

*Legal questionnaire completed by KALO & ASSOCIATES • September 2025*

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**Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?**

No.

**1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):**

**a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)**

According to Article 3, item 4, of the Law No. 18/2017 *“For the rights and protection of the child”*, a child is considered to be every person under the age of 18 years old.

A minor is also considered to be any person under the age of 18, according to Article 3, item 3 of the Law No. 37/2017 *“Criminal Justice Code for Minors”*. Therefore, according to the Albanian jurisdiction, a person ceases to be a child or minor upon reaching the age of 18, which, based on Article 6 of the Albanian Civil Code (**ACC**), is also the age at which they acquire full legal capacity to obtain rights and assume civil obligations. (Law No. 7850, dated 29.7.1994 *“The Civil Code of the Republic of Albania”*, as amended)

Referring to the definitions of the ACC, there is a distinction between minors who are above 14 years old but who are not yet 18 years old and minors under the age of 14 years old. According to the ACC, minors between 14 years old and 18 years old have partial legal capacity and can perform legal actions only with the consent of their legal representative (Art. 7 of ACC), while minors under the age of 14 years old are totally incapable of acting (Art. 8 of the ACC).

The Albanian Criminal Code (the **ACrC**) makes a distinction between minors who are above 14 years old but who are not yet 18 years old and minors under 14 years old, by providing the absence of criminal liability for minors under the age of 14 years old, and the applicability of the less stringent provisions of the Law No. 37/2017 *“Criminal Justice Code for Minors”*, in relation to minors above 14 years old but who are not yet 18 years old. (Law No. 7895, dated 27.1.1995 *“The Criminal Code of the Republic of Albania”*, as amended.)



The qualification as a minor has relevance in relation to the criminal offences committed under the ACrC. Harsher minimum sentences are imposed where criminal offenses are committed against minors under the age of 14 years old (Art. 100 of the ACrC), compared to minors who are above 14 years old but who are not yet 18 years old (Art. 101 of the ACrC).

b. **child sexual exploitation (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

The Albanian legislation does not provide a direct definition of the term "child sexual exploitation." However, there is a general definition in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, known as the Lanzarote Convention (the **Lanzarote Convention**), which is applicable in the Albanian jurisdiction through the ratification of such convention by means of Law No. 10071, dated 9.2.2009, thus making it mandatory for implementation and application in Albania. For the avoidance of doubt, provisions of the Convention may be directly invoked before Albanian courts. (Law No. 10071, dated 9.2.2009, "*On the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*".)

According to Article 3 of the Lanzarote Convention, "child sexual exploitation" shall include the behavior as referred to in Articles 18 to 23 of the Convention. Referring to these articles, child sexual exploitation is considered to include any act involving child prostitution, child pornography, the corruption of children to witness sexual activities, as well as the use of children for sexual purposes.

The Convention imposes obligations on the states that have ratified it, to take the necessary legislative measures to classify as criminal offenses the acts that constitute the sexual exploitation of children. Pursuant to Articles 116 and 122 of the Albanian Constitution, a ratified international convention holds a higher position in the legal hierarchy than domestic laws and is mandatory for implementation. (Law No. 8417, dated 21.10.1998, "*The Constitution of the Republic of Albania*", as amended.)

As a result, the ACrC has several provisions which criminalize acts that can be considered as "sexual exploitation," even though, unlike the Lanzarote Convention, it does not contain a specific definition of what constitutes "child sexual exploitation". These provisions define the commission of certain criminal offenses against minors which, referring to the Lanzarote Convention, fall under the concept of "child sexual exploitation". The relevant ACrC provisions are provided below:

Article 110/b of the ACrC states that benefiting from or using services provided by trafficked persons - which may be considered relevant to child sexual exploitation - is a criminal offense, and provides that (unofficial English Translation): "*the obtaining or use of services provided by trafficked persons, or of services that are the object of exploitation through trafficking, with knowledge that the person is trafficked, shall be punishable by imprisonment from two to five years. When this offense is committed against a child, it shall be punishable by imprisonment from three to seven years."*

