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NETWORK WOMEN'S PROGRAM  
VAW MONITORING PROGRAM

V I O L E N C E  
A G A I N S T  
W O M E N

DOES THE GOVERNMENT CARE  
IN  
ALBANIA?

Country Monitoring Reports  
and Fact Sheets

from  
Central and Eastern Europe,  
the Commonwealth of  
Independent States,  
and Mongolia

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Október 6. u. 12.  
H-1051 Budapest  
Hungary

*Website*

<[www.soros.org/women](http://www.soros.org/women)>

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## Preface

*“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”*

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,<sup>1</sup> by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.<sup>2</sup> The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,<sup>3</sup> and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

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<sup>1</sup> Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

<sup>2</sup> These are the countries of Central and Eastern Europe and the former Soviet Union.

<sup>3</sup> See: [www.stopvaw.org](http://www.stopvaw.org).

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.<sup>4</sup>

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

Éva Földvári  
*Program Director*  
*Open Society Institute*  
*Violence against Women Monitoring Program*

Enikő Pap  
*Program Officer and Project Coordinator*  
*Open Society Institute*  
*Violence against Women Monitoring Program*

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<sup>4</sup> The reports are available online at [www.soros.org/women](http://www.soros.org/women) and [www.stopvaw.org/Country\\_Pages](http://www.stopvaw.org/Country_Pages).



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#### THE EDITORIAL TEAM

Enikő Pap  
 Judit Herman  
 Judit Wirth  
 Miklós Vörös  
 Minnesota Advocates for Human Rights (English editing only)  
 Q.E.D. Publishing

# 1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

## 1.1 National institutions or government bodies responsible for policy coordination and implementation

The Ministry of Labor, Social Affairs and Equal Opportunities is the state authority responsible for gender equality and the Department of Policies for Equal Opportunities is established for the implementation of gender policies. The main national mechanism for implementing gender equality has been the Committee for Gender Equality.<sup>5</sup> Violence against women is one of the issues continues to be in the focus of this body. However, there is no budget earmarked especially for this issue.

There is not any special governmental coordination institution, or body in charge of the implementation of measures to combat violence against women.

## 1.2 National action plans and other policy documents

There is no national strategy to fight violence against women and, as a result, there is no national action plan that would include activities, responsible structures, deadlines, and indicators in fighting this phenomenon.

In spite of the engagement of the Albanian government to ratify a number of international conventions regarding the rights of women and non-discrimination<sup>6</sup> and

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<sup>5</sup> The history of this Committee has been as follows: 1992: Division of Women and Family in the Ministry of Labor, Emigration and Politically Persecuted Persons; 1994: Department of Women and Family in the Ministry of Labor, Emigration and Politically Persecuted Persons; 1996: State Secretariat in the Ministry of Culture, Youth and Women; 1997: Women and Family Department in the Ministry of Labor, Social Affairs and Women; 1998: Committee on Women and Family, as a central institution depending directly on the Council of Ministers, as stipulated in Decision No. 415, dated July 1, 1998; 2001: Committee for Equal Opportunities; 2003: Central institution depending directly on the Minister of Labor and Social Affairs; 2004: Committee on Gender Equality after approval of Law No. 9198 on Gender Equality in Society, dated July 1, 2004.

<sup>6</sup> International Convention on Civil and Political Rights; International Convention on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Optional Protocol to the CEDAW Convention; Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; International Convention on the Ban of Trafficking in Women and Girls and Amending Protocol, United Nations Convention against International Organized Crime, 2000; United Nations Convention against Transnational Organized Crime, supplemented by the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, etc.

the engagement to fulfill the millennium goals, of which gender equality is one, there is no national strategy or action plan on gender equality.

The Albanian government has continuously developed platforms for action for the protection of women. The Committee for Women and Family<sup>7</sup> prepared, and the Council of Ministers approved in June 1999 the *Platform for Action for the Improvement of Women's Status in Albania, 1999–2000*. The document defined some important directions and objectives in order to improve the position of women in Albania, including social issues. The areas selected as the most demanding for development of women have been: (1) equality between men and women in politics and decision making processes; (2) economy; (3) social issues; and (4) health. Regardless of the objectives and the institutional mechanism for the advancement of women, the budget, which would create possibilities for its implementation, is missing in the *Platform for Action*.

The platform envisioned the government's engagement for the social protection of women through a series of preventive measures seeking protection against violence. These consisted of: (1) a more fruitful collaboration between the government and the legislative branch, courts, and the prosecutor's office; (2) a more constructive role of the print and broadcast media; (3) encouraging the establishment of public institutions and NGOs to train and rehabilitate violated and maltreated persons; (4) encouraging the implementation of counseling and rehabilitating programs for violated women and girls; (5) the broader activation of specialists from the social, psychological, juridical, and health sectors and their training on violence against women; and (6) the stimulation of contemporary democratic culture in conducting continued analysis on these problems. Among social issues, elimination of trafficking in women and support for victims of violence, prostitution, and trafficking, were among the most important. Aside from the preventive fight through informing the public on this phenomenon, data collection at the government and non-government level on trafficking was defined as important.

The *Platform for Equality between Men and Women 2002–2005* is the continuation of the *Platform for Action 1999–2000*. One of the main directions of the 2002–2005 platform is social problems, one of which is violence against women.<sup>8</sup>

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<sup>7</sup> Actually the Committee for Equal Opportunities.

<sup>8</sup> The *Platform for Equality between Women and Men of the Albanian Government (2002–2005)* includes five main points: 1. equality between genders in decision making positions; 2. economic empowerment of women; 3. social problems focusing on violence against women; 4. women's health (SST, HIV/AIDS); 5. education (referring to the yearly analysis of the Committee for Equal Opportunities, 2004)

Such platforms are modest, however, considering the fact that they define no time limits, clearly allocated budgets, or structures responsible for fulfilling duties. Although government platforms have considered taking preventive measures, ensuring training for professionals working with victims, raising public awareness, educating youth and children, supporting and strengthening victims, their protection, the lack of all these has made them remain declarative rather than yielding results.

With regard to protection against trafficking, one of the harshest forms of violence against women, a *National Strategy to Fight Trafficking in Human Beings 2001–2004* has been drafted.

This strategy was developed by a working group including representatives of the Ministry of Public Order, the Ministry of Labor, Social Affairs and Equal Opportunities, the Ministry of Foreign Affairs, the Prosecutor General's Office, the Ministry of Justice, and the Ministry of Youth and Sports. The strategy was also accompanied by a national action plan, which included effective measures to adjudicate convicted traffickers through amendments to legislation and its better implementation; reintegrating programs; services; improvement of economic and social conditions of women and girls; education and studies. This action plan defines not only the main directions of work, but also the responsible institutions and necessary budget to carry it out.

The Albanian Government has prepared the next Albanian national strategy for the fight against trafficking in human beings entitled *Strategic Framework and National Action Plan 2005–2007*. The structure of this document is based on international principles' standards. Some of the main areas addressed in the plan include: investigation and criminal prosecution of trafficking criminals; support for and protection of victims and witnesses; prevention of trafficking and re-trafficking; coordinating framework; and the need for research studies. The plan defines strategic goals, objectives, activities, responsible institutions, deadlines, indicators, and resources. The training of graduates of the Police Academy, funding training for the Anti-Trafficking Sector of the Organized Crime Directory, at the National Police General Directory and in regional directories, and recruitment and training of women police officers, were important aspects of this plan. The development of the National Receiving Center for trafficking victims that offers safe shelter, psychological and health assistance, support of the "Vatra" Center in Vlorë, and other reintegrating centers, establishment of a hotline to assist victims represent important activities of this action plan. Existing resources, donors and their programs are defined as resources for the realization of this plan. Employment and education of women and girls are considered very important in preventing trafficking.

NGO reports have made clear different aspects of violence against women or problems of discrimination (in decision making, in the workplace, etc.), however, they have not

drafted national plans until recently. 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 have recently drafted, in cooperation with the Gender Alliance for Development Center a *Strategy on Domestic Violence*, which is expected to be approved by relevant structures.

### **1.3 State monitoring of existing legislation and policies**

No regular state monitoring of existing legislation and policies exists. The preparation of Alternative/Shadow Reports is a non-governmental mechanism for assessing laws and state policies.

### **1.4 State budget earmarked for combating violence against women**

Although the mechanisms mentioned above play an important role in addressing the issue of violence against women, there is no yearly budget for the operation to be distributed based on the tasks, there is no budget allocated for this issue.

### **1.5 State financing system to compensate victims**

During 2004 Albania ratified the *European Convention on the Compensation of the Victims of Violent Crimes*. However, no state schemes exist for the compensation of victims. In Albania victims may claim compensation according to the civil law and the criminal procedural law, although it varies in amount depending on the extent of the damages caused by the crimes.

The Civil Code regulates that the person who unlawfully causes damages to another person or harms the health of another person must pay compensation. Another possibility set forth in the Code of Criminal Procedure is the possibility for the person injured from a criminal offence, or his or her heirs, to file a civil suit in a criminal process against a defendant, or to sue in a civil lawsuit, demanding the compensation for the damage incurred. This is a possibility in cases of material damage. In cases of non-material damage the person may address the civil court. These are general provisions that may be used by victims of domestic violence. The situation becomes even more complicated when damage is the result of trafficking. The fear of the danger posed by traffickers and their organizations discourages the victims to use this legal compensation tool. However, in a future judicial civil process, the decision shall not be executed in favor of the victims as long as the assets of traffickers have been

sequestered.<sup>9</sup> This is because there are no such legal arrangements that would offer the possibility to remunerate victims from assets sequestered from traffickers.

## 1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

In the context of the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Albania reports to the CEDAW Committee every four years. The next report is due before January 2007. It analyzes many important issues related to protection against discrimination and violence against women. The group working on preparing the report includes representatives of the Committee for Gender Equality, ministries, and NGOs active in this field. The body responsible for the report is the Ministry of Foreign Affairs which includes a special directory of those working on the issue.

The CEDAW Committee, in its 28<sup>th</sup> session, January 13–31, 2003, examined Albania's combined first and second periodical report. The committee appreciated Albania's ratification of CEDAW as a starting point for integrating international standards into domestic legislation and raised a series of concerns regarding implementation by the government of obligations deriving from the ratification of the convention.

One of the Committee's main concerns was the fact that Albanian penal legislation makes no distinction between offences committed by strangers and offences committed by a family member, and that no specific legal act has been approved to fight domestic violence.

With regard to this concern, the legal situation remains the same. No specific law has been approved yet that would require the taking of measures to protect against domestic violence, but it is an achievement of the Albanian civil society that the draft law has been prepared, 20,000 signatures were collected in support, and it has been submitted to the Parliamentary Commission of Laws. The number of signatures represents a clear indication that the Albanian society suffers from this phenomenon and is calling for measures to prevent and protect against it.

The approval of this draft law will require amendments to existing legislation and the inclusion of protection and immediate protection orders in this draft will ensure that

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<sup>9</sup> Center for Legal Civic Initiatives and Children's Human Rights Center of Albania (2005) *State Violence in Albania: an Alternative Report to the UN Committee against Torture*. (World Organization Against Torture: Geneva, April 2005, p. 80). A project presented by Albanian Human Rights Groups CLCI and CHRCA, and coordinated by the World Organization Against Torture (OMCT).

violence against women is prosecuted and prevented with appropriate seriousness and speed. Nevertheless, the legal situation would improve even further if the indispensable amendments in the Penal Code were made to provide for specific penalties against persons committing violence against family members.

Measures undertaken by the government have turned out to be powerless in the face of the *Kanun*<sup>10</sup> and traditional codes of conduct. The free movement in recent years, which also led to the shifting of these codes from the northern areas to the capital and other developed cities of the country, was accompanied by acute social problems such as cultural clashes, killings in the name of honor, etc. It seems as if it is going to be a long and difficult fight that will require more all-inclusive and effective measures.

The CEDAW Committee also raised concern over the lack of systematic collection of data on violence against women, mainly domestic violence. There is no systematic and reliable collection of data on violence against women, and in particular on violence toward women in the family. The Committee for Gender Equality maintains a database with data on important issues, of which gender violence is one, but such data on domestic violence leave much to be desired in terms of their credibility and completeness. Non-profit organizations working in this area monitor their work and, in that context, provide data on violence toward women, particularly domestic violence. However, such data remains limited and not all-inclusive.

The CEDAW Committee raised its concern over trafficking in women and girls and requested that Albania consider this issue one of its top priorities. Albania's ratification of the Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Particularly Women and Children, supplementing the United Nations Convention on Transnational Organized Crime, and other important international documents, amendments to existing penal legislation, and the fact that it ensures the protection of women and children against trafficking, the punishment it provides for, the strategy and action plan for protection against trafficking in persons, the establishment of structures to implement them, are clear indicators that the Albanian government has considered this an issue of priority.

