. Therefore, this study is limited to child exploitation and its main causes and consequences as well as not so functional public policy.

Economic, social, psychological, and international dimensions are all individually subject of further research and academic studies to be explored and evaluated. In this context, all these dimensions are left to further studies.

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APPENDICES

Appendix 1. Survey in English Language

Note: This survey will only be used for Doctorate research purposes. Please take a few minutes to fillout this survey on child security in Albania. All the information provided is confidential, respecting interviewee's privacy. We would very much value your contribution.

Demographic Data

a. Gender Female Male

b. Age Distribution

<input type="checkbox"/> 18 - 24	<input type="checkbox"/> 35 - 44	<input type="checkbox"/> 55 - 64
<input type="checkbox"/> 25 - 34	<input type="checkbox"/> 45 - 54	<input type="checkbox"/> 65 and older

c. Level of Education

<input type="checkbox"/> Primary school	<input type="checkbox"/> High school	<input type="checkbox"/> Master
<input type="checkbox"/> Secondary school	<input type="checkbox"/> University Degree	<input type="checkbox"/> PhD

d. Field of Study

Political Science Law Other Social Sciences and Economics Natural Sciences
 Art Sports Other (Please specify)

e. Workplace

<input type="checkbox"/> Central Government	<input type="checkbox"/> NGOs	<input type="checkbox"/> Academia	<input type="checkbox"/> Other (Please specify)
<input type="checkbox"/> Local Government	<input type="checkbox"/> Judiciary	<input type="checkbox"/> Media	

f. Job Position

<input type="checkbox"/> Head of the institute	<input type="checkbox"/> Mayor/Deputy Mayor	<input type="checkbox"/> Judge	<input type="checkbox"/> Social Worker
<input type="checkbox"/> Branch Manager	<input type="checkbox"/> Member of Municipal Council	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Activist
<input type="checkbox"/> Member of board	<input type="checkbox"/> Specialist	<input type="checkbox"/> Lawyer	<input type="checkbox"/> Journalist
<input type="checkbox"/> Consultant	<input type="checkbox"/> Policy analyst	<input type="checkbox"/> Academics	<input type="checkbox"/> Other (Please specify)

<p>1. Which of the following child related concepts you are familiar with? (Please choose all relevant options)</p> <ul style="list-style-type: none"> a) Child protection b) Child safety c) Child welfare d) Safeguarding e) Child labor f) Child trafficking g) Child abuse h) Other (Please specify) 	<p>2. Some argue that there are critical differences between child and adult considering adult as ‘human beings’ and child as ‘human becoming’. The division between beings and becoming is that between the complete and independent and the incomplete and dependent.</p> <p>To what extent do you agree with the explanation that children are "incomplete beings who are not fully competent to determine and safeguard their interests".</p> <ul style="list-style-type: none"> a) Strongly disagree b) Disagree c) Neither agree nor disagree d) Agree e) Strongly agree
<p>3. <i>Human security</i>¹ does not properly address all child relevant issues. The Child victim is very different from adults. There are various concepts in the literature on child related issues as mentioned in question 1. Therefore, there is a need for a new comprehensive concept (similar to, and inspired by, <i>human security</i>) as “<i>child security</i>” which can address children’s issues in a more sensible way.</p> <p>To what extent do you agree this new concept of “child security” is needed?</p> <ul style="list-style-type: none"> a) Strongly disagree b) Disagree c) Neither agree nor disagree d) Agree e) Strongly agree 	<p>4. How much are you aware of child exploitation in Albania?</p> <ul style="list-style-type: none"> a) Not much b) Little c) Somewhat d) Much e) A Great deal
<p>5. How often do you visit online media to gain information on child exploitation occurrences?</p> <ul style="list-style-type: none"> a) Never b) Rarely c) Sometimes d) Often e) Always 	<p>6. In your opinion, which one of the following groups are the targets of exploitation?</p> <ul style="list-style-type: none"> a) Children (under the age of 14) b) Young girls (14-17) c) Young boys (14-17) d) Women e) Men

¹*Human security* —comprehensively covers all the measures that threaten human survival, daily life, and dignity—for example, environmental degradation, violations of human rights, transnational organized crime, illicit drugs, refugees, poverty, anti-personnel landmines and...Infectious diseases such as AIDS—and strengthens efforts to confront these threats.