Article 128/b of the ACrC concerns the criminalization of trafficking in minors. This offense constitutes a form of sexual exploitation of minors. Accordingly, this article provides that "*the recruitment, sale, transportation, transfer, concealment or reception of*



minors for the purpose of exploitation in prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, the use or transplantation of organs, as well as other forms of exploitation, shall be punishable by imprisonment from ten to twenty years." (unofficial English Translation)

Article 114 of the ACrC concerns the exploitation of prostitution, another form of child sexual exploitation, and provides that: *"the incitement, mediation, or receipt of compensation for the exercise of prostitution shall be punishable by imprisonment from two to five years. When this offense is committed against a minor, against multiple persons, against persons with whom there are close family, affinity, or guardianship ties, or by taking advantage of official relationships, or when it is committed in collaboration, repeatedly, or by persons entrusted with state or public functions, it shall be punishable by imprisonment from seven to fifteen years."* (unofficial English Translation)

Article 117 of the ACrC concerns other forms of child sexual exploitation, such as pornography, by providing that: *"the production, distribution, advertisement, import, sale, or publication of pornographic materials in environments where children are present, by any means or form, constitutes a criminal misdemeanor and is punishable by up to two years of imprisonment. The production, importation, offering, making available, distribution, transmission, use, or possession of child pornography, as well as the conscious access to it by any means or form, is punishable by imprisonment from three to ten years. The recruitment, use, coercion, or persuasion of a child to participate in pornographic performances, or participation in pornographic performances involving children, is punishable by imprisonment from five to ten years."* (unofficial English Translation)

c. **sexually explicit conduct (18 U.S.C. 2256(2),**  
<https://www.law.cornell.edu/uscode/text/18/2256>)

The term "sexually explicit conduct" is not directly defined in the Albanian legislation. However, it is possible to indirectly obtain such definition through other legal instruments applicable in the Albanian jurisdiction, such as the Lanzarote Convention and the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography (the **Optional Protocol**), ratified by Albania in 2008, which contains provisions from which the definition of "sexually explicit conduct" can be obtained, as described below. (Law No. 9834, dated 22.11.2007, "On the Accession of the Republic of Albania to the Optional Protocol to the UN Convention "On the Rights of the Child"; On the Sale of Children, Prostitution and Child Pornography").

Article 20 of the Lanzarote Convention provides that: *"For the purpose of the present article, the term "child pornography" shall mean 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."*

Article 2, point c of the Optional Protocol states that: *"Child pornography is any representation, by any means, of a child engaged in explicit sexual activities, whether real or simulated, or any depiction of the sexual parts of a child primarily for sexual purposes."*

As is evident from the above definitions of child pornography, while the term "sexually explicit



conduct” lacks a direct definition, it is expressly used to define child pornography.

Furthermore, the term “sexually explicit conduct” does not appear expressly in the ACrC, which instead uses more general language to address such conduct. Nevertheless, there are provisions in the ACrC from which the definition of “sexually explicit conduct” can be indirectly obtained, and which criminalise sexual conduct with minors, as described below:

Article 100 of the ACrC criminalises engaging in sexual intercourse with minors, including homosexual acts, by providing that: *“the commission of sexual or homosexual intercourse with a minor child under the age of fourteen, or with a minor who has not reached sexual maturity, is punishable by imprisonment from seven to fifteen years. When the sexual or homosexual intercourse is committed in collaboration, on more than one occasion, or with violence, or if the child has suffered serious health consequences, the offense is punishable by not less than twenty-five years of imprisonment. If the offense results in the death or suicide of the minor child, it is punishable by not less than thirty years of imprisonment or by life imprisonment.”* (unofficial English Translation)..