Trafficking victims are not a target of punishment in the Penal Code. In the practice of the courts, there were cases in the past when victims of trafficking were punished for the criminal act of prostitution. The Albanian government has drafted a series of programs to encourage employment and vocational training of women, which seek economic empowerment of women and eliminate their vulnerability in the face of

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<sup>10</sup> Customary law. The *Kanun* regulated both civil and criminal questions written down in the 19<sup>th</sup> century, and was the law for many centuries up to the Second World War. See at: [www.66.102.9.104/search?q=cache:63cM9ledJf8J;www.shkoder.net/en/kanun\\_en.htm+Kanun+albania&hl=hu&ct=clnk&cd=2&gl=hu](http://www.66.102.9.104/search?q=cache:63cM9ledJf8J;www.shkoder.net/en/kanun_en.htm+Kanun+albania&hl=hu&ct=clnk&cd=2&gl=hu).



traffickers. The Albanian government is engaged to increase the number of international and regional collaboration agreements in the area of justice, strengthen collaboration between Albanian police and its counterparts, and implement Border Control information systems at all border crossing points.

Ensuring immediate remuneration and protection for women victims of violence, including access to free legal aid, was another concern that the CEDAW Committee raised. No special compensation is provided for victims of violence in the civil and penal legislation. According to existing legislation to offer compensation for them, for example filing a civil law suit in the penal process for women victims of violence, requires unaffordable cost and time for the victims. Access to free legal aid is only offered by civil society actors. The state does not provide for this right. The absence of access to free legal aid represents an obstacle to seeking the rights *de jure* provided for by law.

The CEDAW Committee recommended that shelters for women victims of violence be provided. Through Decision No. 589 of August 28, 2003 on the Setting Up and Operation of the Center for Receiving Trafficking Victims, one such shelter was opened in Linzë, which is managed by the Ministry of Labor, Social Affairs, and Equal Opportunities.

Currently, the establishment of shelters for domestic violence victims receives no state financial support. However, the project management office of the State Social Service, which reports to the Ministry of Labor, Social Affairs, and Equal Opportunities, in the context of the project “Distributing Social Services” (December 2001–March 2008), funded by the World Bank, has supported shelters for women victims of violence as well as others that work for prevention of, and protection against, violence against women.

## 2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

### 2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

Currently, there is no special law on violence against women or on various forms of violence toward women, such as trafficking,<sup>11</sup> or domestic violence. Thus, there neither is a legally recognized definition of the different forms of violence against women.

Some Albanian civil society actors prepared a draft Law on Measures against Domestic Violence<sup>12</sup> and are engaged in preparations to employ the lawmaking initiative of 20,000 voters.<sup>13</sup> In the circumstances of a lack of definitions on violence against women in general, and domestic violence in particular, the draft law ensures two important definitions: a definition of violence and a definition of domestic violence.

According to the draft law “domestic violence” implies:

- any act of violence used between persons, who are or have been in family relations; or
- any action or inaction that are considered domestic violence but are not defined.<sup>14</sup>

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<sup>11</sup> There are special provisions in the Penal Code, Law No. 7895, dated January 27, 1995, which envision protection from trafficking.

<sup>12</sup> The nine organizations are: 1. Center for the Protection of Children’s Rights in Albania; 2. “Gender Alliance for Development” Center; 3. Center for Legal Civic Initiatives; 4. Albanian Center for Population and Development; 5. Counseling Center for Violated Women and Girls; 6. “Useful to Albanian Women” Association; 7. “Refleksione” Association; 8. Juvenile Legal Clinic; 9. Shelter for Violated Women and Girls.

<sup>13</sup> According to Article 81 of the Constitution, a legal initiative may be undertaken by a) the Council of Ministers; b) any MP; c) 20,000 voters.

<sup>14</sup> These are as follows: murder, threatening, torture, hurting, interruption of pregnancy, non-provision of help, causing suicide, abduction, trafficking, violation of home, forcing into and exploitation of prostitution, insult, slander, limitation of freedom of expression, of movement, or of free organizing, contempt, violation of private life, sexual violation, commitment of other shameful acts, threat of abandonment, non-provision of means of living, unjust taking of a child, direct physical, psychological, sexual, and economic exploitation of children, their placement in dangerous situations, or making them witnesses of violence upon other family members, forced coexistence/separation, violation of assets and economic well-being, limitations in administering income, or obstruction to keep monetary means.

This definition provides an explanation of several forms of violence, and pays attention to non-physical violence as well, such as, for example, economic violence, and other forms of domination, like contempt, insult, slander, etc. Nevertheless, due to the variety these forms assume in reality, justice system professionals will have an active role to play in implementing this provision.

The absence of prohibiting, or special protecting orders regarding violence against women is related to the lack of a special law on the prohibition of violence in domestic relations. The draft law envisions the protection (limitation) order that aims to ensure protection for the victim, and the immediate protection order, which is a temporary decision until the court issues a protection (limitation) order. The judicial decision containing the emergency order is considered an executive title from the moment it is declared by the court or notified to the parties. The judicial decision containing the protection order is an executive title and should therefore be carried out immediately by bailiffs according to the Code of Civil Procedure, Police Departments, local government authorities (municipality, community) or the perpetrator. When subjects notified of the court orders refuse to comply voluntarily, authorities shall proceed with forced implementation/execution pursuant to Code of Civil Procedure provisions.<sup>15</sup> Non execution of a court decision by the person responsible to execute the court decision is a criminal misdemeanor and is punished with a fine or a jail sentence for up to two years. When this offence is committed with the aim of profits or any other aim and to make favor to persons who are interested in the non-execution of the decision, the sanction is a fine or a jail sentence for up to three years.<sup>16</sup> According to Article 606(3) of the Code of Civil Procedure non-compliance with the obligations prescribed by the execution order leads to a fine of up to 50.000 leks (396 euros).

On December 18, 2006, after closing the data collection for this report, the Parliament adopted the Law on Measures against Violence in Family Relations. The law will enter into force on June 1, 2007.

The Code of Criminal Procedure stipulates on security measures. The Court decides upon them in keeping with the act and the degree of security needed. Albanian penal legislation sets forth certain criteria for deciding the level of security of the imprisonment. High security measure is issued in the circumstances of the commission of an act of special danger. According to Article 235, the court might deem appropriate “detention and obligation to reside in a certain place” for acts of a lower level of danger. Penal security measures that should be proposed are: temporary expulsion from

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<sup>15</sup> In these cases sanctions established by Article 320/a of the Penal Code or Article 606/3 of the Code of Civil Procedure shall apply against the persons who do not respect/abide by the law.

<sup>16</sup> Article 320A of the Penal Code.

the marital lodgings, and temporary suspension of parental responsibility. These security measures should match the respective punishments: expulsion from lodgings and removal of parental responsibility.<sup>17</sup>

## 2.2 Applicable provisions in criminal law

### 2.2.1 Criminal offences

Relying on the contents of the Penal Code, a number of penal offences are directly or indirectly related to violence against women. Violence may be used toward women in a community. It may be displayed in different forms and different degrees of harshness, which are regulated in the following penal offences.

#### *Penal offences toward the person, crimes against life*

“Intentional murder” is punished by ten to twenty years of imprisonment.<sup>18</sup> The Penal Code sets forth a minimum of twenty years of imprisonment for “Murder connected to another crime.”<sup>19</sup> “Premeditated murder” is considered a severe penal offence and the punishment for it is imprisonment from fifteen to twenty-five years.<sup>20</sup> Premeditated murder of a minor, a person with physical or psychiatric handicaps, gravely sick people, or pregnant women, is considered murder for reasons of special qualities of the person and is punished with an imprisonment of at least twenty years or with a life sentence.<sup>21</sup>

These severe penal offences may occur for crimes committed inside the family or the home unit. The violation of marital loyalty is not considered in the Penal Code as a circumstance that facilitates the commission of the offence.<sup>22</sup>

#### *Intentional criminal acts committed against health*

Article 86 of the Penal Code on “Torture” defines torture and any other cruel or humiliating treatment as a penal offence and punishes it with five to ten years of imprisonment. This offence may be committed in the family or the family unit, in a

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<sup>17</sup> H. Ligor (2005) “Theoretical and practical issues of domestic violence. Legal context and need for changes” *Juridical and Social Writings on Protection against Domestic Violence* (Tirana: Pegi Publishing House), p. 76.

<sup>18</sup> Penal Code, Article 76.

<sup>19</sup> Penal Code, Article 77.

<sup>20</sup> Penal Code, Article 78.

<sup>21</sup> Penal Code, Articles 79A and 79B.

<sup>22</sup> The violation of marital loyalty is provided for in the Family Code as a cause that gives the other spouse the right to address the Court with a demand to dissolve the marriage.

community, by persons who have official capacities, and in armed conflict situations. When torture inflicts handicap, mutilation or any other permanent detriment to the person's health, or causes his/her death, the punishment is imprisonment from ten to twenty years.<sup>23</sup> The definition of murder lacks essential elements, such as the subjects (targets) and their qualities, the goal, the degree of violence, etc. This definition is thus different from that of the United Nations Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment.<sup>24</sup> It derives that, according to available statistics, there are no cases of the application of these provisions in cases of violence in family relations, although, in practice, torture toward women in the family does exist.

Article 88 of the Penal Code states that deliberate injury causing mutilation, degradation, or any other permanent injury to health, the termination of pregnancy, or which has been dangerous to life at the moment of its inducement is serious deliberate injury. This offence is punishable by three to ten years of imprisonment.<sup>25</sup>

#### *Penal offences against the person's freedom (Section VII)*

Unlawful deprivation of freedom is a penal offence punishable by a fine or by imprisonment of up to one year. When such an offence is accompanied by serious physical suffering, is committed in collaboration with others, against several persons, or more than once, these are considered aggravating circumstances. The commission of this offence against women is possible in family environments, but often is not reported.

#### *Penal offences against morality and dignity*

Albania's ratification of the Palermo Protocol made it possible for required standards to be reflected in the 2004 amendments to the penal legislation regarding the penal offence of trafficking. Article 114B of the Penal Code, through amendments to law No. 9188 on February 12, 2004, punishes all forms of trafficking in women, including the exploitation of prostitution or other sexual exploitation. Punishment for trafficking in women is seven to 15 years of imprisonment and a fine of three to six million leks (23,800 to 47,600 euros). Punishment for organizing, directing, and financing of trafficking in women is 10 to 15 years of imprisonment, and a fine of five to seven million leks (39,700 to 55,500 euros). The Penal Code sets forth harsher punishment when this offence is accompanied with aggravating circumstances: a) when it is

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<sup>23</sup> Penal Code, Article 87.

<sup>24</sup> This UN Convention was ratified by Albania on May 11, 1994, and entered into force on June 10, 1994.

<sup>25</sup> Penal Code, Article 88.

committed in collaboration with others or more than once; b) when it is accompanied by maltreatment and is forced through physical or psychological violence upon the injured to carry out various acts; and c) when it causes serious consequences to the person's health. Punishment in such cases is a minimum imprisonment of fifteen years and a fine between six to eight million leks (47,600 to 63,500 euros). When the offence causes the death of the injured woman, punishment is a minimum of twenty years in prison or life imprisonment, and a fine of seven to ten million leks (55,500 to 79,300 euros). The commission of this offence through the exploitation of a state function or public service is also considered an aggravating circumstance in the Penal Code. Punishment in this case is increased by one fourth of the original punishment.

There is no special provision in the Penal Code to protect from this offence when a member of the family or family unit commits it. When this offence is committed by taking advantage of family or friendship relations, this is considered an aggravating circumstance, according to Article 50G of the Penal Code.

The Albanian penal legislation includes special provisions for the protection of children against any forms of trafficking, by Article 128B on "Trafficking in minors." Punishment is commensurate to the level of damage the offence causes—imprisonment by seven to fifteen years, and a fine of four to six million leks (31,700 to 47,600 euros). Aggravating circumstances are the same as those of trafficking in women: commission of this offence in collaboration with others; its commission through maltreatment and force by using physical or psychological violence; infliction of serious damage to health<sup>26</sup> or the death of the injured,<sup>27</sup> as well as the commission of this offence through taking advantage of a state function or public service.<sup>28</sup> The organization, direction, and funding of trafficking in minors is considered as an offence of very high social danger and is punishable by ten to twenty years of imprisonment, and by a fine of six to eight million leks (47,600 to 63,500 euros).<sup>29</sup>

The Court of Serious Crimes, which adjudicates serious penal offences such as trafficking in persons, trafficking in women, and trafficking in minors, was set up through law No. 9110 of 2004 on the Organization and Functioning of the Court of Serious Crimes.

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<sup>26</sup> Envisioned punishment is by no less than fifteen years of imprisonment, and by fine of six up to eight million leks. (Penal Code, Article 128B).