<p>7. In your opinion, in which area of Albania child exploitation is most prevalent?</p> <p><input type="checkbox"/> a) Urban areas</p> <p><input type="checkbox"/> b) Rural areas</p> <p><input type="checkbox"/> c) Remote areas</p>	<p>8. Are you aware of any governmental or non-governmental organizations responsible for addressing child exploitation issues in Albania?</p> <p>a) Not at all aware</p> <p>b) Slightly aware</p> <p>c) Somewhat aware</p> <p>d) Moderately aware</p> <p>e) Extremely aware</p>
<p>9. What might be the consequences of exploitation for the victim child's life? (Please choose all relevant options)</p> <p>a) Physical abuse</p> <p>b) Emotional neglect</p> <p>c) Physical neglect</p> <p>d) Mental effects</p> <p>e) Moral effects</p> <p>f) Lack of education</p> <p>g) Disease infection</p> <p>h) Sexual abuse</p> <p>i) Economic consequences</p> <p>j) Other (Please specify)</p>	<p>10. What sort of children are targeted for exploitation? (Please choose all relevant options)</p> <p>a) Children coming from broken families</p> <p>b) Children coming from poor families</p> <p>c) Children suffering mental problems</p> <p>d) Children with disabilities</p> <p>e) Children subject to domestic violence</p> <p>f) Children of a family addicted to alcohol</p> <p>g) Children of a family addicted to drug</p> <p>h) Children addicted to alcohol</p> <p>i) Children addicted to drug</p> <p>j) Homeless children</p> <p>k) Orphans</p> <p>l) Children from marginalized communities</p> <p>m) Other (Please specify)</p>

11. Which of the following alternatives is the main problem of child exploitation in Albania?

Please choose <u>the three most severe</u> problems regarding child exploitation in Albania and rate them from 1=the severest, to 3=the least severe of these three options)	Rate of Evaluation
a. Child labour	
b. Forced child labor	
c. Begging	
d. Child trafficking	
e. Sexual exploitation	
f. Child prostitution	
g. Child marriage	
h. Illegal adoption	
i. Participation in criminal activities	
j. Other (Please specify)	

12. Which of the following policies should be prioritized to improve child issues?

Please choose the three most significant policies should be prioritized and rate them from 1=the most significant, to 3=the least significant of these three options)	Rate of Evaluation
a. Enforcement of the laws	
b. Implementation of strong social policies	
c. Creating compulsory better-quality education	
d. Promoting civic initiatives	
e. Raising awareness among families	
f. Raising awareness of students at schools	
g. Multiagency training to increase coordination	
h. Increasing awareness to use dedicated free phone number (116) for child exploitation cases	
i. Strengthening social services to create efficient assistance for exploited children	
j. Empowering specific NGOs to intervene in child exploitation cases	
k. Encouraging media attention on child relevant issues	
l. Other (Please specify)	

13. What are the causes of children being subject to exploitation?

Please choose the three most significant causes regarding child exploitation in Albania and rate them from 1=the most significant, to 3=the least significant of these three causes)	Rate of Evaluation
a. Unemployment	
b. Poverty	
c. Lack of education	
d. Migration	
e. Disfunctional families	
f. Inadequate legislation	
g. Lack of birth registration	
h. Corruption	
i. Lack of social integration	
j. Other (Please specify)	

14. To what extent do you agree with the following statements? Please give your opinion for each of them.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
14.1) Albanian institutions are well equipped to cope effectively with child exploitation.					
14.2) The families of exploited children trust the government enough to ask for help.					
14.3) There is lack of awareness not only among the people, but also the concerned government officials.					
14.4) Children are generally protected from exploitation.					
14.5) Children have a good awareness of personal safety.					
14.6) People are confident that local authorities protect children.					
14.7) People who are in position to protect children may exploit them.					
14.8) The number of child exploitations is extremely high. However, there are only few officially registered cases.					
14.9) Child protection system should be further reformed to provide strong support and care for each child at risk.					
14.10) There is a lack of involvement of governmental institutions in protecting children from exploitation. Therefore, NGOs remain the only actor caring for child issues.					
14.11) Raising awareness about child exploitation at local level, through various social/communal activities is needed.					
14.12) The Albanian community at large ignores and avoids the phenomenon of child exploitation.					
14.13) There is a need to establish a special child court to deal with minor offences and most indictable offences.					
14.14) In Albania there is a lack of institutional professional support for children with psychological and social needs.					
14.15) There is a need to provide a child protection system in compliance with the Convention on the Rights of the Child.					
14.16) Child exploitation can be reduced by adding subjects related to child issues in university curricula.					