Article 101 of the ACrC criminalises engaging in violent sexual or homosexual intercourse with minors aged 14 years old to 18 years old, by providing that: *“the commission of sexual or homosexual intercourse, with violence, against a minor aged fourteen to eighteen who has reached sexual maturity is punishable by imprisonment from five to fifteen years. When the sexual or homosexual intercourse, committed with violence, is carried out in collaboration, more than once, or causes serious harm to the health of the child, it is punishable by imprisonment from ten to twenty years. If the offense results in the death or suicide of the minor child, it is punishable by not less than twenty years of imprisonment.”* (unofficial English Translation).

Article 107/a of the ACrC criminalises sexual violence and provides that: *“the act of sexual violence, through the commission of sexual acts on another person's body using objects, constitutes a criminal offense and is punishable by imprisonment from three to seven years. When this offense is committed in collaboration, against multiple persons, on more than one occasion, or against children aged fourteen to eighteen, it is punishable by imprisonment from five to fifteen years. When this offense is committed against a minor under the age of fourteen or against a minor who has not reached sexual maturity, regardless of whether violence is used or not, it is punishable by not less than twenty years of imprisonment. If this offense results in the death or suicide of the victim, it is punishable by not less than twenty-five years of imprisonment.”* (unofficial English Translation).

Article 117 of the ACrC criminalises pornography, the content of which we elaborated upon above, in question 1.b).

**d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)**

According to Article 18 of the Lanzarote Convention, child sexual abuse consists of:

- 1) engaging in sexual activities with a child who has not reached the legal age for sexual activity; and
- 2) engaging in sexual activities with a child when:
  - a. coercion, force or threats are used; or



- b. the abuse is committed by a known position of trust, authority or influence over the child, including within the family; or
- c. the abuse is committed in circumstances where the child is in a particularly vulnerable situation, notably because of a mental or physical disability or a situation of dependence.

The ACrC does not provide a specific definition of the term “child sexual abuse”, but it contains several provisions that address conduct amounting to child sexual abuse, such as:

- Sexual or homosexual intercourse with a minor (Article 100 of the ACrC);
- Sexual or homosexual intercourse with violence against a minor aged 14 years old to 18 years old (Article 101 of the ACrC);
- Pornography (Article 117 of the ACrC);

Sexual or homosexual intercourse with relatives or persons under guardianship, criminalised by Article 106 of the ACrC, which provides that: “engaging in sexual or homosexual intercourse between a parent and child, brother and sister, among siblings, or between other relatives in a direct line, or with persons under guardianship or adoption, is punishable by imprisonment of up to seven years.” (unofficial English Translation).

**e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)**

As indicated above in question 1.c), a clear and concrete definition of the term “child pornography” is provided by Lanzarote Convention and Optional Protocol, which are applicable and binding in the Albanian jurisdiction.

The Lanzarote Convention, in its Article 20, provides that: “*for the purpose of the present article, the term “child pornography” shall mean 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.*”

Additionally, Article 2, point c of the Optional Protocol provides that: “*Child pornography is any representation, by any means, of a child engaged in explicit sexual activities, whether real or simulated, or any depiction of the sexual parts of a child primarily for sexual purposes.*”

Furthermore, although the ACrC does not provide a specific definition of the term “*child pornography*”, the definition can be inferred from the definition of other criminal offences contained in the ACrC, which criminalises the offense of pornography, providing that: “*the production, distribution, advertisement, import, sale, or publication of pornographic materials in environments where children are present, by any means or form, constitutes a criminal misdemeanor and is punishable by up to two years of imprisonment. The production, importation, offering, making available, distribution, transmission, use, or possession of child pornography, as well as the conscious access to it by any means or form, is punishable by imprisonment from three to ten years. The recruitment, use, coercion, or persuasion of a child to participate in pornographic performances, or participation in pornographic performances involving children, is punishable by imprisonment from five to ten years.*” (unofficial English Translation)



Regarding the term “*child sexual abuse material (CSAM)*”, there is no specific definition in the ACrC nor in the Lanzarote Convention. However, the Lanzarote Convention contains a provision that may be relevant to this definition. Article 30, point 5/b, provides a description of what may be considered child pornography material, identifying such material as “*photographs or audiovisual recordings that are transmitted or made available through the use of information and communication technologies.*”. This provision indirectly contemplates the definition of child sexual abuse material (CSAM).

