

VIOLENCE AGAINST WOMEN

DOES THE GOVERNMENT CARE IN ALBANIA?

FACT SHEET*

2006

(...) It is the responsibility and in the interest of states as well as a priority of national policies to safeguard the right of women not to be subjected to violence of any kind or by any person. To this end, states may not invoke custom, religion or tradition as a means of evading this obligation.

/Council of Europe: Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence, Appendix/

DOES THE STATE CARE ABOUT VIOLENCE AGAINST WOMEN? NATIONAL BODIES, POLICIES, ACTION PLANS, AND BUDGET

The Department of Equal Opportunities within the Ministry of Labor, Social Affairs and Equal Opportunities is the responsible state authority to promote gender equality in Albania. Violence against women is one of the activities on which it focuses. However, there is no budget earmarked especially for this issue.

At present, there is no national strategy on preventing, combating and protecting women from violence, nor is there a national action plan that addresses actions, responsible structures, deadlines, and indicators. One of the five main directions of the *Platform of Action for Improving the Status of Women in Albania in 2002-2005* was “Social Problems” focusing partly on violence against women. However, the Platform does not define time limits, allocate budgets, or establish structures responsible for fulfilling these duties-thus, the Platform is more declarative than result-yielding.

Understanding the urgent necessity of drafting and implementing concrete programs and strategies in this field, the Department of Equal Opportunities within the Ministry of Labor, Social Affairs and Equal Opportunities has recently drafted, in cooperation with the Gender Alliance for Development Center a *Strategy on Domestic Violence*, which is expected to be approved by the government in the near future.

The government prepared the *Albanian National Strategy for the Fight against Trafficking in Human Beings: Strategic Framework and National Action Plan, 2005–2007*. Some of the main areas addressed are: investigation and criminal prosecution; support for and protection of victims and witnesses; prevention; framework for coordination; and research. The plan defines strategic goals, objectives, activities, responsible institutions, deadlines, indicators, and resources.

There are no medium- and long-term sectoral action plans for the prevention of violence, nor for the protection of witnesses, in the field of violence against women.

* This Fact Sheet has been prepared under a project of the Violence against Women Monitoring Program of the Open Society Institute. In this project OSI invited NGOs from 25 countries, to map their national situation on violence against women, with special regard to state response. The methodology for preparing national Monitoring Reports was built on the Council of Europe Recommendation Rec(2002)5 on the protection of women against violence. The information for this Fact Sheet, including the recommendations, is provided by Aurela Bozo (Center for Legal Civic Initiatives) and Dr. Edlira Haxhiymeri (Shelter Project for Abused Women and Girls, in Tirana).

DO WOMEN VICTIMS OF VIOLENCE HAVE LEGAL PROTECTION?

There is no special law on violence against women or addressing its forms. Neither domestic violence nor sexual harassment at the workplace is prohibited as a special criminal act. A network of Albanian civil society actors has drafted a Bill on Measures against Domestic Violence. The Bill is currently in front of the Parliament. The draft law envisions the introduction of a protection order into the legislation.

The Family Code prescribes taking immediate measures determined by the court toward the spouse who fails to meet his obligations and endanger the interests of the family. These measures are undertaken upon the request of the spouse for a time period no longer than three years. The Code prescribes that the victimized spouse is entitled to request that the court expel the violating spouse from the marital residence immediately.

There is no law addressing especially sexual assault and rape. However, the Criminal Code of the Republic of Albania provides for the protection of sexual freedom. Article 102 of the Criminal Code states that any non-consensual sexual contact with an adult woman constitutes a crime. The court may apply this provision when this crime is committed within marital or intimate relations as well.

There are no special provisions that envision direct link between domestic violence and divorce, housing, child custody, or the right to visit.

The Criminal Code also provides rules on trafficking in women and sanctions this criminal act by grave punishments, seven to fifteen years of imprisonment and a fine of three up to six million leks (48,000 euros).

A compulsory protocol in cases of violence against women that ensures the same procedure for the police, medical and social services is far from being drafted.

There are no special units (or responsible persons) in law enforcement agencies dealing with cases of violence against women.

DOES THE STATE PROVIDE ASSISTANCE FOR WOMEN VICTIMS OF VIOLENCE?

A state financing system to compensate victims does not exist. Victims can use the general provisions of the Civil Code and the Code of Criminal Procedure to file material and immaterial damage claims. However, the application usually requires time and a cost that is unaffordable for the victims.

NGOs providing counseling and assistance to victims are fighting to survive through the support of foreign donors, since state support is insufficient.

Five shelters exist in the country that service women, girls, and children of abused mothers. In total, they have a capacity of approximately 80 beds for a population of three million. Only one of the shelters is run by the state; the others are run by local NGOs and supported by foreign donors.

There is a Counseling Center for Women and Girls in the capital and six other branches operate in different areas of the country. The centers provide counseling for victims of domestic violence, sexual violence and rape, and are run by local NGOs from financial support provided by foreign donors.

Upon the Decision No. 589 of 2003 “On the establishment and making functional the reception center of trafficking victims”, a state shelter was opened in “Linza”, which provide support for victims of trafficking and contributes in the fight against both trafficking and re-trafficking. International and national non-governmental organizations have offered shelter, rehabilitation assistance and legal assistance for trafficked women and girls.

Although the Act on Protecting Witnesses and Collaborators of Justice, adopted in 2004, regulates the provision of counsel and specialized legal assistance, there is no state support for organizations offering legal services. Access to free legal aid is only offered by civil society actors. There is a network of legal clinics in Albania, which is funded by foreign donors. Some legal clinics have begun an initiative, supported by the government, to draft and approve a law that will define the obligations of state bodies and various operators in providing free legal aid.

There are no treatment programs for the offenders.