Appendix 2. Survey in Albanian Language

Shënim: Ky pyetësor do të përdoret vetëm për qëllime studimi për Doktoraturë. Ju lutem merrni disa minuta për të plotësuar këtë pyetësor mbi sigurinë e fëmijëve në Shqipëri. I gjithë informacioni është konfidencial dhe privatësia e të intervistuarit respektohet. Do ta vlerësonim shumë kontributin tuaj.

Të dhëna demografike

a. Gjinia Femër Mashkull

b. Grupmosha

<input type="checkbox"/> 18 - 24	<input type="checkbox"/> 35 - 44	<input type="checkbox"/> 55 - 64
<input type="checkbox"/> 25 - 34	<input type="checkbox"/> 45 - 54	<input type="checkbox"/> 65 e lartë

c. Niveli i edukimit

<input type="checkbox"/> Arsim fillor	<input type="checkbox"/> Arsim i mesëm	<input type="checkbox"/> Master
<input type="checkbox"/> Arsim 9-vjeçar	<input type="checkbox"/> Diplomë Universitare	<input type="checkbox"/> Doktoraturë

d. Fusha e studimit

- Shkenca politike Drejtësi Shkenca të tjera sociale dhe ekonomike Shkenca natyrore
 Arte Sporte Tjetër (Ju lutem specifikoni)

e. Vendi i punës

<input type="checkbox"/> Administratë qendrore	<input type="checkbox"/> OJF	<input type="checkbox"/> Akademia	<input type="checkbox"/> Tjetër (Ju lutem specifikoni)
<input type="checkbox"/> Administratë lokale	<input type="checkbox"/> Sistem gjyqësor	<input type="checkbox"/> Media	

f. Pozicioni i punës

<input type="checkbox"/> Drejtues institucioni	<input type="checkbox"/> Kryetar Bashkie/Zv. Kryetar Bashkie	<input type="checkbox"/> Gjykatës	<input type="checkbox"/> Punonjes Social
<input type="checkbox"/> Menaxher dege	<input type="checkbox"/> Anëtar i Këshillit Bashkiak	<input type="checkbox"/> Prokuror	<input type="checkbox"/> Aktivist
<input type="checkbox"/> Anëtar bordi	<input type="checkbox"/> Specialist	<input type="checkbox"/> Avokat	<input type="checkbox"/> Gazetar
<input type="checkbox"/> Konsulent	<input type="checkbox"/> Analist politikash	<input type="checkbox"/> Akademik	<input type="checkbox"/> Tjetër (Ju lutem specifikoni)