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

This term is not specifically defined in the Albanian jurisdiction. The only analogous definition can be found in the definition of child pornography material, provided, as mentioned above, by Article 30, point 5/b of the Lanzarote Convention. Please refer above to question 1. e.

- g. **enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

This term is not specifically defined in the Albanian jurisdiction; however, we consider the following provisions of the Albanian applicable legislation to be relevant to the indirect definition of such term:

Article 23 of the Lanzarote Convention:

*Solicitation of children for sexual purposes* - Each Party shall take the necessary legislative or other measures to ensure that the intentional proposal, through the use of information and communication technologies, by an adult to meet a child who has not reached the legal age for sexual activities under national law is criminalized, when such proposal is made for the purpose of engaging in sexual activities with the child or for the purpose of producing child pornography, and is followed by material acts leading to such a meeting.

Article 117 of the ACrC:

*Pornography* - The recruitment, use, coercion, or persuasion of a child to participate in pornographic performances, or participation in pornographic performances involving children, is punishable by imprisonment from five to ten years.

Article 114 of the ACrC:

*Exploitation of prostitution* - The incitement, mediation, or receipt of compensation for the exercise of prostitution shall be punishable by imprisonment from two to five years. When this offense is committed against a minor, against multiple persons, against persons with whom there are close family, affinity, or guardianship ties, or by taking advantage of official relationships, or when it is committed in collaboration, repeatedly, or by persons entrusted with state or public functions, it shall be punishable by imprisonment from seven to fifteen years.

- h. **legal age of consent for sexual activity – are there laws and regulations, if so, what ages**



are specified?

The Albanian legal system indirectly defines the legal age of consent for sexual activity by providing the absence of criminal liability in case of consensual sexual activity with minors having reached the sexual maturity. The legislation does not specifically provide the age of sexual maturity, which shall be established on a case-by-case scenario. However, Article 100 of the ACrC provides a minimum age below which cannot be considered to be sexual maturity, establishing this age as 14 years.

- i. **Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

Albanian Criminal Code (ACrC):

The ACrC criminalizes the distribution, possession or production of child pornography under Article 117, but does not include sexual extortion or blackmail through the threat of releasing these images.

Lanzarote Convention:

Although the term "sextortion" is not explicitly mentioned in the Lanzarote Convention, such conduct may fall under the scope of Article 23 particularly where it involves the solicitation of children for sexual purposes through coercion or threats using sexually explicit material.

Our conclusion is based on the interpretation provided in the Explanatory Report to the Lanzarote Convention, specifically in paragraphs 155 and 156, which clarify the scope and intent of this provision. (<https://rm.coe.int/16800d3832>)

#### References:

- Law No. 18/2017 "*For the rights and protection of the child*"  
<https://qbz.gov.al/eli/liqj/2017/02/23/18-2017>  
Unofficial English translation:  
[https://observator.org.al/wp-content/uploads/2017/06/Layout-A5-english\\_18May2017.pdf](https://observator.org.al/wp-content/uploads/2017/06/Layout-A5-english_18May2017.pdf)
- Law No. 37/2017 "Criminal Justice Code for Minors"  
Unofficial English translation:  
<https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=120&catid=109&m=0>
- Law No. 7850, dated 29.7.1994 "*The Civil Code of the Republic of Albania*", as amended (the **Albanian Civil Code** or the **ACC**)  
<https://qbz.gov.al/preview/f010097e-d6c8-402f-8f10-d9b60af94744>  
Unofficial English translation:  
<https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=231&catid=71&m=0>
- Law No. 7895, dated 27.1.1995 "*The Criminal Code of the Republic of Albania*", as amended (the **Albanian Criminal Code** or the **ACrC**)  
<https://qbz.gov.al/preview/a2b117e6-69b2-4355-aa49-78967c31bf4d>  
Unofficial English translation:  
<https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=11&catid=10&m=0>