<sup>27</sup> Punishment envisioned in this case is by no less than twenty years of imprisonment or life imprisonment, and by a fine of eight up to ten million leks. (Penal Code, *ibid.*).

<sup>28</sup> One quarter of the given punishment is added to punishment by imprisonment or by fine. (Penal Code, *ibid.*).

<sup>29</sup> Penal Code, *ibid.*

Exercising prostitution, exploitation of prostitution, and the utilization of premises for prostitution purposes are penal acts in the Section on Penal Offences against Morality and Dignity. There is no definition of prostitution in the penal legislation. The exploitation of prostitution committed with minors, with persons of kin, accompanied by the element of violence or coercion, repeated or committed in collaboration with others, by persons holding state and public office, are considered aggravating circumstances. The punishment in these cases is seven to 15 years of imprisonment.

In recent years, there have been cases when family members, mainly the wife, have been exploited for prostitution. A monitoring of judicial decisions and penal procedural acts for 2000–2004 features two penal proceedings and 12 adjudicated cases related to this topic.<sup>30</sup>

### *Sexual crimes*

Following amendments in 2001,<sup>31</sup> the Penal Code punishes incest as a special crime (Article 106). Punishment for having sexual or homosexual relation with persons of kin or under the offender's custody is imprisonment for up to seven years.<sup>32</sup>

The penal legislation considers violent sexual relations with an adult woman a crime.<sup>33</sup> Punishment for this crime varies between three to ten years in prison. This provision ensures protection (through punishing the perpetrator) when a stranger commits the offence, that is, when the violence occurs in the community. The Penal Code does not penalize marital rape as a special penal offence. However, the victim of marital rape may turn to this same article for protection. When this offence is committed in collaboration with others or more than once, or when the injured is caused serious health consequences, it is considered as aggravating circumstance and the punishment is harsher: imprisonment between five and fifteen years. When the penal offence caused the death or suicide of the injured woman, the punishment is imprisonment of ten to twenty years.

The threat of the use of a weapon while having sexual or homosexual relations is considered a high level of violence, and is classified as a separate penal offence.<sup>34</sup> Punishment is imprisonment between five and fifteen years.

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<sup>30</sup> LRI (2005) *For Better Implementation of the Law on the Protection of Domestic Violence Victims by Justice Organs* (Tirana: LRI), p. 30. Funded by the EU.

<sup>31</sup> Law No. 8733, January 24, 2001.

<sup>32</sup> Penal Code, Tirana 1995, amended through Law No. 8733, dated 24/01/2001, Article 106.

<sup>33</sup> Article 102, Penal Code, *ibid.*

<sup>34</sup> Article 104, Penal Code, *ibid.*

The penal offence “violent sexual relations with adult women”<sup>35</sup> implies that the use of violence is necessary for a given purpose, that is, to subdue the resistance of the victim. This requires that the victim prove that she was forced to have sexual relations without her consent.

Sexual or homosexual relations through abuse of duty are considered as a special penal offence and are punishable by three years of imprisonment.

The Penal Code does not regulate on sexual harassment among sexual crimes.

*Penal offences that endanger life and health due to the interruption of pregnancy and failure to provide help*

According to Article 99, the causing of suicide or the suicide attempt of a person, as a result of systematic maltreatment or other systematic behavior that severely harm dignity is punishable by a fine or by five years of imprisonment.

Interruption of pregnancy, when the woman is forced (that is, without her consent) is an offence punishable, according to Article 93 of the Penal Code, by a fine or up to five years of imprisonment.

Article 89 of the Penal Code penalizes non-serious intentional injury: “non-serious intentional injury that inflicts temporary incapacity at work for up to nine days is a penal misdemeanor punishable by a fine or up to two years of imprisonment.”

According to Article 90, beating, like any other act of violence, represents a penal misdemeanor and is punishable by a fine. However, this offence, when inflicting temporary incapacity at work for up to nine days, is punishable by a fine or up to six months of imprisonment.

Serious threat to murder or severely injure a person<sup>36</sup> is a misdemeanor and is punishable by a fine or up to one year of imprisonment.

Article 311 stipulates that the threat of a person injured by a penal offence to not report, complain or withdraw the report or complaint filed, represents a criminal offence and is punishable by a fine of up to two years of imprisonment.

The Penal Code regulates *Penal Offences against Children, Marriage, and Family* in a special chapter. If a person is coerced to or kept from starting or continuing coexistence or is coerced to dissolve marriage, that person has the right to protection through Article 130 of the Penal Code stating that this act is a penal offence and is punishable by a fine or up to three months of imprisonment.

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<sup>35</sup> Article 102.

<sup>36</sup> Article 84.



According to Article 119, a person's intentional insult is considered a misdemeanor. It is punishable by a fine or up to six months of imprisonment. The same act, if committed publicly, to the detriment of several persons, or more than once, is punishable by a fine or up to one year of imprisonment. Women in family relations are protected through general provisions in the Criminal Code and not with specific articles when the violation occurs in family relations. The provision implies that when a woman is insulted by her husband or other members of the family she may use this provision for protection but because of cultural norms, and general mentality women usually do not refer to this provision.

Article 125 states that the unlawful taking of a child can be committed by any member of the family who unlawfully takes the child away from the person exercising parental authority, and fails to deliver the child to the other parent pursuant to the judicial decision. Punishment for this misdemeanor is a fine, or up to six months of imprisonment.

Article 125 of the Penal Code protects women by defining failure to provide means of living as a misdemeanor, which is punishable by a fine, or up to one year of imprisonment. The person committing this act is the husband who is obliged, pursuant to the judicial ruling, to provide the necessary means of living for the children or his wife.

Failure to inform on the changing of domicile to the interested person or to the law-enforcement agency, by the person who, according to the court order, is compelled to provide the necessary living support to children, parents or his/her spouse, or by the person who is taking care of children after divorce, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment. Notification has to be made within one month from the change of domicile.<sup>37</sup>

The penal legislation provides for harsh punishment measures when the offence is committed in the circumstances of use of a state duty or public service, considering it a qualified penal offence and when it is provided for as a separate offence. The Penal Code in Section II "Penal offences against state activities committed by persons holding state office or in public service" envisions the commission of acts or the issuance of arbitrary orders by persons holding a state office or in public service during the exercise of their duties as a penal offence and punishment varies between a fine and up to seven years of imprisonment.<sup>38</sup> Victims of violence in prisons, detention facilities, psychiatric hospitals, etc., may be referred to this provision.

The penal legislation envisions imprisonment in the absence of a decision as a penal offence, punishable by a fine or imprisonment up to two years. Abuse of office, failure to take measures to interrupt an unlawful status, violation of citizens' equality by

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<sup>37</sup> Penal Code, Article 126.

<sup>38</sup> Article 250.

persons in state positions or in public service are penal offences envisioned in section II “Penal acts against state activity committed by public officials.” Keeping someone in prison without a decision of the competent body or beyond the time period established therein constitutes a penal contravention.

### 2.2.2 Criminal procedures and prosecution

Albanian penal legislation does not envision special and faster procedures in the case of violence against women; there are no general provisions as well. Nevertheless, the creation of the Serious Crimes Court has led to procedural improvements.

Penal prosecution is mainly used when complaint<sup>39</sup> or authorization for proceedings is not essential. Article 280 of the Code of Penal Procedure envisions that the prosecutor and the police obtain knowledge on the penal act with their own initiative and through notification by others. The prosecutor is obliged to start proceedings immediately upon notification of the commission of a penal act that is being followed. Judicial police, also with its own initiative, obtain knowledge of penal acts, prevent the occurrence of further consequences, conduct investigations, and search for the perpetrators. These are functions of the judicial police envisioned in the Code of Criminal Procedure.

According to the penal legislation, filing a penal report is obligatory only for crimes being prosecuted *ex officio*. Medical personnel, public employees, who, in the course of conducting their duties, or because of his/her job or service, becomes aware of a penal act that is being prosecuted *ex officio*, is obliged to file a penal report on it.

In penal acts being prosecuted *ex officio*, proceedings are initiated independently from the complaint of the injured party.<sup>40</sup> The lawmaker is based on the great threat of penal acts being prosecuted *ex officio*, when he envisions that proceedings begin independently from whether there is a complaint by the injured party, or that proceedings continue independently from whether the complaint is withdrawn.

The penal legislation envisions that the injured private accuser may request prosecution of acts provided by law as penal offences. Some of these acts may be committed in a community, in the family, in the family unit, or by a person in an official capacity.<sup>41</sup>

Of acts provide for in Article 59 of the Code of Criminal Procedure: assault,<sup>42</sup> serious injury due to negligence,<sup>43</sup> non-serious injury due to negligence,<sup>44</sup> breaking into and

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<sup>39</sup> Article 59 and 284 of the Code of Penal Procedure.

<sup>40</sup> Halim Islami, Artan Hoxha, and Ilir Panda (2003) *Criminal Procedure – Commentary* (Tirana: Morava, p. 140.)

<sup>41</sup> Article 254 of the Penal Code.

<sup>42</sup> Article 90.

entering someone's house,<sup>45</sup> insulting,<sup>46</sup> libel,<sup>47</sup> intrusion into someone's privacy,<sup>48</sup> spreading personal secrets,<sup>49</sup> denial of support,<sup>50</sup> unlawfully taking the child,<sup>51</sup> infringing the inviolability of residence<sup>52</sup> are offences that require submission of a request in court by the injured, in order for adjudication to take place. In this case, it is not necessary to file a criminal report with the prosecutor's office.

The injured is the one who should submit evidence in support of the charge before the court. For that, it is necessary that he/she be equipped with a decision of forensic medicine, as the only way to enable a private charge.

One very important element, without which the Prosecutor's Office cannot initiate investigations is the complaint by the injured submitted to the prosecutor's office or police for penal acts envisioned in Article 284 of the Code of Criminal Procedure. The absence of a complaint or its withdrawal is one of the circumstances that shall not allow the initiation of proceedings. The offences that fall under this article are grave but they are considered as very intimate and they are only investigated if the injured party submits the complaint to the prosecutor's office. The other regulation mentioned above has to do with less grave offences, and for them the injured party is free to decide if she will address the act to the court. For these acts it is not necessary to have preliminary investigation but the party address the act directly to the court and has a very active role to support the charge.

Non-serious intentional injury;<sup>53</sup> nonconsensual intercourse with mature women;<sup>54</sup> sexual or homosexual intercourse through abuse of office;<sup>55</sup> sexual or homosexual intercourse with related persons or persons under custody;<sup>56</sup> forcing or impeding to

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<sup>43</sup> Article 91.

<sup>44</sup> Article 92.

<sup>45</sup> Article 112, paragraph one.

<sup>46</sup> Article 119.

<sup>47</sup> Article 120.

<sup>48</sup> Article 121.

<sup>49</sup> Article 122.

<sup>50</sup> Article 125.

<sup>51</sup> Article 127.

<sup>52</sup> Article 254 of the Penal Code.

<sup>53</sup> Article 89 of the Penal Code.

<sup>54</sup> Article 102, paragraph one.

<sup>55</sup> Article 105.

<sup>56</sup> Article 106.

cohabit or divorce;<sup>57</sup> insulting an official on duty;<sup>58</sup> defamation toward a public official on duty;<sup>59</sup> defamation toward the President of the Republic;<sup>60</sup> assaulting family members of a person in exercise of his state duty;<sup>61</sup> forcing to strike or not to strike;<sup>62</sup> wrongful intentional use of telephone calls;<sup>63</sup> and insulting a judge<sup>64</sup> are those penal offences that require a complaint by the injured party.

The procedural position of the injured in this case is related to the fact that these penal offences violate the person's personality or dignity and, therefore, it is the injured that decides whether to file a complaint. The Code of Criminal Procedure also provides for the right of the injured to express his free will in withdrawing the submitted complaint. Withdrawal of the complaint by the injured is one cause for the prosecutor's office to cease proceedings. In the circumstances when the injured does not submit a complaint with the prosecutor's office or withdraws the complaint, also as a result of serious social problems the Albanian society suffers from, some penal offences go unpunished.

The police is obliged to record and investigate all the reported cases. Offences investigated in the interest of the public include some acts related to serious violence used toward women and children.

Violence against women and children is considered as an aggravating or decisive factor only in a general sense. The following aggravating circumstances can be found in the Penal Code in this regard:

- when a penal act is committed by taking advantage of family, friendship, or hospitality relations;<sup>65</sup>
- a penal act committed toward children, a pregnant woman, or persons who cannot defend themselves for different reasons;
- the commission of various penal acts by using violence; and
- the commission of a penal act by misusing public office.

The Penal Code envisions a series of mitigating circumstances that affect the measure of punishment. One of these circumstances envisioned in Article 48 is the commission

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<sup>57</sup> Article 130.

<sup>58</sup> Article 239.

<sup>59</sup> Article 240.

<sup>60</sup> Article 241.

<sup>61</sup> Article 243.

