

The Rights of the Child in Albania: A Comparative Analysis with European Legal Standards

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Abstract

Following the political transition of the early 1990s, Albania adopted new laws drawing upon the institutional and legislative models of advanced democratic societies. In the beginning the rights of the child hadn't any special protection by the Albanian law. In 2017, Albania for the first time adopted Law No. 18/2017 on the Rights and Protection of Children and Law No. 37/2017 Code of Criminal Justice for Children. These laws came as a result of Albania's obligation due to the ratification of the UN Convention on the Rights of the Child of 1989 and reflects the principles of this convention and other European Union directives on this area. Despite this significant legislative progress based on the main principle of best interest of the child and a child-friendly justice, the protection of children's rights in Albania remains a multidimensional challenge. The protection of the rights of the child is not effective as far as annual reports on Albania from different international organizations continuously highlight a lot of persistent issues on the rights of the child, such as discrimination against ethnic minorities and children with disabilities, violence, exploitation, and hard work of children. At the same time, these reports and research studies underline that there are a lot of challenges in the implementation of the above-mentioned laws in practice. Through a descriptive and qualitative legal research method combined with a descriptive one this study analyses the Albanian legal framework on children's rights, compares it with European acts, find legislative gaps and implementation issues presenting them in the form of some conclusions and giving some recommendations. The study concludes that Albania has made progress in alignment of legislation with European standards but still exist gaps and challenges for their implementation in practice.

Keywords: Child protection – Albania, Criminal Justice for Children – Albania, UN Convention on the Rights of the Child, best interest of the child, child-friendly justice.

Introduction

The European framework on the rights of the child is composed by International and European acts and standards, as well as the jurisprudence of the European Court of Human Rights. In relation to the Albanian system, this framework serves as a fundamental point of reference for the harmonization of legislation, not only as part of

the European integration process but also for ensuring substantial and effective protection of children in practice.

European law does not merely provide a catalogue of rights; it embodies an advanced normative approach in which the child is recognized as a subject with an independent legal identity, endowed with inalienable rights, and guided by the principle of the *best interests of the child* as a leading standard (United Nations, 1989; European Parliament, 2000).

The term *child* refers to every human being from birth until the age of 18 (Mandro, 2009). This unified definition is clearly recognized in Albanian legislation, specifically in Law No. 18/2017 *On the Rights and Protection of Children* of the Republic of Albania (Republic of Albania, 2017), which fully resonates with article 1 of the Convention on the rights of the child (United Nations, 1989).

The rights of the child are inseparable from human rights. In modern societies, due to globalization, the theory on the rights of the child is based on fundamental principles which are interpreted in the national and international norms. Albania, ratifying the major of international and European acts on the rights of the child, has the obligation to align its laws with these acts, principle which is also foreseen in the Constitution of Republic of Albania (Republic of Albania, 1998).

The changes of Albania's legal framework on children's rights over the past decade expresses Albania's international commitments and its European integration process, aiming to align national legal norms with international standards and European Union *acquis*.

This article seeks to analyze, from a comparative perspective with the EU legal framework, the national legal basis for the protection of children's rights, the main legal instruments, institutional structures, and their relationship with international standards. Considerable focus has been directed toward the protection of children rights by Albanian criminal law.

The aim of this study is to identify legal gaps and provide modest recommendations regarding Albania's challenges in harmonizing legislation and ensuring its practical implementation.

Materials and Methods

The methodology used in this article is a qualitative legal research method, combined with comparative method.

The qualitative legal research method in this study consists of normative legal analysis of the legal framework on the protection of children's rights in Albania, especially criminal legislation. It is grounded in legal theory and comparative references to international principles and legal framework and European *acquis* as well, like: European Convention of Human Rights, Convention of the Rights of the Child, European directives and strategies on children's rights.

The article identifies challenges, inconsistencies, and solutions that emerged in practice, such as: discrimination and unequal quality education and health of vulnerable groups; need for more effective protection mechanisms and support for child victims; lack of professionalism of judges, police officers, and social workers; overuse of detention for minors, lack of reliable national data and monitoring systems, weak interinstitutional coordination.