- Law No. 10071, dated 9.2.2009, "*On the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*"  
<http://qbz.gov.al/eli/ligj/2009/02/09/10071>
- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)  
<https://rm.coe.int/16800d3832>
- Law No. 8417, dated 21.10.1998, "*The Constitution of the Republic of Albania*", as amended  
<https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd>
- Law No. 9834, dated 22.11.2007, "*On the Accession of the Republic of Albania to the Optional Protocol to the UN Convention "On the Rights of the Child", On the Sale of Children, Prostitution and Child Pornography*" (**Optional Protocol**)  
<https://differentandequal.org/wp-content/uploads/2019/09/Ligj-nr.-9834-dt-22.11.2007.pdf>

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

In the Albanian jurisdiction, the regulation applicable to Online Platforms with regard to the protection of children is contained, although not addressed in a highly specific or detailed manner, in Law No. 97/2013 "*On Audiovisual Media in the Republic of Albania*," as amended (**Law No. 97/2013**), as well as by the Regulation "*On specific requirements that video-sharing platform providers must fulfill for the creation and provision of transparent, effective, and user-friendly systems*" (**AMA Regulation**), adopted by Decision No. 128, dated 13.12.2024, of the Audiovisual Media Authority (**AMA**).

In this context, according to Article 32/1, paragraph 4 of Law No. 97/2013: "*Video-sharing platform providers shall take the necessary measures to: a) protect children from programs, user-generated videos, and commercial communications that may harm their mental, physical, or moral development; c) protect the general public from programs, user-generated videos, and audiovisual commercial communications that contain content, the dissemination of which constitutes an activity considered a criminal offense under applicable legislation, or incites the commission of a terrorist act, constitutes a criminal offense related to child pornography, racism, or xenophobia.*"

Article 10 of the AMA Regulation provides that Online Platforms are required to monitor uploaded content in such a way as to identify whether such content violates the domestic laws of the country where it is displayed. However, it is important to emphasize that these platforms are not held liable if they fail to detect illegal content. Nonetheless, once informed by users or third parties, they are obliged to investigate.

Upon notification from the Regulatory Authority (i.e., the AMA), Online Platforms are required to take all necessary measures to remove harmful content (Article 12, item 2 of the AMA Regulation). Nevertheless, this obligation to act arises only after receiving a complaint or notification, meaning that there is no proactive obligation on the part of the platform to investigate or remove illegal content on its own initiative.

- b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child**

The answer to this query is the same as provided in question 2.a above, and the same legal provisions are applicable.

- c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization**

There is no specific obligation for the Online Platforms in Albania to report illegal content on their own initiative, but they are obliged to investigate and adopt proportional measures for the removal of the illegal content regarding child pornography, CSAM, enticement, grooming, or sextortion, in case of a complaint received from third parties (as further explained in question 2.a above).

Notwithstanding the above, Article 300 of the ACrC contains a general obligation to report a crime of which a person is aware. Therefore, considering that some of the behaviors consisting in child pornography, CSAM, as provided above, are considered crimes under the ACC, there is also an indirect obligation on any person or entity subject to the Albanian laws (including Online Platforms) to report such behaviors to the relevant authorities.

- d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about**

Yes. Online Platforms in Albania are obliged to remove illegal content regarding child pornography, CSAM, enticement, grooming, or sextortion, upon request of AMA or other relevant authority (Article 32/1, paragraph 4 of Law No. 97/2013 and Article 12, item 2 of the AMA Regulation).

- e. review content by human moderators to screen or moderate for child pornography or CSAM**

There is no legal or regulatory requirement applicable in the Albanian jurisdiction that specifically requires the review of content by human moderators to screen or moderate for child pornography or CSAM.

- f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency**

Yes, Online Platforms are obliged to investigate and remove illegal content, such as child pornography, CSAM, enticement, grooming, or sextortion from their systems, when they are notified of its presence by a law enforcement, or government agency. However, in practice, this obligation is carried out by the Online Platforms also in cases of complaints received from a victim, nongovernmental organization (also see question 2.a above).