<sup>62</sup> Article 264.

<sup>63</sup> Article 275.

<sup>64</sup> Article 318.

<sup>65</sup> Penal Code, Article 50G.

of a penal act under the influence of psychological distress, caused by provocations of unfair acts by the victim. It is required to prove the cause-effect relation between the provocation, the distress, and the commission of the act.

“Serious injury under severe psychological distress” envisions that, when serious injury is committed under severe psychological distress of the moment and is caused under the circumstances of violence or serious insult by the victim, which causes temporary severe psychological distress at the moment when serious injury is inflicted, it is punished by five years of imprisonment.<sup>66</sup>

Penal legislation envisions the right to self-defense,<sup>67</sup> which exempts the person from penal responsibility. Disproportion between the character of defense and the danger of the assault represents a surpassing of necessary self-defense. Murder committed while surpassing these conditions is punishable.

### 2.2.3 Special provisions in the defense of children

Albanian legislation views the interests of the minor as taking priority. Albania ratified the UN Convention on the Rights of the Child in 1990. Its ratification is a moment of significance, considering that ratified international agreements are listed as normative acts that have power on the entire territory of Albania, immediately after the Constitution.

There are a number of legal provisions that ensure special protection for children in the penal law. Provisions in the Penal Code envision specific penal offences (bearing harsher sentences) when these are committed against juveniles.<sup>68</sup>

## 2.3 Applicable provisions in civil and family law for cases of violence against women

Article 61 of the Family Code envisions the taking of 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 request of the other spouse and for no longer than three years. Consequences of infringement of these measures are not envisioned in the Family Code.

In Article 62 of the Family Code, the damaged spouse has the right to request that the court expulse the violating spouse from the marital residence immediately.

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<sup>66</sup> Penal Code, Article 88A.

<sup>67</sup> Article 19.

<sup>68</sup> See above at Section 2.2.1.

There are no procedural laws and special provisions that provide for expedited procedures in cases of the use of violence toward women.

There are no special provisions that envision direct dependence of domestic violence regarding divorce, housing, child custody, or the right to visit. In spite of the absence of such special provisions, the court should consider these violent acts before deciding on granting custody rights for child's upbringing and education, the right to visit, etc.

Removal of parental responsibility may be requested when the parent misuses this responsibility in harmfully educating children. The loss of this responsibility is envisioned for a number of reasons, among which is that of when the parent has been punished for reasons of family abandonment. This is envisioned in the Article 223 of the Family Code.

The Family Code envisions that the court may allow the use of the house by the former non-owner spouse in some cases: a) when the spouse has been granted custody of children for upbringing and education; and b) when divorce was done by the owner spouse to interrupt cohabitation.

Article 155 of the Family Code envisions the obligation of the court to call in a psychologist or social worker who will provide an opinion after studying the child's situation, living conditions, and after evaluating where it would be more appropriate for the child to live. The judge takes into consideration the thoughts and feelings of the juvenile child.

There are no special provisions for special compensation for women victims of violence in the Civil Code/Family Code, but they may use the general provisions of moral or material damage. Article 608 of the Civil Code envisions the responsibility of the person because of the material damage caused, while Article 625 envisions the responsibility because of the moral damage suffered. Article 641 envisions the ways for compensation. If a certain act causes women damage affecting their health, honor, or personality, this is non-asset damage. In such circumstances, women may turn to the civil court for compensation commensurate to the damage caused. This right is used a little or not at all; exact data are not available in this sense.

The Code of Criminal Procedure gives the injured or his/her heirs the opportunity to file a civil suit in the penal process and request return of property and recompense of the damage (material only). For acts envisioned in Article 59 of the Code of Criminal

Procedure, the injured shall turn to the court to verify the accusation and request the remuneration of the damage.<sup>69</sup>

## 2.4 Victim protection and protection of witnesses

The person damaged by the penal offence is entitled to special legal protection through additional provisions of the Code of Criminal Procedure 2002.<sup>70</sup> These provisions have improved rights considerably, but they do not specifically mention women or girls injured by violence used toward them.

The damaged or their heirs have the right to complain to the judicial police or the prosecutor's office and request proceedings against the guilty, and submit in court civil suits for remuneration of damage. For penal offences closely linked with the personality of the injured, proceedings may not begin without his/her request, and s/he has the right to withdraw it at any moment during the proceedings, which then leads to a cessation of the case. When the injured is recognized the right to address the court with a request for adjudication of a penal act (battering, slander, infringement of the household, etc.), s/he is considered the injured private accuser, is a party in the adjudication, and has the right to defend the accusation himself/herself or through his/her representative (lawyer) in front of the court, submit evidence, and request the punishment of the defendant.

With regard to protection of witnesses, besides from provisions provided for by the Code of Criminal Procedure, Albanian Parliament also approved Law No. 9205 dated March 15, 2004 on the Protection of Witnesses and Collaborators of Justice. This law defines in detail the special measures, the way and the procedures for the protection of witnesses and collaborators of justice, as well as the organization, functioning, competence, and relations between organs charged with the proposal, assessment, evaluation, and implementation of special protection measures. Special protection measures of witnesses and collaborators of justice are : a) change of identity; b) change of dwelling place; c) the temporary protection of identity, data and documents of the

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<sup>69</sup> The Article 59 of the Code of Criminal Procedure says that the party that has been injured by the criminal offence envisioned in Articles 90 (other deliberate injuries); 91 (grave injury out of carelessness); 92 (light injury out of carelessness); 112, first part (violation of domicile); 119 (insult); 120 (slander); 121 (unjust interference in private life); 122 (spread of personal secrets); 125 (failure to supply alimony); 127 (unlawful custody of child/children); 148 (publication of the work of another by another's name); 149 (unlawful reproduction of the work of another); and 254 (violation of the inviolability of the domicile) of the Penal Code has the right to submit an application to the court and to take part in the trial as a party to prove the charges and to demand compensation for the injury.

<sup>70</sup> Law No. 8813, dated June 13, 2002

protected person; c) giving the declarations of witnesses under another identity; d) special protection physical and technical measures in the place where witnesses are staying or in his/her movements; e) social rehabilitation; f) to preserve, change or temporary security of his/her job; g) special legal counseling etc. It does not contain any special provision addressing violence toward women. In practice, there have been numerous difficulties with its implementation and there was one case (the Stela case, Vlorë), whereby the witness who denounced her collaborators in the media, was not brought under protection.

The Code of Criminal Procedure envisions in Article 38 the general rules for questioning. This article prohibits the use of methods or techniques that influence the free will or change the ability of memory and evaluation of facts of the defendant. These rules do not provide for special rules on how to treat women.

There are no special legal provisions on data protection in cases of violence toward women. In these cases, only the general provisions envisioned by the Code of Criminal Procedure on investigation secrets and non-publication of acts are enforced.<sup>71</sup> The Code of Criminal Procedure prohibits the publication of investigative and judicial review acts, and particularly for children, the publication of personal data and photographs of children as defendants or witnesses, accused or damaged by the penal offence, is prohibited. The only competent body that may allow publication is the court, in cases when the interests of the juvenile allow this, or when the juvenile is at least 16 years old.

There are no special provisions on persons who carry out different services with regard to violence toward women. The only provisions that may be implemented are those that the Penal Code provides for, and that mostly punish assaults of a person due to his/her position. Some of the offences are: attack by abusing position; threatening, insult, or slander because of the position.

There are no special provisions on the preservation of confidentiality in cases of sexual violence toward juveniles. In these cases, only the general provisions envisioned by the Code of Criminal Procedure on investigation secrets and non-publication of acts are enforced, and those generally envisioned on protecting the confidentiality of juveniles, are implemented.

The Code of Criminal Procedure envisions several procedural guarantees for minors. The Code provides for the provision of legal and psychological assistance to the minor defendant, in the presence of the parent or other persons requested by the minor.<sup>72</sup> Their absence may be tolerated only when it is in the interest of the minor or when

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<sup>71</sup> Articles 103-106.

<sup>72</sup> Article 35.



delays may seriously impair the proceeding. Nevertheless, no action may be undertaken toward juveniles, without the presence of the defense counsel.

The minor who, at the time of the commission of the penal offence, has not turned 18 years, is subjected to a prison sentence that is no more than half of the sentence provided for by law for this penal offence. When the minor has committed an offence of low social danger, the court also evaluates other circumstances, such as his/her behavior before the commission of the offence, the circumstances under which s/he committed this offence, and when the court considers it appropriate, it may not claim sentence for the minor.

The court, when the defendant is a minor, considers that non-interruption of educational processes is in the interest of the minor. While questioning the juvenile, the presiding judge may be assisted by a member of the juvenile's family, or by an expert of child education.<sup>73</sup> Persons under 18 years of age enjoy the right to have mandatory defense counsel.<sup>74</sup>

Considering the protection of juveniles' interests very important, the Code of Criminal Procedure envisions adjudication behind closed doors when this is deemed necessary in questioning juveniles. The interest of the juvenile shall be kept in mind also with regard to preservation of his/her data. It is prohibited to publicize personal details and photographs of minor defendants and witnesses, accused or injured by the penal offence. The child victims are entitled to similar rights and protection.

When the arrested or detained person is a minor, the prosecutor may order that s/he remains under supervision in his/her house or in another guarded place.<sup>75</sup> A very important provision of the Code of Criminal Procedure is the one sanctioning the obligation of the court to not interrupt concrete educational processes, when the defendant is a juvenile.<sup>76</sup> Another guarantee for juveniles is that they may not be arrested when accused of penal contraventions.<sup>77</sup>

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<sup>73</sup> Code of Criminal Procedure, Article 361.

<sup>74</sup> Article 49.

<sup>75</sup> Article 255 of the Code of Criminal Procedure.

<sup>76</sup> Article 229.

<sup>77</sup> Article 230.

## **2.5 Legal assistance and representation for the victims of violence against women**

Legal provisions contain no clear position of the victim. In the Code of Criminal Procedure s/he sometimes appears with the status of the injured accuser, sometimes with the status of the complainer, and other times even the status of the witness.

There is not free legal aid for the persons in need except in the cases when they are in the position of defendant. This will also be realized through the Law on Measures against Domestic Violence.

There are no legal obstacles for the victim to be represented and to obtain assistance from different public or private organizations active in this field. These organizations are also legally recognized by the Law on Lawyers in Albania, which has also envisioned the opportunity to provide free legal aid. Currently, there is a network of legal clinics in Albania, funded by foreign donors. There is no obstacle for these services to be funded by the state as well, but to date, this has been almost impossible due to financial conditions. The state is only engaged in establishing shelters supporting the housing of women victims of violence. There is no chance for financial state support for organizations offering legal services. In this context, there is an initiative of some legal clinics, 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. This is still an initiative only.

In the cases when the victim appears with the status of the witness and the collaborator of justice, the relevant Law No. 9205 of March 15, 2004 on the Protection of Witnesses and Collaborators of Justice envisions the provision of counsel and specialized legal assistance as a special measure for the protection of witnesses and collaborators of justice. One of the measures is legal assistance. The witnesses of the justice is a person for whom special protection measures are implemented, who in the quality of witness or injured party make notice on facts or conditions which provides evidence in a criminal proceeding, for some criminal offences envisioned in the point 7 of this law, (murder in qualifying circumstances, genocide, crimes against humanity, etc.) and because of these testimonies, s/he is in actual, concrete and serious risk.

## **2.6 Providing information for victims about their rights, obligations, and the services available**

There appears to be no legal request to include the provision of information on the rights and obligations of victims, as well as services they can seek help.

## **2.7 Mainstreaming women's safety in laws and regulations of the national, regional, and urban planning**

N/A

## **3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION**

### **3.1 Professional guidelines and operational protocols for dealing with cases of violence against women**

There are no special laws, compulsory codes, or guidelines for dealing with cases of violence against women or its different forms. There are no special rules or conditions regarding recording and investigation. There are no detailed regulations, guidelines for hearing and treatment of victims and data collection and information. Victims of violence are subject to general rules.

The information that victims provide includes issues such as connection between the victim and the offender, other previous cases of violence, and this information is recorded.

In recent years, police officers have improved their work in orienting victims. They equip the victim with a decision for a forensic expertise act and orient her to present herself before the Legal Medicine Institute for defined cases. They orient the victim about her rights, the possibilities offered by civil organizations and other actors in terms of psychological, medical, social, and legal support. Victims also receive orientation about actions to be undertaken if the case is one that can be followed directly in court through a complaint.

There are also cases when clients presenting themselves to the Center for Civic Legal Initiatives (former Women's Advocacy Center) talk about inadequate treatment, which can not establish a relationship of trust between the victim and the judicial police officer, as well as about failure to offer the possibility to be heard by a female officer, irregular documentation, or other similar failures. Cases of inadequate treatment may be also found among prosecutors, judges, or bailiff's officers, who re-victimize violated women and girls through their attitudes.