<p>1. Me cilat nga konceptet që kanë lidhje me fëmijët, jeni më tepër familjar? (Ju lutem zgjidhni të gjitha opsionet e përshtatshme për ju)</p> <ul style="list-style-type: none"> <input type="checkbox"/> a) Mbrotja e fëmijëve <input type="checkbox"/> b) Siguria e fëmijëve <input type="checkbox"/> c) Mirëqenia e fëmijëve <input type="checkbox"/> d) Ruajtja e fëmijëve <input type="checkbox"/> e) Puna e fëmijëve <input type="checkbox"/> f) Trafikimi i fëmijëve <input type="checkbox"/> g) Abuzimi i fëmijëve <input type="checkbox"/> h) Tjetër (Ju lutem specifikoni) 	<p>2. Shumë debatojnë për faktin se ekzistojnë ndryshime të mëdha midis fëmijëve dhe të rriturve duke e konsideruar të rriturin si ‘qenie njerëzore’ dhe fëmijën si ‘qenie në zhvillim’. Ndarja midis qenies dhe zhvillimit është midis të përfunduarës dhe të pavarurës dhe të papërfunduarës dhe të varurës.</p> <p>Sa dakort jeni me argumentin se fëmijët janë “qenie të papërfunduara të cilët nuk janë plotësisht kompetent të përcaktojnë dhe ruajnë interesat e tyre”.</p> <ul style="list-style-type: none"> <input type="checkbox"/> a) Nuk jam aspak dakord <input type="checkbox"/> b) Nuk jam dakord <input type="checkbox"/> c) Asnjëra <input type="checkbox"/> d) Jam dakord <input type="checkbox"/> e) Jam shumë dakord
<p>3. <u>Siguria njerëzore</u>² nuk i mbulon të gjitha rastet e fëmijëve. Fëmija viktimë është shumë ndryshe nga i rrituri. Ekzistojnë koncepte të ndryshme në literaturën e çështjeve të fëmijëve siç përmenden në pyetjen 1. Prandaj, lind nevoja për një koncept gjithëpërfshirës (i ngjashëm dhe frymëzuar nga <u>siguria njerëzore</u>) si “<u>siguria e fëmijëve</u>” e cila mund të adresojë çështjet e fëmijëve në mënyrë më sensitive.</p> <p>Sa dakord jeni se koncepti i ri i “sigurisë së fëmijëve” është i nevojshëm?</p> <ul style="list-style-type: none"> <input type="checkbox"/> a) Nuk jam aspak dakord <input type="checkbox"/> b) Nuk jam dakord <input type="checkbox"/> c) Asnjëra <input type="checkbox"/> d) Jam dakord <input type="checkbox"/> e) Jam shumë dakord 	<p>4. A jeni në dijeni të shfrytëzimit të fëmijëve në Shqipëri?</p> <ul style="list-style-type: none"> <input type="checkbox"/> a) Jo shumë <input type="checkbox"/> b) Pak <input type="checkbox"/> c) Disi <input type="checkbox"/> d) Shumë <input type="checkbox"/> e) Shumë fare
<p>5. Sa shpesh e vizitoni median online për të marrë informacion mbi ngjarjet e shfrytëzimit të fëmijëve?</p> <ul style="list-style-type: none"> <input type="checkbox"/> a) Kurrë <input type="checkbox"/> b) Rrallë <input type="checkbox"/> c) Ndonjëherë <input type="checkbox"/> d) Shpesh <input type="checkbox"/> e) Gjithmonë 	<p>6. Sipas opinionit tuaj, cilat nga grupmoshat e mëposhtme janë objektiv për shfrytëzim?</p> <ul style="list-style-type: none"> <input type="checkbox"/> a) Fëmijët (nën moshën 14 vjeç) <input type="checkbox"/> b) Vajzat e reja (14-17) <input type="checkbox"/> c) Djemtë e rinj (14-17) <input type="checkbox"/> d) Gratë <input type="checkbox"/> e) Burrat

<p>7. Sipas opinionit tuaj, në cilën zonë të Shqipërisë është më shumë i përhapur shfrytëzimi i fëmijëve?</p> <p><input type="checkbox"/> a) Zonat urbane</p> <p><input type="checkbox"/> b) Zonat rurale</p> <p><input type="checkbox"/> c) Zona e largëta</p>	<p>8. A jeni në dijeni për ekzistencën e ndonjë organizate qeveritare ose jo-qeveritare përgjegjëse për adresimin e shfrytëzimit të fëmijëve në Shqipëri?</p> <p><input type="checkbox"/> a) Nuk jam aspak në dijeni</p> <p><input type="checkbox"/> b) Shumë pak në dijeni</p> <p><input type="checkbox"/> c) Disi në dijeni</p> <p><input type="checkbox"/> d) Deri diku në dijeni</p> <p><input type="checkbox"/> e) Shumë në dijeni</p>
<p>9. Cilat mund të jenë pasojat e shfrytëzimit në jetën e fëmijës viktimë? (Ju lutem zgjidhni të gjitha opsionet e përshtatshme për ju)</p> <p><input type="checkbox"/> a) Abuzimi fizik</p> <p><input type="checkbox"/> b) Neglizhenca emocionale</p> <p><input type="checkbox"/> c) Neglizhenca fizike</p> <p><input type="checkbox"/> d) Efektet mendore</p> <p><input type="checkbox"/> e) Efektet morale</p> <p><input type="checkbox"/> f) Mungesa e edukimit</p> <p><input type="checkbox"/> g) Sëmundje infektive</p> <p><input type="checkbox"/> h) Abuzimi seksual</p> <p><input type="checkbox"/> i) Pasoja ekonomike</p> <p><input type="checkbox"/> j) Tjetër (Ju lutem specifikoni)</p>	<p>10. Cilët lloj fëmijësh janë objektiv për shfrytëzim? (Ju lutem zgjidhni të gjitha opsionet e përshtatshme për ju)</p> <p><input type="checkbox"/> a) Fëmijët që vijnë nga familje me prindër të divorcuar</p> <p><input type="checkbox"/> b) Fëmijët që vijnë nga familje të varfra</p> <p><input type="checkbox"/> c) Fëmijët që vuajnë nga problemet mendore</p> <p><input type="checkbox"/> d) Fëmijët me aftësi të kufizuara</p> <p><input type="checkbox"/> e) Fëmijët e nënshtruar nga dhuna në familje</p> <p><input type="checkbox"/> f) Fëmijët me familje të alkolizuar</p> <p><input type="checkbox"/> g) Fëmijët me familje të droguar</p> <p><input type="checkbox"/> h) Fëmijët e alkolizuar</p> <p><input type="checkbox"/> i) Fëmijët e droguar</p> <p><input type="checkbox"/> j) Fëmijët e pastrehuar</p> <p><input type="checkbox"/> k) Fëmijët jetim</p> <p><input type="checkbox"/> l) Fëmijët nga komunitete të marginalizuara</p> <p><input type="checkbox"/> m) Tjetër (Ju lutem specifikoni)</p>