- g. use any specific technology to detect, remove, block, or take down any child pornography,**



CSAM, enticement, grooming, or sextortion, including:

- i. "Hashing technology" (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
- ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.

According to Article 10, point 1, of the AMA Regulation, Online Platforms are "*responsible for ensuring that the uploaded content does not violate the domestic laws of the country where this content appears and for ensuring sufficient protective measures*", and specifically, "*1. Platforms are obliged to monitor the uploaded content through automatic algorithms, which identify content that contains violations of legal norms, and to act to remove the content in cases of violations established*" (unofficial English Translation). However, the AMA Regulation does not specify in detail the specific types of automatic algorithms to be used in this regard, leaving to the respective Online Platforms the choosing of the appropriate technological mean to achieve this.

- h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

There is no legal distinction between Online Platforms that may be relevant here. All Online Platforms are legally classified as one single category. According to the Law No. 97/2013, Online Platforms are classified as "*Video distribution platform provider*", where Article 3, point 17/1, defines them as natural or legal person who provides the video sharing platform service, and where point 44/1 of the same article defines "video-sharing platform service", as a service the main purpose of which, or a separate part thereof, or an essential function of the service, is the provision to the general public of programmers, user-generated videos or both, for the purpose of informing, entertaining or educating, by means of an electronic communications network for which the video-sharing platform provider has no editorial responsibility, and the organization of which, including the use of automatic means or algorithms in particular for the display, labelling and ranking, is determined by the video-sharing platform provider itself.

#### References:

1. Law No. 97/2013 "On Audiovisual Media in the Republic of Albania," as amended <https://qbz.gov.al/preview/7e106f74-119a-4507-9e64-be70c219f738/cons/20230621>
2. Decision No. 128, dated 13.12.2024, of the Audiovisual Media Authority, approving the Regulation "On specific requirements that video-sharing platform providers must fulfill for the creation and provision of transparent, effective, and user-friendly systems" <https://ama.gov.al/wp-content/uploads/Rregullore-per-kerkesat-e-posacme-qe-ofruesit-e-platformave-te-shperndarjes-se-videove-duhet-te-permbushin-per-krijimin-e-ofrimin-e-sistemeve-transparente-efektive-e-miqesore-ne-perdorim.pdf>

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

According to Article 12 of the AMA Regulation, Online Platforms are legally required to adopt protective measures in relation to the nature of the content concerned, and where such protective measures are appropriate. The Regulation provides measures which include a functional system of age verification of users for content which may impair the physical, psychological or moral development of minors. However, this remains more of a guideline than a legal obligation regarding the implementation of any specific method.

**4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?**

Albania does not have any legislation addressing the issue of parental consent before a child uses the Online Platforms.

**5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:**

Yes.

**a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?**

The available legal means are through a complaint to AMA, which in turn can request the Online Platform to remove such content. Additionally, in practice, a direct complaint to the Online Platform is taken into account, considering the legal obligation of such platforms to remove illegal content as described in question 2.a above.

Additionally, also the competent court can order injunctive measures imposing the removal of the illegal content, according to Article 202 of the Albanian Civil Procedure Code (ACPC), based on which *"at the request of the claimant, the court, within 5 days, allows the imposition of measures to secure the claim, when there are grounds to suspect that the enforcement of the decision on the claimant's rights would become impossible or difficult. Securing the claim is permitted when: a) the claim is supported by written evidence; b) the claimant provides a guarantee, in the amount and form determined by the court, for any damage that may be caused to the respondent as a result of the securing measures. A guarantee may also be required in the case provided for in letter "a" of this article"*. (unofficial English translation) (Law No. 8116, dated 29.3.1996, "The Civil Procedure Code of the Republic of Albania", as amended)