Results

Universal Declaration of Human Rights (United Nations, 1948) is the fundamental act of protection of freedoms and fundamental human rights, which is followed by the European Convention of Human Rights (Council of Europe, 2010). Although these acts are not specifically dedicated to children's rights (Helland et al, 2023), they serve as the primary normative foundation for state obligations to protect the children's rights. The European Court of Human Rights has emphasized that children enjoy all the rights guaranteed by the European Convention of Human Rights, interpreted in light of their age and particular vulnerability. Further, the article 24 of the Charter of Fundamental Rights of the European Union (European Parliament, 2000) establishes that children are entitled to protection and care necessary for their well-being, that their views must be duly considered according to age and maturity, that their best interests shall be a primary consideration in all actions affecting them, and that they have the right to maintain regular personal relations with both parents unless contrary to their welfare.

At the same time, the European Union and the Council of Europe recognize the Convention of the Rights of the Child (United Nations, 1989) as the fundamental global standard for child protection. Nearly all European states have ratified it (European Parliament, 2025), and the European Court of Human Rights frequently uses it as an interpretative tool to expand European Convention of Human Rights guarantees.

This convention defines several basic principles, like the best interests of the child, the right to participation, protection from all forms of violence, act.

These fundamental acts are complemented by important European Union's instruments, such as:

- Directive 2011/93/EU which sets minimum standards for prevention, prosecution, and victim protection on combating the sexual abuse and sexual exploitation of children and child pornography (European Parliament & Council, 2011).
- Directive 2016/800/EU which establishes mandatory standards for children suspected or accused in criminal proceedings, including legal and psychological assistance, alternatives to detention, and measures to protect them from recriminalization (European Parliament & Council, 2016).
- European Child Guarantee which is an initiative that aims to prevent child poverty and social exclusion. It guarantees effective access to children in need of essential services, specifically education, healthcare, nutrition, and housing. (European Commission, 2025).

This normative level is accompanied by European Union's policy through its strategies. The latest document is the EU Strategy on the Rights of the Child (2022–2027), which identifies six key areas: protection from violence, child-friendly justice, active participation, equality and inclusion, quality education, and the global dimension of children's rights (European Commission, 2022).

On the other hand, the European Court of Human Rights has generated rich jurisprudence that has established European standards for child protection in contexts such as family separation, violence, education, criminal procedures, adoption, and the treatment of children in detention.

When analyzing the European legal framework on children's rights, several core principles stand out, among which the following are mentioned:

➤ The best interests of the child: Article 3 of the UN Convention on the Rights of the Child foresees that in all actions concerning children, whether undertaken by public or private authorities, courts, administrative bodies, or social care institutions, the child's best interests must be a primary consideration (United Nations, 1989). This principle has been widely interpreted in the jurisprudence of the European Court of Human Rights in cases involving custody, adoption, family separation, migration, and protection from abuse.

➤ Non-discrimination: Article 2 of the UN Convention on the Rights of the Child states that *every child must enjoy guaranteed rights regardless of origin, economic*

status, gender, disability, ethnicity, language, or the legal status of their parents (United Nations, 1989). At the same time article 21 of the Charter of Fundamental Rights of the European Union prohibits all forms of discrimination (European Parliament, 2000).

- Protection from violence, exploitation, and abuse: This principle is expressed in several international acts, which stipulate binding standards for all state parties, such as:
 - Hague Convention on International Child Abduction (Council of Europe, 1980).
 - United Nations Convention on the Rights of the Child (articles 19, 32, 33, and 34) (United Nations, 1989);
 - Lanzarote Convention on the protection of children against sexual exploitation and abuse (Council of Europe, 2010);

- Child-friendly justice: European Commission has set standards for adapting justice systems with the rights and the needs of the children, ensuring effective access and participation of children as well as their protection.

Albania, by accepting the general principles of child rights protection and by ratifying the above-mentioned international instruments, has established a legal basis that regulates the protection of children's rights. Specifically:

1. The Constitution of Republic of Albania (Republic of Albania, 1998): The 1998 Constitution is the fundamental source of fundamental human rights protection. It stipulates that all citizens are entitled to equal legal protection. Its article 54 is particularly important for the protection of children's rights, which affirms that children are entitled to special state protection, that all children enjoy equal rights regardless of birth status, and that every child must be protected from violence, mistreatment, exploitation, and labor, which may harm their health, morals, or endanger their life or normal development.