Through Law No. 8291, dated February 25, 1998 on the Approval of the Police Code of Ethics, police officers have for the first time a code of ethics that includes an entirety of principles and norms they should be led by. The Code envisions that police officers should be led by the law and, during accompaniment, detention, and arrest of persons

implicated in crimes, they are prohibited to commit any act of torture or other act that may infringe upon their personality and dignity. Police officers should not use violence in contravention of legal provisions. The obligation of police officers to introduce themselves to the public with their grade, title, and with the cause of intervention, is an important obligation related to protection of human freedoms and rights, providing citizens with a more effective possibility for complaints. These provisions are mandatory for any police officer.

### **3.2 Legal regulations of inter-agency cooperation**

There is no legal requirement for coordinated multi-agency work and cooperation of different authorities. The draft Law on Measures against Domestic Violence, however, envisions the establishment of a coordinative network of different state bodies on the national and local level, which create an institutional line against domestic violence.

Work is coordinated between different actors for protection against trafficking, based on the *Strategy and Action Plan for Protection against Trafficking in Human Beings*.

### **3.3 Medium- and long-term coordinated action plans for the different professions**

There are no medium-and long-term action plans for the prevention of violence and protection of witnesses, for different professions in the field of violence against women.

### **3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies**

The Committee for Gender Equality is responsible, among other things, for coordinating the activity of all institutions, at the national and local level, dealing with gender issues and supports and coordinates its work with the activities of NGOs in the field.<sup>78</sup> The Committee includes in its activity representatives of the scientific and policy-making communities, as well as of police, legal, health, education, and social bodies.

In its initiatives for drafting a strategy or specific policy for protection against violence against women, the Committee for Gender Equality involves NGOs working in this field. A good example was the preparation by the Tirana Municipality of a plan for protection against domestic violence, carried out in close cooperation with the relevant NGOs.

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<sup>78</sup> V. Jaupllari and B. Dervishaj (2004) *The Activity of the Committee of Equal Opportunities 1998–2003* (Tirana–Tetovë–Prishtinë: Albas Publishing House), p. 8.

The Department of Policies of Equal Opportunities in the Ministry of Labor, Social Affairs and Equal Opportunities is also expected to provide a good cooperation with relevant NGOs.

### 3.5 Leading NGOs working in the field of violence against women in the country

In recent years, one notices an expansion of the mission and activities of different NGOs as a challenge to face donors' developing policies. In such circumstances, it is difficult to obtain an accurate number of NGOs addressing violence against women in particular.

The databank available at the Gender Alliance for Development Center shows that of the 90 registered women's NGOs, 23 percent work in the area of advocacy, 18 percent has a mission about women and family (children), 11 percent work in the economic field, ten percent in the cultural field, nine percent in qualifications, six percent in counseling and direct services, six percent have rural women in their focus; four percent of these NGOs belong to Women's Political Forums; and two percent focus on work in the areas of decision making, health, religion, education, media, employment, and anti-trafficking.<sup>79</sup>

The leading resource for NGOs dealing with violence against women is donor support for different projects, state support for priority areas such as trafficking, and other support from grants and loans. It is not possible to determine the proportion of state support.

The network against trafficking and violence against women has a mission that contributes to combat violence against women. The network includes several non-profit organizations;<sup>80</sup> it is open to any organization that is willing to participate.

- The Shelter for Violated Women and Girls offers its services to victims of domestic violence and trafficking since November 1998.
- The mission of the Counseling Center for Women and Girls is to assist and support women victims of gender violence (physical, emotional, and sexual) inside and outside the family.

<sup>79</sup> *Gender and Development in Albania*, chapter 4; www.seda.org.

<sup>80</sup> The network is composed of several organizations active in this field, like "Refleksione" Women Association, Gender Alliance for Development Center, Advocacy Center for Women, Shelter for abused Women and Girls, The Counseling Center for Abused Women and Girls in Tirana and other cities and towns in the country, the multidisciplinary center for treating abused children, "Useful to Albanian Women" Association, Women Independent Forum, etc.

- The Center for Civic Legal Initiatives (former Women’s Advocacy Center) offers free psycho-social and legal services to violated poor women and girls.
- The Refleksione Center offers employment opportunities for violated women and girls.
- The Gender Alliance for Development (former Women’s Center) offers its contribution to education on gender issues.
- Other centers contributing to the protection of women from violence are: Albanian Center for Population and Development with its centers in Vlorë and Shkodër and its center in Elbasan for the protection of trafficked women and girls; the Elbasan Women’s Forum; the Counseling Center for Violated Women and Girls Pogradec, Berat; Association of Women with social problems in Durrës; the Services Center for Women and Girls “New Moon,” at “Another Vision,” Elbasan; the “Vatra” Psycho-Social Center; the “Light Steps” Women’s Center, Shkodër; “Women to Women” Association, Malësi e Madhe.

#### **4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES**

There are no special units (or responsible persons) in law enforcement agencies dealing with cases of violence against women. There are no such units in the police, prosecutor’s office, courts, health professions, child protection, and family support services.

If the victim so wishes, she may be heard by a female officer, but there are not female officers in every police station. For the time being, women are usually questioned only by male officers, because there is no legal obligation for questioning of women in the presence of at least another woman, and the number of judicial police female officers in police stations is much smaller than that of male officers.<sup>81</sup> An increase of the number of female police officers is being encouraged in recent years which has led to a slight change.

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<sup>81</sup> Center for Legal Civic Initiatives, and Children’s Human Rights Centre of Albania (2005) *State Violence in Albania: an Alternative Report to the UN Committee against Torture*. (Geneva: World Organization Against Torture), p. 86.

## 5. AVAILABLE SERVICES

### 5.1 Shelters

Five different shelters exist in the country. They offer their services to women, girls and a couple of them to children of abused mothers as well. Each has its own profile of service. In total they have a capacity of around 80 beds for a 3 million population. Only one of them is run by the state. The four others are run by local NGOs and supported by foreign donors. They provide immediate help like medical, psychological, social and legal through their own staff or through a network of agencies cooperating to support victims of violence. They function in different regions of the country: in Tirana (3 of them), in Elbasan (one) and in Vlora (one). The distribution of shelters in three main cities helps the clients to reach them from every part of the country, though the Northern area is not covered by this service.

All the services and agencies function based on codes of conduct. These codes involve rules of behaviour and attitude towards clients, as well as methods of treatment for the victims. A client can stay no longer than six months in the shelter. However, exceptions are allowed based on the case assessment so that a client does not have to move out of the shelter without having a stable and safe situation.

The followings provide a presentation of the shelters in more details.

#### *Shelter for Abused Women and Girls in Tirana*

This shelter was established in 1998 as the first service of this kind in the country, as a necessity to support victims of domestic violence. The shelter is a member of the National Network against Gender Violence and Trafficking.

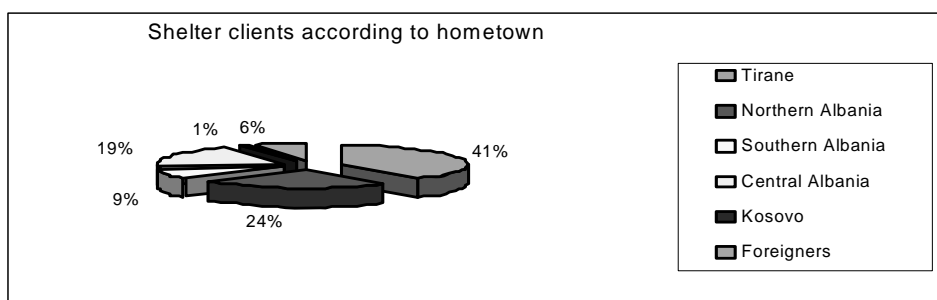
After two years of the operation of the Counseling Center Counseling Center for Abused Women and Girls (hotline) in 1996–1998, it became evident that in some cases victims needed to leave home and have a safe place to go, where they and their children could receive a proper and professional treatment. So, it was a policy of the shelter since its establishment to ensure that victims, without any discrimination, receive immediate and comprehensive assistance provided by a coordinated, multidisciplinary and professional effort. Clients are offered immediate psychological and social support; they are referred to specialized and partner units of medical doctors to be examined and treated if needed, and to lawyers to receive legal assistance. The support is offered twenty four hours on a confidential basis, free of charge. This service is available for Albanian and non-Albanian women, without discrimination. The shelter in Tirana has a capacity of twelve beds, but in case of need for more beds, extra portable beds, especially for children, are used. Normally, there is a small number of women (one or two) on the waiting list. There are special situations, when the number

of women on the waiting list increases. In such cases the shelter uses other possibilities, like referring them to the other shelters, until there are available rooms for them. Women and girls are placed in the shelter free of charge, after an interview with one of the staff members. The shelter is operated by a staff of ten workers: the coordinator, the manager, the financial officer and the professional staff: one psychologist, one medical doctor, three social workers and two educators for children.

This shelter operates in Tirana, and covers mainly the central part of the country, but as it was the first service of this kind, it continues to receive cases from all over the country. The Northern and Central areas (mainly the capital and its suburbs), and hot zones in the South remain the most frequently served areas in the country by the shelter. The shelter has always been funded by foreign donors.<sup>82</sup> It has its own policies for the services offered and operates on the basis of special regulations; they include provisions concerning guidelines for treatment of victims and multi-agency work. The Tirana shelter is prepared for working with children as well; two staff members are specialized to this work. The Shelter for Abused Women and Girls in Tirana meets all the recommendations of the Committee of Ministers of the Council of Europe to Member States on the protection of women against violence.

The last report prepared by the shelter is that of the year 2003, which contained data for four years of activity (1998–2002). Some of the main findings are:

- The shelter has offered a safe place, psychosocial counseling, and referrals for about 160 women and 220 children from all over the country.
- The majority of clients come from different areas of the country. Even the clients that have come from Tirana belong to the population that moved



to Tirana during the last years.

<sup>82</sup> The Italian Government, the American Embassy, the Norwegian Embassy, UNICEF, Catholic Church of Albania, Albania – Partners, World Bank Program for the Delivery of Social Services in Albania, Open Society Foundation and ICCO (Dutch Organization) are the main donors in a period of eight years of functioning.



- The age of the clients treated in the shelter is as follows: 75 percent of them are under 35 years old, of whom the majority is between 26–35 years old; 18 percent of them are 36–45 years old; 11 percent are over 45 years old.
- The age of clients shows that in most of the cases violence is a behavior that is present since the beginning of the marriage or it exists even in the family of origin, exercised by fathers, brothers or other relatives. The first ten years of marriage generally pass with the attempt to rescue marriage, hoping that things will change, sacrificing for the sake of children.
- Eighty percent of the clients treated in the shelter have completed upper elementary (eight grades) or high-school education, of which 46 percent have eight grades education. Ten percent have an elementary level education (four years of school) and nine percent have a higher level of education.
- Fifty percent of clients were married, 40 percent were girls or unmarried women and 10 percent of them were divorced or cohabitated, without being married.
- Seventy percent of clients came to the shelter with their children, one to four each. 25 percent of clients have come without children and 6 percent were pregnant and delivered the baby while receiving the service in the shelter.
- In the majority of the cases, clients have experienced physical and emotional violence (53 percent). It is hard to find an exact percentage of each of these forms of violence, as in most cases they go together. Twenty-six percent of the cases have experienced all kinds of violence. Five percent have been raped by known people (friends, neighbors). One percent of the cases are incest cases.



Source: Shelter four year activity report, 1998–2002.

### *Shelter for trafficked girls in Tirana (otherwise known as IOM shelter)*

This shelter was established in 2002 to support victims of trafficking and to offer them a specialized and long term treatment. The *National Strategy* to combat trafficking expressed the need to have a shelter where the victims could receive a special treatment. The mission of this shelter is focused more in empowering the girls to be reintegrated in the society. It offers medical, social, psychological and legal support. The staff is trained to work with police, families and community representatives. Its capacity is 15–20 beds. If needed, portable beds are used to respond immediately to all the requests for shelter. The shelter is operated by a professional staff of 14 people, the director of the program, the manager, six social workers, two nurses, two educators, one psychiatrist and one medical doctor. This shelter is specialized in the treatment of the victims of trafficking. It has strong regulations of operation which have to do with the risk faced both by clients and workers as they have to deal with very traumatized victims, and difficult and sometimes dangerous cases. Shelter staff is obliged to respect anonymity and they do not make data from the shelter publicly available. Since its establishment, the shelter is supported financially only by foreign donors. Currently it is supported by USAID, through its anti-trafficking program. The shelter for victims of trafficking meets all the requirements of the Recommendations of the Committee of Ministers on the protection of women against violence.<sup>83</sup>

### *Vatra Psycho-Social Shelter in Vlora*

This shelter was established in 2001 and offers services to the girls and women involved in trafficking. They are offered accommodation, medical assistance, legal assistance, counseling, family mediation and safe return home, vocational education, basic education, safe housing (witness protection), employment/self-employment, etc. According to the *Annual Report of the Year 2004*, Vatra Shelter accommodated 312

<sup>83</sup> Source: Personal interview with the director of the program, Ms. Marjana Meshi.

victims during that year. Most of the clients (212 of them) were deported by the police of different EU countries. The rest were caught by the Albanian police or were referred to the shelter by other organizations active in this field.

