

National Laws

Legislation of Interpol member states on sexual offences against children

Albania – Albanie - Albania

Tirana

I. Ages for legal purposes

Age of simple majority

The legal age of majority is fourteen (14) years for female and male persons.

Age of consent for sexual activity

The legal age of consent for sexual activity is not decided in the legislation. It is determined in any case by the decision of a medical examiner.

Age of consent for marriage

According to Law Nr 9062 dated 08-05-2003 of the Family code, article 7, second part "spouses", the legal age of consent for marriage is 18 years old. The Court can decide that a marriage can take place before this age, upon important circumstances

II. Rape

Intercourse with minor girls, Article 100 of the Penal Code

Intercourse with a minor girl who has not reached the age of thirteen years, or has not reached sexual maturity, is punishable by five to fifteen years of imprisonment.

When sexual intercourse was had without consent, or serious harm to health of the victim has been caused, it is punishable by ten to twenty years of imprisonment.

When the act has resulted into death or suicide of the girl, it is punishable by no less than twenty years of imprisonment.

Intercourse with minor girls between fourteen to eighteen, Article 101 of the Penal Code

Nonconsensual sexual intercourse with a minor girl between fourteen to eighteen years and who has reached sexual maturity is punishable by five to ten years of imprisonment.

When serious consequences result for the minor girl's health, it is punishable by ten to fifteen years of imprisonment.

When the acts led to the death or suicide of the minor girl, it is sentenced no less than fifteen years of imprisonment.

III. Other forms of child sex abuse

On 1992, Albania ratified the UN Convention on the Rights of the Child

'Unlawful sexual intercourse with vulnerable persons', Article 103 of the Penal Code

'Committing unlawful sexual intercourse with a female, having reached the age of fourteen (14) and the age of puberty, availing oneself of her physical and mental capability or her been subject to unconsciousness, is punished with an imprisonment term varying from five (5) to ten (10) years.

In case the injured has been inflicted serious harm, the imprisonment term varies from five (5) to fifteen (15) years.

In case, following it, the injured has been inflicted death or committed suicide, the act is punished by imprisonment term varying from ten (10) to twenty (20) years.'

'Gross indecency', Article 108 of the Penal Code

'Committing acts of gross indecency with or towards a child (of either sex) under the age of fourteen (14) is an offence punished by up to five (5) years imprisonment term.'

'Homosexuality', Article 116 of the Penal Code

'Instances of homosexual intercourse, in case violently inflicted, with minors or vulnerable individuals, are punished by up to five (5) years imprisonment term.'

'Incest', Article 106 of the Penal Code

Sexual intercourse had between parent and offspring, brother and sister, between other persons in direct gender with one another, or between persons who have either custodial or adoptive relationship among themselves, is sentenced up to five years of imprisonment.

IV. Child prostitution

Exploitation of prostitution with aggravated circumstances, Article 114/a of the Penal Code

When exploitation of prostitution is committed:

1. With minors
2. Against some persons;
3. With persons within close consanguinity, in-laws or custodial relations or by taking advantage of an official rapport;
4. With deception, coercion, violence or by taking advantage of the physical or mental incapability of the person;
5. Against a person that has been forced or coerced to exercise prostitution out of the territory of the Republic of Albania;
6. From criminal organizations;

Is punished from 7 up to 15 years of imprisonment and with the confiscation of all means and profits

V. Child pornography

'Pornography', Article 117 of the Penal Code

Producing ,delivering, advertising, importing , selling , publishing pornographic material in minors' premises constitute a criminal contravention and is punishable by a fine or up to two years of imprisonment.

Also, some suggestion is made regarding article 117 and it was requested to foresee child pornography as an offence.