2. Family Code (Republic of Albania, 2003): Regulates parent-child relations, custody, adoption, parental responsibilities, and explicitly recognizes the best interests of the child (Mandro, 2009). In its article 2 it foresees obligations on all state institutions dealing with children, from social services to courts (Republic of Albania, 2003), by applying the principle of best interests of the child.

3. Law No. 18/2017 On the Rights and Protection of Children (Republic of Albania, 2017): It protects the principal of equality of children before the law. This law has integrated European standards, addressing physical, psychological, sexual, and economic abuse, conceiving multidimensional protection, including a wide range of actors beyond the family, such as judiciary system, central and local government, and different

mechanisms of child protection. It also guarantees protection for children without regular identification documents treating them as children until the full verification of their status.

4. Other State mechanisms:

4.1. Ombudsman, which has a special role in monitoring children's rights, handling complaints, and drafting national reports on the implementation of the Convention of the Rights of the Child.

4.2. State Agency for the Rights and Protection of Children, which coordinates policies, monitors implementation, and prepares annual analyses.

4.3. National Child Protection Mechanisms, which operates at national levels of government.

4.4. Local Child Protection Units which function within municipalities and are staffed by social workers who are authorized to intervene in risk situations and coordinate with police, schools, and health institutions.

4.5. Cross-sectoral mechanisms, which ensure the cooperation of different mechanisms, such as National Referral Mechanism for Trafficking, intersectoral child protection committees, local anti-violence structures, etc.

5. Criminal Law: A particular and highly important aspect is the criminal protection of the rights of the child, which is ensured through several significant legal acts, both substantive and procedural such as the Albanian Criminal Code, Criminal Procedure Code, and the Code of Criminal Justice for Children.

5.1. Criminal Code (Republic of Albania, 1995) in its special parts foresees the illegal acts that are considered as criminal offences. It includes specific provisions that protect children from violence, sexual abuse, exploitation, trafficking, and other prohibited acts.

At the same time, the Albanian Criminal Code criminalize the discrimination of any kind. In some provisions, commission of a criminal offense against children constitutes an aggravating circumstance. These dispositions are mainly aligned with the European Union's binding instruments that set minimum standards for child protection in criminal justice, like Directive 2011/93/EU.

5.2. Criminal Procedure Code (Republic of Albania, 1995/2017), especially its 2017's amendments provide special protections for children as victims and defendants, including psychological support during questioning, legal aid during criminal proceedings, creation of special conditions for questioning in designated and appropriate places, application of audiovisual methods of questioning, alternatives to detention, and expedited child-friendly procedures. These dispositions align with Directive 2016/800/EU of European Union.

5.3. The Albanian Code of Criminal Justice for Children (Republic of Albania, 2017) is part of the package of the laws of Justice Reform in 2017, which is of special importance in the integration process of Albania in the European Union. This Code reflects the prioritization of protecting the rights of minors in conflict with the law as a central element of the state's criminal policy and justice reform, aligned with the legal framework of European Union. At the same time, it seeks to strengthen existing procedures and regulations concerning cases where children are either offenders or victims of criminal acts, building a comprehensive legal and institutional framework for juvenile justice, ensuring children's access to criminal proceedings, promoting professional training for practitioners engaged in juvenile justice, and preventing reoffending or revictimization of children. It also establishes specific provisions on the procedures of criminal cases where the children are offenders, victims, or key witnesses. Its article 2 explicitly states that competent authorities in every decision and action taken in the implementation of this Code should prioritize the best interests of the child. Thus, this Code aligns closely with European standards as acts like the UN Convention on the Rights of the Child, the European Convention on Human Rights, and EU directives.

In conclusion of this analysis, Albania has made significant progress in aligning its legislation with the European Union standards on protection of children's rights. Nevertheless, while European Union law integrates child protection into broader policies and binding directives, Albania's system still has challenges to ensure effective implementation of the Albanian legal framework in practice, bridging the gap between legislative alignment and real protection, with the aim to fulfill the European Union Strategy on the Rights of the Child (2022–2027) on policy framework strengthening child protection across justice, education, and social inclusion.

Discussion

Albania's implementation of legal framework on children's rights protection remains a complex challenge, conditioned by institutional, economic, and social factors. While the country has adopted a comprehensive legal framework as above stated, that aligns with international and European standards, its execution often remains inadequate.