² **Siguria njerëzore** — mbulon në tërësi të gjitha masat që kërcënojnë mbijetesën njerëzore, jetën e përditshme dhe dinjitetin—për shembull, degradimi mjedisor, shkelja e të drejtave njerëzore, krimi i organizuar transnacional, drogat e paligjshme, refugjatët, varfëria, minat tokësore kundër njerëzve dhe...sëmundjet infektive si SIDA— dhe forcon përpjekjet për t’u përballur me këto kërcënime.

11. Cilat nga alternativat e mëposhtme është problemi kryesor i shfrytëzimit të fëmijëve në Shqipëri?

Ju lutem zgjidhni tre problemet më madhore në lidhje me shfrytëzimin e fëmijëve në Shqipëri dhe vlerësojini nga 1 = madhor, në 3=më pak i rëndë se këto tre opsione)	Shkalla e vlerësimit
a. Punësimi i fëmijëve	<input type="checkbox"/>
b. Punësimi i detyruar i fëmijëve	<input type="checkbox"/>
c. Lypja	<input type="checkbox"/>
d. Trafikimi i fëmijëve	<input type="checkbox"/>
e. Shfrytëzimi seksual	<input type="checkbox"/>
f. Prostitucioni i fëmijëve	<input type="checkbox"/>
g. Martesa e fëmijëve	<input type="checkbox"/>
h. Adoptimi i paligjshëm	<input type="checkbox"/>
i. Pjesëmarrja në aktivitete kriminale	<input type="checkbox"/>
j. Tjetër (Ju lutem specifikoni)	<input type="checkbox"/>

12. Cilat nga politikat e mëposhtme duhet të ketë më shumë prioritet për të përmirësuar çështjet e fëmijëve?

Ju lutem zgjidhni tre politikat më të rëndësishme që duhet të kenë prioritet dhe vlerësojini ato nga 1=më e rëndësishme, në 3=më pak e rëndësishme nga këto tre opsione)	Shkalla e vlerësimit
a. Perforcimi i ligjit	<input type="checkbox"/>
b. Zbatimi i politikave të forta sociale	<input type="checkbox"/>
c. Krijimi i detyrueshëm i një edukimi më të mirë cilësor	<input type="checkbox"/>
d. Promovimi i inisiativave qytetare	<input type="checkbox"/>
e. Rritja e ndërgjegjësimit tek familjet	<input type="checkbox"/>
f. Rritja e ndërgjegjësimit tek nxënësit në shkolla	<input type="checkbox"/>
g. Trajnimi i multi-agjencive për rritjen e koordinimit	<input type="checkbox"/>
h. Rritja e ndërgjegjësimit për përdorimin falas së numrit të telefonit të dedikuar (116) për rastet e shfrytëzimit të fëmijëve	<input type="checkbox"/>
i. Forcimi i shërbimeve sociale për krijimin e asistencës efektive për fëmijët e shfrytëzuar	<input type="checkbox"/>
j. Fuqizimi i OJF-ve specifike për të ndërhyrë në rastet e shfrytëzimit të fëmijëve	<input type="checkbox"/>
k. Inkurajimi i vëmendjes së medias për çështjet e ndryshme të fëmijëve	<input type="checkbox"/>
l. Tjetër (Ju lutem specifikoni)	<input type="checkbox"/>