The shelter functions based on a strict code of conduct containing provisions for treatment of victims and multi-agency work. They report regularly to their donors and partners for the activity and the results of intervention with each case. The staff of the shelter is made up of nine professionals: six social workers, one medical doctor, one nurse and one support staff. This shelter is in close contact with the police of the region as well as with the local government to better assist the victims in finding their ways out of the situation.

Based on the research made for the above mentioned annual report, the staff of the shelter has come to the conclusion that:

- Vatra Shelter has been involved as a partner in implementing the objectives and measures of the *Anti Trafficking National Strategy of the Albanian Government for 2005–2007*.
- Vatra Center, in cooperation with the International Anti trafficking Center (a state institution), established the RILAT network (Anti Trafficking Local Institutions' Network, with the participation of the Police, Prosecutor, Employment Regional Directorate, Education Directorate, Church, etc).
- The shelter accommodated 312 girls, women and children.
- 141 of them have been involved more than twice in trafficking activity.
- Fifty percent of them are of a young age, 14 to 20.
- Their education shows low level: 50 percent has an elementary education (4 to 8 grade of school).
- They were recruited in different ways: by will 66 of them, 47 by false marriage, 90 by false engagement, and a small number by job promise, marriage promise, study offer, etc.
- Most of the victims were single (132 of them), 99 were married and were involved in trafficking not always by their husbands. In some cases they explain that difficult economic situation makes a strong reason to be involved in trafficking.
- It is the understanding of the staff of the shelter that most of the victims are of rural origin, and more exactly, from the Southern part of the country.

The main donors for the service of the shelter remain foreign ones, to mention only some of them like OSCE, Kvinna Till Kvinna, Save the Children, Amnesty International, American Embassy, British Embassy, UNDP, etc.<sup>84</sup>

#### *The shelter in Elbasan, central Albania*

This shelter is run by a local NGO which has dealt with violence issues for many years now. At the beginning of its activity, the Elbasan shelter was supported by the Italian Government. Currently it is funded by different foreign donors and its sustainability is not secured. It is an open daily center for women in difficulties, who can go to the center and receive medical, vocational, educational and legal support and at the same time, those that feel in danger can require shelter for a period of time. This shelter offers its service to women, girls and children. It has a capacity of ten beds and can offer immediate help to women at risk. The shelter is run based on strict rules of clients' treatment and code of conducts.

#### *The public shelter run by the National Department of Social Services*

This last shelter is the newest one in the country. It has a capacity of 20 beds and was established to support mainly victims of trafficking. Data about the activity of this service are not available.

## 5.2 Hotlines

The *Counseling Center for Abused Women and Girls* and its six independent branches in different regions of the country are the only hotlines in Albania. Alongside with the direct service through phone, they also serve as a receiving place for clients who need special treatment. They refer clients to other professional and appropriate services. They are run by local NGOs and are supported only by foreign donors.

In 1995 Refleksione Women's Association undertook the first national survey on domestic violence. The results showed a high level of violence in Albanian families (68 percent of the interviewed women admitted that they were beaten by their husbands or another male in the family more than once). Taking in consideration the fact that the interviewed women represented different social strata and that they did not have much information on violence up to then (no awareness campaigns were organized up to that time), the results were frightening.

It was the initiative of Refleksione Association to establish the first hotline in the country, named Counseling Center for Abused Women and Girls in Tirana. The

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<sup>84</sup> Source: *The Girls and the Trafficking – Annual Report (2004)* (Vatra Psycho Social Center).

center came to offer its service in 1996 after having trained the staff composed of several professionals like social workers, psychologists, medical doctors, psychiatrists, teachers, etc. The center covers physical, emotional, sexual, and economic violence. It offers emotional support and counseling through the telephone line, face to face counseling, and referrals to other specialized services like to doctors, shelter, Women's Advocacy Center, Employment Program of Refleksione, etc. All the services are free of charge. Since 1996, the center has established smaller services of this kind, its branches, in several cities and towns in the country, making possible to cover the main regions. So, besides the one in Tirana, there exist counseling centers (hotlines) in Shkodra (Northern Albania), Elbasan, Durrës, (Central Albania), Pogradec (South Eastern Albania) and Berat (South Western Albania). After several years of experience in the field of domestic violence, all of them function as independent entities and offer their services based on their regulations which contain provisions concerning guidelines for treatment of victims in multi-agency work. Since 1996, the service of these centers is supported by foreign donors. The government, though it has recognized the service as very important for one of the most vulnerable groups in the country – abused and maltreated women –, it has not been able to support them financially. This is one of the main reasons that many of these centers (hotlines) are suffering from a lack of financial support and are reducing the operation hours. Normally they work seven hours per day: between 9 a.m. and 1 p.m. and 4 p.m. and 9 p.m.

The Center's staff is made up of 12 counselors: psychologists, social workers, and medical doctors. Most of the cases treated in the center are victims or threatened by physical, emotional, sexual and economic violence. The tables below show only the number of cases for each form of violence treated by this center in four months of 2005:

#### Forms of violence

	May	June	July	August
Emotional	55	63	69	50
Physical	17	12	5	10
Sexual	15	8	5	6
Economic	11	19	26	24

**The abuser**

	May	June	July	August
Husband	66	72	69	58
Family members	21	13	16	19
Others	1	3	5	4
Father	9	12	9	7
Ex husband/partner	1	2	6	2

**Age groups that call for help**

	May	June	July	August
under 20 years	9	16	18	16
Between 21–30	22	28	29	22
Between 31–40	42	39	42	35
Between 41–50	16	12	11	13
Between 51–65	9	7	5	4
Over 65	–	–	–	–

**Source:** Data from the counseling center in Tirana, December 2005.

The hotline in Durrës was established in October 2000. It was supported by the Norwegian People's Aid. The staff of the center is made of medical doctors, social workers, psychologists and layers. The center has compiled rules and procedures for the treatment of clients based on the standards of social services in Albania. The center continues to be supported financially by Kvinna till Kvinna (Swedish organization) while during these years it has been supported by NPA (Norwegian People's Aid) and the Dutch Embassy.

Based on the study of the data collected regularly from the staff of the center, the director of the center reports that "The center has been able to offer support through telephone to 1,340 girls and women between 2001 and 2005. The center has organized several training sessions aiming at raising the awareness of women and girls in Durrës district. 24,021 women and girls have participated in these activities during the period 2003–2005. The center has been able to establish a network of coordinators from the rural area of Durrës district, and it has established serious cooperation with the local

government, the police, the prosecutor's office, the tribunal, and the education directorate."<sup>85</sup>

The activity of the other four hotlines is organized on the same principles as the above ones: they also have multidisciplinary teams (made up of social workers, psychologists, medical doctors, educators), they offer counseling through telephone lines, face to face counseling and referrals to other services, they organize awareness campaigns against gender based violence, publish leaflets and distribute them in the territory which they cover. All of the centers use regulations which contain provisions concerning guidelines for treatment of victims in multi-agency work. Services are free of charge. Their staff receives regular trainings on the basis on the project that supports them. For a long time foreign experts have come to train the staff of these centers. For several years now, local experts (mainly professors of the university or counselors from Tirana hotline) provide trainings for the staff. They are all funded by foreign donors, and because of this they have been facing difficult financial situations and data are lacking on their activity.

### **5.3 Crisis intervention centers**

The above presented NGOs, namely the Counseling Center for Abused Women and Girls and its six independent branches provide possibility for face to face counseling, and immediate coordinated assistance.

### **5.4 Intervention programs for the perpetrators**

There are no intervention programs for the perpetrators. This continues to create a handicap in the whole supporting system for the victims of violence, as while continuing to treat the victim; the offender continues to carry the risk of repeating the violence.

### **5.5 Other victim support services**

There are no other services and possibilities for the victims, except for the family groups (where women from the family, neighbors, or female relatives come together informally to support each other). This kind of support is widespread within Albanian culture.

The other specialized services offered by the National Network against Gender Violence and Trafficking include Refleksione's Employment Program, and programs

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<sup>85</sup> Based on the personal interview with the director of the center, Ms. Bajana Cevoli.

offered by the Women Advocacy Center, the Gender Alliance for Development Center, etc. Each of them has a special mission in fighting against violence against women. For example, Women Advocacy Center has an important role in the treatment of victims of violence by offering them legal advice, assisting the clients to file for divorce, custody, property issues, representation in the court process, etc. The sources of funding are donors such as NOVIB, Netherlands Embassy, the U.S. Embassy, USAID, etc. The service to clients is offered free of charge. Clients of Hotlines and shelters have priority in being assisted by Women Advocacy Center.

## 6. EDUCATION AND TRAINING

### 6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula and the availability of sex education programs

“Special information about human rights, children rights, family life are only some of the main topics of Civic Education Courses in elementary and secondary school curricula, more specifically (concretely) in the fourth and sixth grade”.<sup>86</sup> Children receive specific information on their rights, institutions and services available in their school curricula. Children also learn about violence against women for two hours in the framework of the topic on gender roles, stereotypes and prejudices in the sixth grade.

Improving the quality of teaching and learning process is one of the priorities for the pre-university education identified by the education sector with the support of World Bank in the framework of the Albania Education Reform Project.<sup>87</sup> The field of teaching and learning processes covers a range of activities including the development of curriculum, textbooks and other resources, along with teacher development and assessment. Specialists from the Ministry of Education and Science, Institute of Pedagogical Studies and professors from the university have worked hard during the last years to redesign and revise the curriculum of pre-university education.<sup>88</sup> In this framework the document of standards for each level was compiled and it reflects knowledge and competencies from human rights fields. Under these topics school children receive knowledge on violence and how to avoid violent communication. There are chapters that cover the human rights issues; within these they receive

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<sup>86</sup> Based on the personal interview with Prof. N. Mita, author of civic education school books.

<sup>87</sup> *National Education Strategy 2004–2015*, p. 11.

<sup>88</sup> *Ibid.*, pp. 15–16.



knowledge on violence and discrimination for two hours. The teachers of civic education cover these courses.

Meanwhile the Ministry of Education and Science and the Institute of Pedagogical Studies have organized several trainings for teachers in order to facilitate the process of implementation of new curricula. To address the issues related to teachers' training, the Government with the assistance of the World Bank has established an Education Center for Training and Qualification.<sup>89</sup> The components of human rights, children rights, gender equality, violence issues are part of the training modules.

The Albanian government has made efforts to review school textbooks: currently the texts for the first, second, and sixth grades of the nine-year education system are being revised. The Ministry of Education and Science and the Institute of Curricula and Standards have established criteria for reviewing textbooks, of which gender analysis is one. Improvements have been made regarding selection of textbook materials, authors, etc., with a view to eliminating gender stereotypes. In spite of achievements, the transmission of stereotypes by teachers remains a disturbing problem. In order to address this problem, there is a need for preparing students of teaching and qualify teachers regarding gender issues. These issues have been incorporated into the curricula of high schools, and some university-level schools such as those of journalism, social work, political sciences, psychology, and others.

The curricula of the high school contain no special subject course on sex education. Before high school, the curriculum also does not contain a special subject course on sex education. Though some elements of it are received even in the previous years of education, in high school curricula sex education is considered as an important component of specific courses like biology and sociology. Sex education modules give special attention to gender equality and mutual respect. This is the case especially in the framework of the sociology course. The method used when presenting these concepts depends in a considerable degree on the training of the specific teachers and on their sensitivity towards the issue. These programs are supported by the Ministry of Education and Science as components of state curricula and are conducted by school teachers, in most cases teachers of sociology and biology. Some youth NGOs has played an important role to train students, teachers and offer special publications in this regard.