European Commission report in 2025 underlined that Albania has an incomplete legal and institutional framework for promoting, protecting, and enforcing human rights, especially children's rights, which requires strengthening as the implementation remains weak and must be aligned with European Union standards and European Council recommendations.

The National Agenda on the Rights of the Child (2021–2026) is the main strategy, yet only 62% of its measures have been completed. Laws against child marriage are inconsistently applied, and child protection services are inadequate, especially for victims of violence. Staff of child protection workers is insufficient. Access to justice for children is hindered by delays, limited legal aid, and poor institutional coordination. Although Albania has adopted new strategies on social protection and social inclusion, a very high share of children, about 70%, still face the risk of poverty (European Commission, 2025).

This shows that policy progress has not yet translated into sufficient improvements in children's everyday lives.

The Monitoring Report on the National Agenda for Children's Rights 2021-2026, prepared by the Ministry of Health and Social Protection together with other responsible institutions and supported technically by United Nations Children's Fund Albania, points out that Albania has improved the legal and institutional basis for protecting children's rights. Even so, implementation remains one of the main weaknesses. In practice, coordination between central and local institutions is often weak, responsibilities are split across institutions, and professional capacities remain limited. As a result, it is difficult to ensure a coordinated and comprehensive response to children's needs.

The report also underlines that limited financial resources and the lack of child centered planning, particularly for vulnerable groups, continue to widen inequalities in access to services and opportunities for development (Ministry of Health and Social Protection, 2026).

The effective application of the principle of non-discrimination also remains a significant challenge. Decisions of the Commissioner for Protection from Discrimination,

as well as judgments of the European Court of Human Rights, indicate that Albania has not yet fully ensured this principle in practice in ways that adequately protect children's well-being (Commissioner for Protection from Discrimination, 2025). In particular, Roma children and children with disabilities continue to face barriers to full inclusion in mainstream education, despite the existence of targeted policy frameworks such as the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians in the Republic of Albania (2021-2025) and the National Action Plan for Persons with Disabilities (2021-2025). While these frameworks provide an important foundation, more consistent implementation, tailored support, and stronger institutional follow-up are still needed.

The right to education and health is legally guaranteed, but reports from different organisms show that in reality there is still widespread discrimination against ethnic minority children, poor children, and children with disabilities, creating inequalities in access to quality education (CRCA Albania, 2023). There is also lack equal access to education due to missing documentation, discrimination in schools, language barriers, or lack of transportation. Children with disabilities also face obstacles in inclusive schools (U.S. Department of Labor, 2024).

Although Albania has adopted a legal framework aimed at protecting children from physical and sexual violence, including provisions in the Criminal Code and Law No. 18/2017, serious risks remain. Child Rights Center Albania highlights that child trafficking and exploitation continue to affect children, particularly in rural areas and vulnerable communities, while violence against children remains persistent. Many children also continue to spend long periods in residential institutions, often without a clear pathway toward family-based care or effective reintegration into society (CRCA Albania, 2023). Broader evidence confirms these concerns. Some children are drawn into illegal activities, forced into begging, or, in the most severe cases, subjected to sexual exploitation or trafficking. Others are exposed to hazardous forms of labor, including work in mining-related areas such as chrome collection, where they may carry heavy loads over long distances. These risks disproportionately affect Roma and Egyptian children, children from low-income households, and migrant children. Although Albania has ratified the main international conventions on children's rights and established institutional protection mechanisms, gaps in legislation, limited enforcement, and weak coordination continue to leave many children vulnerable. Labor inspectors and social authorities conduct monitoring and pursue violations, but the scale of the problem remains substantial (U.S. Department of Labor, 2024). The European Commission similarly notes that domestic child trafficking, forced begging, and child labor remain serious concerns despite the existence of policies broadly aligned with international standards (European Commission, 2025).

Albania also faces growing challenges in responding to crimes against children in the digital environment. Eurochild notes that the current Criminal Law and related legal acts do not yet provide sufficient provisions and mechanisms to effectively address online crimes against children or to ensure comprehensive protection in digital spaces. This legal and institutional gap is particularly concerned given the increasing exposure of children to online risks (Eurochild, 2026).