**b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?**

As indicated above in the paragraphs in answer to question 2.a above, the Online Platforms are not obligated to take active steps to remove the pornography or other imagery from their servers, unless there is a request from third parties or AMA, to do so. Therefore, in this case, the legal remedy available to the victims would be to request the Online Platform to remove the content (in accordance with Article 10 of AMA Regulation), and in the event that the Online Platform fails to do so, the victim has the right to apply to the competent court to



require the Online Platform to remove such content. This is provided by Article 12 of the AMA Regulation, which states: *“Mutual disputes between the platform user and the video sharing platform service provider in the jurisdiction of the Republic of Albania regarding protective measures are resolved by filing a lawsuit with the competent court.”* (unofficial English translation)

However, the victim can apply to the court only if the Online Platform is based in the Republic of Albania. Article 30/1 of Law No. 97/2013 states that:

1. *A video-sharing platform service provider shall fall under the jurisdiction of the Republic of Albania when its office or governing structure is located within the territory of the Republic of Albania.*
2. *A video-sharing platform service provider that is not established in the Republic of Albania, as defined in point 1, shall nevertheless be considered to fall under the jurisdiction of the Republic of Albania if:*
  - a) *its parent company or one of its branches is established within the territory of the Republic of Albania; or*
  - b) *the video-sharing platform service provider is part of a corporate group and another company within that group is established in the territory of the Republic of Albania.”*

(unofficial English translation)

In cases where the Online Platform is not based in Albania, the victim has no direct legal remedy to request the removal of illegal content. In such instances, pursuant to Article 9 of the AMA Regulation, the request for content removal may be submitted by AMA, which addresses the request to the platform operator for the removal of the content. If the operator of the Online Platform fails to remove the content, AMA shall refer the matter to the regulatory authority of the state that has jurisdiction over the platform, requesting the removal of the material.

**c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?**

In cases where the Online Platform fails to remove illegal content related to child sexual exploitation, including pornographic content or imagery, despite the request made by the parents or legal guardian of the child victim, and in the event that a criminal proceeding has been initiated and is in process, it is possible to ask to the court to issue injunctive or interim measures against the Online Platform to stop them from publishing the pornography or imagery, in case, there is *prima facie* evidence indicating that during the necessary time of the process, until the decision on the merits is reached, there is a possibility of serious and irreparable damage resulting from the continuation of the publication of the pornography or imagery. The right to request an injunction is provided under the ACPC.

Injunctions, which are measures that can be granted before the final judgment in a case, can also be used to protect the victim of the crime. For example, an injunction can be requested to order the perpetrator to remove the pornographic material from their possession and to compensate the victim. An injunction can be requested under the provisions of the ACPC, before the civil court, along with a civil claim to compensate the victim. The ACPC provides for the possibility of requesting an injunction on its own, without filing a compensation claim, as it is an urgent measure, but on the condition that a claim for compensation is filed within

15 days.

The relevant provisions of the ACPC are set out below:

Article 202 of the ACPC: At the plaintiff's request, the court shall, within 5 days, authorize the adoption of measures to secure the claim (injunctions), when there is reason to believe that the enforcement of the judgment in favor of the plaintiff's rights may become impossible or difficult.

An injunction is permitted when: a) the claim is supported by written evidence; b) the plaintiff provides a guarantee, in the amount and form determined by the court, for any damages that the defendant may suffer as a result of the security measure. A guarantee may also be required in the case provided for in letter "a" of this section.

In cases involving pornographic crimes, injunctions may be issued to protect the victim and to stop the continued dissemination of the material on Online Platforms. Precautionary injunctions, such as emergency legal measures, can be used to prevent the distribution or to ensure the removal of such content from Online Platforms.

**d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?**

According to the Albanian jurisdiction, there is no specific legal measure such as a "protective order" that preemptively prevents a person from posting pornographic materials in the future, including child-related content, on an Online Platform. The law focuses more on punishing the act of pornography under Article 117 of the ACrC after it has been committed, rather than on its prior prevention.

In fact, the punishment of the criminal offense also carries a preventive character, by punishing the perpetrator and preventing a potential escalation or recurrence of the criminal act. However, under Albanian legislation, it cannot be said that there exists a protective order that can prevent the perpetrator from distributing pornography or imagery in advance.