## **6.2 Mandatory and other training programs for future professionals**

In the framework of mandatory school curriculum for future professionals, modules on violence against women are included mainly in social programs, offered at the

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<sup>89</sup> Council of Minister's Order No. 654, dated September 25, 2003.

university bachelor level. Students of social work, sociology, psychology and journalism programs receive knowledge on violence against women under topics included in the Gender Studies Course. The module on violence against women consists of a two–four hours lecture and a two hours seminar, which means six hours per semester. The course itself consists of 30–35 class hours altogether. Students of specific programs, like social work, receive additional information on violence against women in other courses as well, like courses entitled Social Problems, Introduction to Social Work, Human Behavior and Social Environment, etc. In these cases violence against women is a specific topic with limited information and knowledge laying the ground for profound studies and analyses in the following courses.<sup>90</sup>

Students of the School of Magistrate and Public Health Master Program receive knowledge on violence against women through a specific course as part of the mandatory program. In the case of the School of Magistrate this information is offered through the course on Gender Issues which lasts for nine weeks, four hours per week. Violence against women occupies one day of four hours. Students are informed about the concept of violence, different forms of violence, causes and consequences of violence to women and children. Students are given the chance to discuss with each other, work in groups to analyse different cases and present their attitudes and prejudices on the issue. The introduction of this course to the School of Magistrate Curricula was made possible by the support of Chemonics International Inc. The course is offered by a lecturer of the Social Work Department at the University of Tirana.<sup>91</sup>

The curriculum of Public Health Master Program contains a module on “Social Problems and Health Issues.” The whole module lasts for six days, six hours per day. The topic on violence against women occupies one of these days, which means six class hours out of 36 for the total module. The course in general aims at assisting health workers in understanding the relation between social problems and health issues. The topic on violence against women offers information not only on violence as an aggressive and dangerous behavior, and different forms and causes of violence, but also on the nature of consequences of violence, where health issues are serious. The program is supported by the University of Montreal, Canada. The module is taught by a member of the Social Work Department, University of Tirana.<sup>92</sup>

The Gender Alliance for Development Center has organized different trainings for future professionals on a project basis. The goal was to raise students’ awareness on gender issues, including violence against women. For several years this center has

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<sup>90</sup> These are the author’s comments as the Head of Social Work Department.

<sup>91</sup> Based on the personal interview with the lecturer of this course, Ma. Eliona Bimbashi, full time lecturer at the Department of Social Work.

<sup>92</sup> The author, Prof. Haxhiymeri, is one of the lecturers of this module.

offered training for students of the School of Philology, and students of social sciences (social work, sociology, psychology, law) at Tirana University and some other universities in smaller cities. These training sessions helped students to expand their knowledge on gender issues, to participate directly in activities that involve their own experiences, change attitudes, and overcome prejudices. The training sessions lasted two days, five to six hours each day. The number of participants was 20 to 25 students per group. Gender Alliance for Development Center has run different training programs for students with the support of foreign donors. Kvinna till Kvinna is one of the main donors of this program. The frequency of this training depends on the financial support and because of this it is not organized on a regular basis.<sup>93</sup>

### 6.3 Mandatory and other training programs for practicing professionals

Though there are some positive attempts to introduce knowledge on violence against women in the mandatory training programs for future professionals, the same attempts are missing for the in-service professionals of several fields. During the years of transition some special qualification structures for training of in-service teachers, health workers, lawyers, police, etc were destroyed and not recovered or reorganized yet. This has created a vacuum in the training of all in-service professionals. There are some attempts coming from the civil society sector with the aim of filling in this vacuum.

With regard to training, the Police Academy plays a very important role. It drafts the annual draft-plan for training, qualification, and specialization of personnel of the State Police.<sup>94</sup> The Police Academy has conducted various courses for police agents and border police of different levels during the past year seeking familiarization with laws and procedures on trafficking victims, the treatment of cases of violence against women and so on.

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<sup>93</sup> Based on the personal interview with the Executive Director of the Center, Ms. E. Gjermeni.

<sup>94</sup> These draft-plans are based on Law No. 8553, dated November 25, 1999 on State Police; Council of Ministers Decision No. 281, dated June 2, 2000 on the Organization and Functioning of the Police Academy; the Order No. 1675, dated July 18, 2005 of the Minister of Public Order on The Reorganization of the State Police Training System; Council of Ministers' Decision No. 605, dated October 13, 2001 on Professional Training, Qualification, and Specialization Courses at the Police Academy "Arben Zylyftari"; and other legal sources.

The School of Magistrates also contributes with training programs for the law enforcement personnel regarding protection against violence of different forms.<sup>95</sup>

The new draft Law on Measures against Domestic Violence envisions training for police officers as a legal obligation: “Domestic law should, with a special provision, require responsible people, such as police officers and health personnel, to receive training on gender. This would qualitatively boost ethics and professionalism.”<sup>96</sup>

Training initiatives offered by private organizations or any other institution in this field do exist, but they are not organized on a regular basis and do not cover the whole territory and all professionals. Some of them deserve high recognition because of their serious and considerable contribution in this field. During 2004, the School of Magistrate and the Women Advocacy Center established a team of experts from the social and legal field, to design a module on violence against women (including all the necessary information related to concepts, causes, consequences and legal treatment of the cases and services available in the community) and later, to organize the training on the basis of this module for the practicing professionals in the legal sector like prosecutors, lawyers, judges, etc. The team of experts traveled in seven regions of the country and organized two-day training with the participation of legal professionals from all cities. A group of twenty to twenty five people participated in each of these training sessions. A special research was carried out on court cases where violence against women was involved. The research results were used to illustrate the presentations and make them more realistic. This initiative proved to be very successful. It was supported by the UNICEF office in Tirana. At the end of the training program, the experts involved were able to prepare a special publication in cooperation with the journal “Juridical Life” and journal “The law – a chance for women’s development”. The publication contains social and juridical perspectives on domestic violence as well as conclusions and suggestions for lawyers, prosecutors, social workers and psychologists on how to deal with victims of domestic violence based on the training experience.<sup>97</sup>

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<sup>95</sup> During year 2004 eight sessions (two days long) were held in Tirana, Vlorë, Shkodër, Korçë, Berat, Gjirokastër and Lezhë. The beneficiaries of these trainings were 300 judges, prosecutors, lawyers, officers of judicial police and social workers in relation to domestic violence issues.

<sup>96</sup> *State violence in Albania*, p. 126.

<sup>97</sup> *Legal and social treaties on the protection from domestic violence (2005)* Special publication, cooperatively prepared by the legal journal *The law – a chance for women’s development* and scientific legal journal *Juridical Life*, Tirana.

## **6.4 Gender equality issues in higher education curricula and human rights programs**

Equality issues do not make a special course in higher education; rather, they (including violence against women) are integrated into courses on gender issues, social problems, human behavior and human rights.

The academic year of 2006–2007 the Faculty of Social Sciences introduces for the first time a Master's Program on Gender Studies and Development. This program was designed with the support of UNDP. The staff of the faculty cooperated with Roskilde University in Denmark in order to design the curriculum, to prepare the courses and to offer them. Twenty students are admitted and selected among the best applicants from many fields of activity.

“Human Rights” as a specific course is recently introduced into the curricula of pedagogical programs (preparing teachers for pre-school and elementary school). The linked publication offers information to students on general concepts and documents on human rights. There is also an additional publication for students and teachers advising professional ways to introduce human rights concepts into different subject courses. The gender perspective is missing from the publication.<sup>98</sup> Both books are publications of the NGO Albanian Center for Human Rights.

## **7. THE ROLE OF THE MEDIA**

### **7.1 Media law provisions concerning violence against women and the portrayal of women**

The media has played an important role during the last years in presenting issues related to violence against women. It has contributed in bringing up the issue to the public and raised public awareness on the complexity of and the need to deal with it. The lack of media law provisions concerning violence against women and the portrayal of women make it difficult to work with media professionals in order to make them become positive partners in efforts combating violence against women. Laws on media only have general provisions, they do not take into account the issue of violence against women and other gender issues.

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<sup>98</sup> Albanian Center for Human Rights (2004) *Manuals for Teachers and Students* (Tirana).

## 7.2 Guidelines and codes of conduct for media professionals

As there are no law provisions and codes of conduct for media professionals which take into account the issue of violence against women, Gender Alliance for Development Center has prepared and published a guideline book for media representatives entitled *Violence Threatens Us All...*<sup>99</sup> The book contains information on violence against women, different forms of it, the victims of violence, causes and consequences on victims and other family members. The book contains information for journalists about November 25, the International Day for the Elimination of Violence against Women, women's rights, main documents and treaties on violence against women. It ends by suggesting some professional ways of presenting violent cases by avoiding stereotyping, discrimination and detaching themselves from personal values and attitudes.

## 7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

Media has experienced a very intensive process of growth and professional development during the years of transitions. It has become more open and interested to present and treat social problems, including gender issues. Many difficulties are overcome and many others remain to be faced with. One of the difficulties is that the country is lacking a media watch organization. Other media organizations or institutions that function do not have violence against women on their agenda and consequently they do not have any power or activities concerning violence against women.

## 7.4 Training programs for media professionals on violence against women

Students of the journalism program at the University of Tirana take a special course on gender issues, including violence against women. These courses are offered by a specialist of the Social Work Department and last for a whole semester.

Gender Alliance for Development Center organizes special training sessions for professional journalists. These trainings aim at raising the awareness of this group on gender issues. Violence against women is a component of the training modules and it offers the students the opportunity to express their opinions, attitudes and treatment of violence issues. The participation in these trainings is on a volunteer basis. The group is made of 20 to 25 participants. The training lasts two days. They are supported by foreign donors.

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<sup>99</sup> Gender Alliance for Development Center (November 2005) *Violence Threatens Us All... Guide for the Media Representatives*.

## 7.5 Media activity in raising the awareness of the general public of violence against women

Media has a very active role in information campaigns to alert the general public to violence against women. Whenever campaigns are organized, mainly during the 16 days of Activism against Gender Violence, media representatives are very much involved with the presentation of activities and find different ways to contribute.

During the campaign days the written media contributes with articles by journalists or experts in the field. It publishes true stories of victims of violence and takes reaction from the public on this issue. The electronic media participates in the campaign by organizing programs with specialists of the field, with interviews of survivors, with presentations of services accessible in the community, with broadcasting of movies about violence against women, documentary films based on true Albanian cases, and in other forms.<sup>100</sup>

## 7.6 Analyses on violence against women in the media

The coverage of violence in the print media demonstrates a lack of professional and profound analysis. The monitoring of the print media for the period January–December 2003 showed that “The lack of analysis is particularly noticeable in cases of domestic violence and crime, which only demonstrates the women’s status in the private sphere, her being guilty and her consideration as a piece of property belonging to the husband, aside from the perception of a hopeless victim in the hands of the violator.”<sup>101</sup> Excesses in showing violent footage in broadcast programs enhance domestic stereotypes instead of uprooting them.<sup>102</sup> In spite of some achievements, a lot

<sup>100</sup> The author is a member of the network and has experienced the cooperation with media herself.

<sup>101</sup> Gender Alliance for Development Center (September 2004) *The Sensitivity of the Print Media on Gender Issues in Albania* (Tirana: Pegi Publishing House), p. 29. Partially funded by the Office of Public Affairs, U.S. Embassy.

<sup>102</sup> 1221 people have been part of the survey during 2004 answering the following question: “Do you think that there is too much violence in television broadcasting?” The results are as follows: 21.5 percent of them said that there is too much violence; 41.5 percent said that is somewhat too much violence; and 26.2 percent said that there is just a bit too much violence. Comparing these results with the prior surveys, it is observed that in year 2001, 36 percent of the participants; in 2002, 28.6 percent, in 2003, 21.7 percent and in 2004 only 21.5 percent of the participants thought that there is too much violence on TV. Data gathered from *Antena*, Booklet of the Council of Complaints of the National Council for the Radio and Television, Tirana, June 2005.

remains to be improved in the work of the media, so that it becomes a promoter of cultural change with regard to gender roles and responsibilities.

Gender Alliance for Development Center has produced media monitoring reports every year since 2000 on different topics. In their report on media monitoring for the year 2001 and 2002 they focused on domestic violence. The report of the year 2003 focused on gender issues, more exactly the way these issues were presented in the written media.

The Report *Monitoring Media on Domestic Violence for 2001 and 2002* was prepared by Eglantina Gjermeni and Majlinda Bregu. It was funded by Kvinna till Kvinna. After analyzing and citing many articles from the daily press, the authors have reached some conclusions and recommendations such as:

“The image promoted by the media affects the role and the status of women in the society, especially in the cases of violence within and outside the family.”

“There are no real differences in the way these stories are covered in the partisan press from the independent press.”

“Reports in the press are influenced by professional (and personal) values and norms, institutional processes and structures, audience perceptions and preferences.”<sup>103</sup>

A report on media monitoring on gender issues was also published for the year 2003. Eglantina Gjermeni and Marsela Dauti compiled a report of different topics, including violence against women. The publication of the report was supported by Public Relation Office of the U.S. Embassy in Tirana in the framework of the project “Promoting Gender Equality through Media”. At the end of the monitoring and analysing process the authors have reached some conclusions, including:

“There exists a tendency to relate violence against women only to economic factors.”

“The tendency to blame women for what has happened is easily perceived as prevailing in the media.”

“Domestic violence is still considered a private issue and th[e above] attitude encourages it.”

“Law enforcement is selective.”<sup>104</sup> (The law is not enforced in an equal way for men and women.)