IS THERE EDUCATION AND TRAINING IN THE COUNTRY ON VIOLENCE AGAINST WOMEN AND GENDER EQUALITY?

Special information about human rights, children's rights, and family life are only some of the main topics of civic education courses in elementary and secondary school curricula. Children receive specific information on the institutions and services available. They also learn about violence against women in the framework of gender roles, stereotypes and prejudices.

The government has made efforts to review school textbooks; the texts for the first, second, and sixth grades of the education system are already revised from a gender perspective. The Ministry of Education and Science and the Institute of Curricula and Standards have established criteria for reviewing textbooks from a gender perspective. Improvements have been made regarding the selection of textbook materials, authors, etc., with a view to eliminating gender stereotypes.

In the framework of the mandatory school curriculum for future professionals, modules on violence against women are included mainly in social programs (Social Work, Journalism, Psychology). Students of the School of Magistrate and Public Health Master Program receive education on violence against women through a specific course as part of the mandatory program. There are some attempts to introduce this module in masters programs for lawyers and medical doctors. The School for Magistrate organizes training programs for law enforcement and judiciary personnel on a regular basis.

Although there are some positive attempts to introduce education on violence against women in mandatory training programs for future professionals, a mechanism for in-service professionals is still unavailable. Training initiatives offered by NGOs or other institutions in this field exist, but are not organized on a regular basis and do not cover the entire territory and all professionals.

DO THE MEDIA CARE ABOUT THE PROBLEM OF VIOLENCE AGAINST WOMEN?

There are no media law provisions or codes of conduct concerning either violence against women or media portrayal of women. Media watch organizations do not yet exist in the country. Other media organizations do not have any authority or activities regarding violence against women.

Students of the Journalism Program at the University of Tirana may enroll in a special course on gender issues, the curriculum of which includes the topic of violence against women. These courses are offered by a specialist of the Social Work Department, and they last for one semester.

Special trainings for media professionals on violence against women are organized frequently on a project basis by the Gender Alliance for Development Center. The Center has produced media monitoring reports every year since 2000. It prepared and published a guideline book in 2005 for media representatives entitled "Violence threatens us all..."

DO SUFFICIENT STATISTICS, FACTS, AND FIGURES EXIST?

There is a lack of integrated statistics that aim to evaluate the scale of violence against women. Official statistics on violence against women in different sectors (police, prosecutors, health care, social family, etc) are unavailable. The only data in this area that is accessible for the public are those published by local NGOs. The Committee for Gender Equality maintains a database that includes gender-related violence as one of the issues, but the lack of data on domestic violence leaves much to be desired in terms of credibility and comprehensiveness.

During 2005–2006, the Ministry of Interior provided data and statistics on violence against women for the first time. The National Association of Social Work in Albania is working to prepare regulations regarding the registration of cases. Its aim is to establish protocols within the Ministry of the Interior, the Ministry of Health, and the Ministry of Justice on registration regulations.

In 1995, the Women's Association Refleksione undertook the first national survey on domestic violence. Sixty-eight percent of the interviewed women revealed that they were beaten by their husbands or another male member of the family more than once.

According to its Annual Report, the Vatra Psycho-Social Shelter in Vlora accommodated 312 girls and women victims of trafficking during the year 2004. According to the Ministry of Justice database, 27 offences were sentenced under Article 114(b)(1) of the Criminal Code for the criminal act of trafficking in female persons for prostitution during 2004.

MAIN RECOMMENDATIONS TO THE GOVERNMENT

- The Albanian Government should draft a national strategy and action plan for the prevention and protection of violence against women, with concrete measures to be implemented at all levels by the responsible institutions and professions. This should be drafted in collaboration with local structures and NGOs working in the field of women's human rights.
- The government should make domestic violence a criminal offence. The Parliament should adopt the draft Act on Measures against Domestic Violence, which would provide protection in addition to support services. Efficient legal provisions aiming at maximum pressure on and legal obligations by the perpetrator must be approved. Domestic violence units within law enforcement mechanisms should be strengthened, along with improving the efficiency of existing legal structures.
- The judiciary system must be strengthened and operate independently so that it can investigate cases of violence committed by law enforcement personnel in a prompt and impartial way to bring them to justice.
- Considering the training of police personnel, lawyers and health care providers as indispensable, the government should continue the trainings for the appropriate institutions on a regular basis.
- The government should take measures to ensure that women, girls and children, without any discrimination, receive immediate assistance through counseling centers – hotlines, crisis intervention centers, shelters and other services. This requires not only the recognition of existing services but support for the establishment of other centers. The central and local government should consider earmarking financial support for the functioning of these services.
- The government and NGOs should take measures to create treatment programs for the offenders.
- The government and NGOs should organize and run regular, mandatory training programs for future and practicing professionals, such as the police, prosecutors, judges, health and social specialists in order to secure the quality of the service for the victims.
- The government should take measures to ensure that the curricula of different levels of education contain information on violence against women, its forms, causes, consequences and prevention.
- The government should encourage the media to elaborate codes of conduct that take into account the issue of violence against women and aim to promote a non-stereotyped image of women and men.
- The government should encourage the establishment of media watch organizations that include the issue of violence against women on their agenda.
- The government and the NGOs should encourage practicing journalists to participate in training courses on violence against women to facilitate a more professional promotion of equality between women and men in the media.
- The government should play a more active role in supporting conferences and campaigns. Publications by different organizations should be distributed to the public to inform them about violence and its consequences.
- The government should organize or support regular research on violence against women with the aim of elaborating indicators and collecting regular official statistics; evaluating the effectiveness of services for victims and the efficiency of the legal system; and raising public awareness by compiling and distributing information on violence against women.

MORE INFORMATION

www.stopvaw.org, www.qag-al.org