The punishment itself serves as a form of protection by preventing the perpetrator from committing the criminal act for a certain period of time, through penal sanction and reeducation. However, once the sentence is completed, this does not prevent the individual from committing the criminal offense of distributing pornography or imagery again in the future, in which case they would be punished again.

**e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?**

Yes, there is the possibility for the victim to seek financial damages from the offender either in civil or a criminal proceeding.

Criminal Proceedings provisions of the Albanian Criminal Procedure Code (ACrPC). [Law No. 7905, dated 21.3.1995, "*The Criminal Procedure Code of the Republic of Albania*", as amended].



According to Article 58, point 1/g of the ACrPC, the victim of the criminal offence has the right to seek compensation for damage that occurred and to be accepted as a civil plaintiff in the criminal process.

Further, Article 61 of the ACrPC provides that: *“a person who has suffered damage from a criminal offense or his heirs may file a civil lawsuit in the criminal proceedings against the defendant or civil respondent, to request the return of property and compensation for damage.”* (unofficial English translation), and Article 62 of the ACrPC provides that: *“1. The legitimization of the civil claimant may be carried out by the prosecuting authority, provided that the judicial examination has not yet commenced. 2. The time limit provided in paragraph 1 may not be extended. 3. Upon the request of the parties or ex officio, the court may decide to separate the civil claim and refer it to the civil court if its adjudication hinders or delays the criminal proceedings.”* (unofficial English translation)

#### Civil Proceedings provisions of the ACPC.

According to the ACPC, an injured party may seek compensation for the damage caused by the person who inflicted such harm. Specifically, Article 608 of the Albanian Civil Code provides that: *“A person who unlawfully and with fault causes damage to another, either to their person or property, is obliged to compensate for the damage caused. The person who caused the damage shall not be held liable if they prove that they were not at fault. Damage is considered unlawful when it results from the violation or infringement of the rights or interests of another that are protected by the legal order or by good morals.”* (unofficial English translation)

Furthermore, Article 625 of the ACPC provides that: *“A person who suffers non-pecuniary damage is entitled to compensation when: a) they have suffered injury to their health, physical or mental integrity; b) their honor, personality, or reputation has been infringed; c) their right to a name has been violated; d) their right to privacy has been infringed; e) the memory of a deceased person has been violated. In such cases, the spouse or close relatives of the deceased, up to the second degree, may request compensation for non-pecuniary damage.”* (unofficial English translation)

**f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?**

Yes, according to Article 58 of the ACrPC, the victim has the right to receive medical care, psychological support, counseling, and other services provided by the authorities, organizations, or institutions responsible for assisting victims of crime. The victim is also entitled to request free legal aid and to be exempt from any costs related to obtaining documents or court fees for filing a claim concerning their status as a victim of a criminal offense.

**g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?**

Yes, referring to Article 58 of the ACrPC, the victim has the right to be notified for the arrest of the accused, and his release, where the victim has filed a relevant criminal complaint with the authorities.

**References:**

- Law No. 8116, dated 29.3.1996, "*The Civil Procedure Code of the Republic of Albania*", as amended (the **Albanian Civil Procedure Code** or the **ACPC**)  
<https://qbz.gov.al/preview/63ca3bd6-ed1c-42d4-a44f-05c970f7714d>
- Law No. 7905, dated 21.3.1995, "*The Criminal Procedure Code of the Republic of Albania*", as amended (the **Albanian Criminal Procedure Code** or the **ACrPC**)  
<https://qbz.gov.al/preview/b4819f4d-c246-49b3-87a9-2e6c8512c975>

6. "Safety by Design" is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate "Safety by Design" into their systems?

There is no applicable regulation in the Albanian jurisdiction regarding the incorporation of "Safety by Design" in Online Platforms.

i. If so, must these steps be taken before the launch of an Online Platform?

N/A

ii. If so, if an Online Platform has already been in public use, when must they have incorporated "Safety by Design" measures?

N/A

iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

N/A

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform's incorporation of "Safety by Design"?

N/A