In the area of juvenile justice, Albania has updated its legal framework, but important implementation gaps persist. Problems remain in relation to juvenile detention practices, reintegration measures, victim support services, and the lack of specialized juvenile courts. In practice, cases involving minors are often handled by general courts, which may not have the necessary expertise or procedures to apply child-sensitive justice standards. United Nations Children's Fund underlines the management of cases of children in contact or conflict with the law ensuring that they are included in comprehensive support systems. Effective management necessarily requires more appropriate coordination between justice, protection, education, and social protection interventions. (UNICEF, 2024) This falls short of European Union expectations, which emphasize child-friendly justice and the role of specialized judicial structures.

The European Network of Ombudspersons for Children has also called on the Ministry of Justice and other competent authorities to adopt measures in line with the principles of child-friendly justice for all children involved in criminal proceedings, including children in conflict with the law, victims, and witnesses. European Network of Ombudspersons for Children emphasizes that care and protection must be prioritized and that any restrictive measures should follow a differentiated approach focused on rehabilitation and reintegration (ENOC, 2021).

Another concern relates to the limited specialization of professionals working with children in the justice and protection systems. Judges, prosecutors, police officers, and social workers are often not sufficiently trained in child rights and child-sensitive procedures, which weakens the practical application of existing legal guarantees. This contrasts with European Union practice, where continuous and specialized professional training is considered essential. In addition, although Albania's Criminal Procedure Code and the Code of Criminal Justice for Children provide alternatives to detention, these options are not consistently applied in practice, and minors continue to be placed in pre-trial detention more often than intended under a child-centered justice approach. This is compounded by the broader finding of the European Commission (2025), which underlines that Albania still has an incomplete legal and institutional framework for the promotion, protection, and enforcement of human rights, particularly children's rights,

and that implementation remains weak and requires stronger alignment with EU standards and recommendations.

In summary, Albania has made significant progress in aligning its child protection legal framework with European and international standards. However, there are gaps in monitoring systems and mechanisms, intersectoral cooperation, institutional capacity and specialized judicial structures and services that support victims.

Conclusion

The Albanian legal framework on the protection of the rights of the children is fully aligned with the European one. The above brief outline key challenges and provides targeted recommendations to strengthen Albania's compliance with EU directives and the UN Convention on the Rights of the Child. More specifically:

- ✓ Existence in practice of cases of discrimination of children belonging to ethnic minorities such as Roma and Egyptians.
- ✓ Absence of access to quality education and health for ethnic minority children, poor children, and children with disabilities.
- ✓ Enforcing coordination between national and local level and necessity of stronger protection mechanisms,
- ✓ Ensure continuous monitoring of protection measures for child victims, particularly in cases of violence, abuse, and trafficking.
- ✓ Insufficient current criminalization and mechanisms to address online crimes against children without guaranteeing comprehensive protection.
- ✓ Absence of specialized juvenile courts.
- ✓ Excessive reliance on detention for minors, despite the existence of alternative measures.
- ✓ Insufficient training for judges, prosecutors, police, defendants, and social workers.
- ✓ Weak national data collection and monitoring systems.

As a result of the findings and conclusions reached in this study, several suggestions and recommendations can be made:

- The principles of equality and non-discrimination should be integrated into schools' curricula from the early years and at the legal and institutional level, effective implementation and sanctions are essential to prevent and address discriminatory practices affecting children, particularly those from vulnerable communities.
- Victim support services should be strengthened, expanding psychological, social, and legal assistance for child victims.

➤ Institutional coordination should be improved, clarifying roles between national agencies, local child protection units, and cross-sectoral committees. At the same time, some accountability mechanisms should be created to monitor cooperation.

➤ The creation of dedicated juvenile courts or chambers with trained judges to ensure child-sensitive adjudication.

➤ Increased investment in the professional training of judges, prosecutors, police officers, defense lawyers, and social sector professionals is needed, particularly through continuous and specialized training programs.

➤ Expanding restorative justice requires stronger community-based measures, including probation and mediation, alongside the wider use of alternatives to detention, with detention reserved as a last resort for children.

➤ The creation of a database on child protection cases and justice should be developed through the establishment of reporting mechanisms aligned with EU standards.

By implementing these reforms, Albania can overpass the gap between legislative alignment and effective child protection in practice.

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