13. Cilat janë shkaqet që fëmijët bëhen subjekt shfrytëzimi?

Ju lutem zgjidhni tre shkaqet më të rëndësishme në lidhje me shfrytëzimin e fëmijëve në Shqipëri dhe vlerësojini nga 1=më i rëndësishëm, në 3=më pak i rëndësishëm nga këto tre shkaqe)	Shkalla e vlerësimit
a. Papunësia	<input type="checkbox"/>
b. Varfëria	<input type="checkbox"/>
c. Mungesa e edukimit	<input type="checkbox"/>
d. Migracioni	<input type="checkbox"/>
e. Familje jo të shëndosha	<input type="checkbox"/>
f. Legjislacioni i papërshtatshëm	<input type="checkbox"/>
g. Mungesa e regjistrimit të lindjeve	<input type="checkbox"/>
h. Korrupsioni	<input type="checkbox"/>
i. Mungesa e integritetit social	<input type="checkbox"/>
j. Tjetër (Ju lutem specifikoni)	<input type="checkbox"/>

14. Sa dakord jeni me deklaratat e mëposhtme? Ju lutem jepni opinionin tuaj për secilën nga ato.

	Jam shumë dakord	Jam dakord	Asnjëherë	Nuk jam dakord	Nuk jam aspak dakord
14.1) Institucionet shqiptare janë të mirëpajisura për të përballuar me sukses shfrytëzimin e fëmijëve.					
14.2) Familjet e fëmijëve të shfrytëzuar kanë besim tek qeveria për të kërkuar ndihmë.					
14.3) Ekziston një mungesë ndërgjegjësimit jo vetëm tek njerëzit por edhe mes zyrtarëve të lartë të qeverisë.					
14.4) Fëmijët janë në përgjithësi të mbrojtur nga shfrytëzimi.					
14.5) Fëmijët janë të ndërgjegjësuar për sigurinë personale.					
14.6) Njerëzit kanë besim se autoritetet lokale i mbrojnë fëmijët.					
14.7) Njerëzit të cilët kanë për detyrë të mbrojnë fëmijët, i shfrytëzojnë ata.					
14.8) Numri i shfrytëzimit të fëmijëve është shumë i lartë. Megjithatë, shumë pak raste janë regjistruar zyrtarisht.					
14.9) Sistemi i mbrojtjes së fëmijëve duhet reformuar më tej për të siguruar suport dhe kujdes të mjaftueshëm për çdo fëmijë në rrezik.					
14.10) Ekziston një mungesë përfshirje të institucioneve qeveritare në mbrojtjen e fëmijëve nga shfrytëzimi. Prandaj, OJF-të vazhdojnë të jenë i vetmi aktor që kujdeset për çështjet e fëmijëve.					
14.11) Është e nevojshme rritja e ndërgjegjësimit mbi shfrytëzimin e fëmijëve në nivel lokal përmes aktiviteteve të ndryshme sociale/komunale.					
14.12) Në përgjithësi, komuniteti shqiptar e injoron dhe shmang fenomenin e shfrytëzimit të fëmijëve.					
14.13) Ekziston nevoja për krijimin e një gjykate të veçantë për fëmijë, e cila do të merret që nga kundravatjet e lehta deri tek ato më serioze.					
14.14) Në Shqipëri ka një mungesë suporti profesional të institucioneve për fëmijët me nevoja psikologjike dhe sociale.					
14.15) Ekziston nevoja për një sistem për mbrojtjen e fëmijëve në përputhje me Konventën e të Drejtave të Fëmijëve.					
14.16) Shfrytëzimi i fëmijëve mund të reduktohet duke shtuar lëndë të cilat mbulojnë çështjet e fëmijëve në kurrikulën universitare.					

Faleminderit!