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<sup>103</sup> E. Gjermeni, and M. Bregu *Monitoring Media on Domestic Violence, 2001 and 2002* (Gender Alliance for Development Center), p. 86.



## 8. AWARENESS RAISING

Since 1995, awareness campaigns are organized every year in the country mainly in the framework of the 16 days of activism. In most of the cases the organizer was the National Network against Gender Violence and Trafficking and the campaign was conducted by the Women's Center (now Gender Alliance for Development Center). The campaigns were supported by foreign donors, mainly UNICEF. Activities were organized mainly in the capital. They were attended by the public through electronic and written media.

### 8.1 Campaigns on violence against women

The awareness campaigns have adopted different forms and expanded in the last years. They cover all forms of violence and are organized in the main populated regions in the country. The followings are citations from some of the articles published in the last years on these activities.

“Thousands of people in numerous cities of the country became protagonists of the international day that is a symbol against gender violence – November 25. The ones that first initiated such activities on this day more than six years ago were the women's non governmental organizations, and they apparently remain the only ones.

Nevertheless, with each passing year, the human awareness on protecting women's and girls rights and freedoms has grown not only geographically...

This day was commemorated by thousands of people in Tirana, Shkodra, Lezha, Elbasan, Gramsh, Fier, Korca, Berat and Pogradec.

Girls and boys distributed 2500 violet ribbons in these cities as a symbol against gender violence.

The daily press, the main newspapers.... [a]ll reported sensitizing stories and the activity of the Women Center on this day in special sections...<sup>105</sup>

The campaign for the year 2002 was funded by the UNICEF office in Tirana and the Embassy of the Netherlands.

“During the 16 days of the campaign against gender violence, (...) the Center staged a series of sensitizing activities in 8 cities. Informative and sensitizing materials against violence toward women were distributed in the course of these activities.

<sup>104</sup> Eglantina Gjermeni, and Marsela Dauti (September 2004) *Sensitivity of Written Media towards Gender Issues in Albania, based on media monitoring during the year 2003*. (Tirana)

<sup>105</sup> *Newsletter*, Women Center, December 2002, No. 26.

With financial support from UNICEF, the project on raising the awareness of the public opinion on the consequences of gender violence was carried out during the period November 2002– December 2003. A variety of social categories benefited from this project, including high school students, women representatives of NGOs, media representatives, university students, as well as the public at large”.<sup>106</sup>

“November 25<sup>th</sup> – More awareness on the consequences of gender and domestic violence’

...In this context, the Center prepared and published: the book ‘Collection of essays in gender’... the brochures ‘How to talk to your children on developing healthy relations’, ‘Practical guide to discussing violence in a relationship’, ‘On violence in couple relations among teenagers’, as well as several leaflets...”<sup>107</sup>

As it could be understood from these articles, the campaigns had a different profile every year. Conferences, workshops, TV programs, radio programs, TV spots, movies, publishing of different information materials, leaflets, and posters, are used in the campaigns organized to raise public awareness on gender based violence. The duration varied according to the activities. The materials were distributed within a certain time limit, in one or two weeks; TV spots were showed for months. They cover all forms of violence, and most of the activities that are presented in the media were broadcast all over the country. At the same time some organizations that are part of the network organize similar awareness raising activities in their cities and towns. Meetings and conferences were organized on November 25, but also during the two weeks of activism. The messages of the activities have been clear, for example ‘no one has the right to threaten or abuse somebody else’, ‘violence threatens us all’, ‘women have to speak out for themselves’, ‘there is no reason to abuse each other in a relationship’, ‘don’t be silent’. The target groups have been from victims, to abusers, young people, and the general public. The organizing of special activities all over the country always depends on the financial resources.

There has not been a formal follow up on the effectiveness of these activities, but all the organizations that offer service in this field report a higher number of calls, requests, and reactions immediately during or after the campaign.

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<sup>106</sup> Annual Report, 2003, Gender Alliance for Development Center.

<sup>107</sup> *Newsletter*, Women Center, March 2004, No. 28.

## **8.2 Conferences and other awareness raising, information, and prevention programs**

Information and awareness raising programs in the field of violence against women have been part of the strategy of the Counseling Center for Abused Women and Girls in Tirana and its six branches. For many years they have contacted different groups of people in urban, suburban and rural areas all over the country to talk about different forms of violence and how to prevent them. The Tirana Counseling Center was supported by foreign donors and its staff established small teams to travel all over the country. The aim was to reach different groups and raise their awareness on violence issues. During the last two years, because of financial difficulties, these activities are not organized as frequently and regularly as before. Nevertheless, occasionally, the small branches of hotline continue to organize such activities. They have all the experience and the materials (provided by Gender Alliance for Development Center and the Network) needed to accomplish the activity. The information and the awareness raising campaigns in the field of violence against women are organized mainly by the hotlines (otherwise called counseling centers) and the Gender Alliance for Development Center. This last one is specialized in organizing the campaigns and publication, though all the other partners (hotlines) cooperate in such activities.

## **8.3 Information packages/brochures for the victims about their rights and the services they can seek help**

Many brochures were published during these years including brochures for victims, guidelines for teachers, parents and children, brochures for teenagers, leaflets with information about services available in the community prepared by Gender Alliance for Development Center and funded mainly by UNICEF, UNDP, and Kvinna till Kvinna. They are published in no less than 1000 copies each, written in Albanian and covering all forms of violence. They are distributed mainly in the course of the 16 days of activism, but also in different training sessions organized during the year. They are distributed all over the country, meaning the main cities and towns reached by different training teams. The materials are available at the office of Gender Alliance for Development Center as well as at the office of the main donors, like UNICEF, Kvinna till Kvinna, and UNDP. Law enforcement authorities, institutions do not actively take part in the distribution of these materials.

Information brochures are widely available. Five years ago the Women's Center had published a very simple leaflet with the most important information about services that support victims of violence. It contains information about the National Network against Gender Violence and Trafficking, the mission of the network, the dedication and the professionalism of the member organizations to support people at risk of

violence. As a second part, it provides information on the main service centers (telephone numbers) and the services offered by each partner. This leaflet was published with the support of UNICEF and continues to be distributed in every occasion, in every district of the country.

The Gender Alliance for Development Center has prepared different publications on the issue of violence against women during the last years. With the support of UNICEF, the center has been able to translate and adjust some of the main international publications in this field. The brochures aimed at reaching mainly young ages, in order to train them in building healthy relations, effective and nonviolent forms of communication. The leaflets mentioned in Section 8.1 are only some of the titles that are translated into Albanian, adjusted to Albanian culture and distributed in different cities and institutions of the country. The center has used every opportunity (training sessions in different cities, conferences, workshops, exhibitions) to distribute the materials.

The Shelter for Abused Women and Girls in Tirana prepared a manual for teachers, parents and children in 2003. The publication was made possible with the support of the UNICEF office in Tirana. The manual was prepared by experts in the field with the aim of informing parents on how to raise healthy children through nonviolent forms of parenting, teachers to educate children through nonviolent forms of teaching and children to know how to protect themselves from all forms of violence and to know their rights and how to protect them. The manual is offered free of charge to many school teachers and parents contacted during different meetings and activities on gender issues as well as to school children in Tirana and in some other main cities in the country. This publication was prepared in 500 copies and all were distributed.

## 9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

### 9.1 Research programs and surveys

There are some research surveys and good analyses on different forms of violence, and on the causes and consequences of violence against women.<sup>108</sup> The consequences underlined by these studies are: women faced with different forms of violence are isolated from the society and their overall wellbeing is at risk. An exploratory study titled *Domestic Violence in Albania* focused on the consequences of domestic violence

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<sup>108</sup> CLCI and School for Magistrate (2005) *Legal and Social Treaties on the Protection from Domestic Violence* (Tirana: Pegi Publishing House). Supported by UNICEF.

on women stated: “The experience of domestic abuse puts women at greater risk of physical and mental health problems including injuries, depression, anxiety, post-traumatic stress disorder, sleep disorders, low self-esteem, loss of confidence in life and suicidal tendencies... In its most extreme form, domestic violence kills women.”<sup>109</sup>

There is also some research and surveys focused on the consequences of violence on children, elderly and other people present in the family. In most of the cases these studies are the result of the activity of civil society actors supported financially by the national and international donors. There is a lack of studies focused on the economic cost of violence against women.

The latest research on violence against women is a qualitative one organized by the Institute of Public Opinion Studies in 2003 with the support of the UNICEF office in Tirana. It was conducted by counselors of hotlines in Tirana, Shkodra and Berat. The main objective of the research project was to reach a common understanding on domestic violence in Albania. Furthermore it aimed at:

- identifying different forms of violence that are more frequent in the Albanian family;
- understanding women’s perception on abusive behavior;
- identifying women’s strategies used to deal with violence;
- documenting the consequences of violence on victims;
- identifying women’s attitudes towards abusers and abusive relations;
- identifying many social obstacles that prevent women from equality with men in the private life.<sup>110</sup>

The authors were able to come to the following conclusions:

The family context is very complex in a patriarchal culture. The traditional gender relations have a high cost for women. The research brings facts to illustrate that gender inequality causes violence against women. It also explains the complex nature of social, economic, cultural and personal factors that influence this phenomenon. The results of the research prove that violence is a problem that threatens all of us, not only poor and uneducated people. It proves that violence overcomes social economic borders. Despite some changes in women’s life in Albania during the last years, women continue to have an underestimated status. The interviews with the survivors showed how much they were wounded, how deep their pain has gone, and

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<sup>109</sup> Adriana Babani (2003) *Domestic violence against Women in Albania* (Tirana: Pegi Publishing House). Supported by UNICEF.

<sup>110</sup> *Ibid.*

sometimes how strongly they have resisted the violence exercised by their husbands.<sup>111</sup>

The research brought to the attention of the specialists seven main topics: marriage dream, facing the reality, complexity of violence, what it means to be an abused women, concerns for children, facing violence, and breaking the silence.<sup>112</sup>

This piece of research does not bring data on the prevalence of the phenomenon, but on the costs, causes, and consequences of violence against women.

There is another research study organized by Women's Advocacy Center to study the efficiency of the judiciary and the legal system. The research project aimed at studying the legal decisions of Tirana, Shkodra and Vlora courts in cases when violence against women was involved. It was supported by the UNICEF office in Tirana and was conducted by a group of lawyers and social researchers. The results of the research show that though a special law on violence against women does not exist, it is implied in many laws and special legal dispositions (e.g. the Family Code of the Republic of Albania, Law No. 9062, dated May 8, 2003). The analyses of the court data collected by the researchers revealed that:

- The denouncers in most of the cases are women (for the year 2001 there are 71 cases denounced by women and 7 by men; for the year 2002 there are 52 cases denounced by women and 3 by men).
- In 90 percent of the total legal cases where violence is involved, the damaged person is a woman. In different ways and degrees children suffer from the violence as well.
- In most of these cases, the elements of a subjective perspective are missing. In the majority of the cases the decisions are very superficial and general, and are lacking the legal analysis of all elements of the penal act, of the concrete circumstances of the case, and of the motives and causes.<sup>113</sup>

## **9.2 Violence against women on the agenda of research centers dealing with equality issues**

The only center that is dealing with equality issues is Gender Alliance for Development Center. It includes in its agenda the issue of violence against women. It is not a mere research center, but research is one of the components of its activity.

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<sup>111</sup> *Ibid.*, p. 9.

<sup>112</sup> *Ibid.*, p. 9.

<sup>113</sup> CLCI and School for Magistrate (2005) *Legal and Social Treaties on the Protection from Domestic Violence* (Tirana: Pegi Publishing House), pp. 106–107.

## 10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

### 10.1 Official statistics, data collection, and specific indicators on violence against women

There is a lack of the integrated statistics, aiming to evaluate the scale of violence against women. Data on violence as a general phenomenon, and on domestic violence in particular, are very scarce. The common indicators are in the process of development. There are some common indicators, but they are focused mainly on different forms of violence, different violent behaviors and the number of reported cases. These indicators are compiled in a manual of training for counselors of hotlines. The manual was prepared with the contribution of the trainers of the Tirana hotline staff. They define violent behaviors, different forms of violence and different reactions of victims towards violence.

There is no official systematic data collection and registration of violence against women cases. The police, the prosecutors' office, the courts, as well as health care and family service centers very rarely register and collect data on violence against women.<sup>114</sup> The Ministry of Public Order lacks data regarding the ratio between different forms of crime. The Ministry of Public Order and the Ministry of Justice consider crime in the family as a crime against the person. There are no other items or subdivisions to identify violence among couples.<sup>115</sup> Data on mortality rate because of violence against women is also lacking and information regarding geographical zones and age groups are not complete.<sup>116</sup>

Official statistics and systematic data collection exist only on some of the forms of violence against women. Especially during the last years the registration of violence against women cases has improved in the police, the prosecutors' office, the courts, as well as in health care centers and family and child protection services and migration offices. The registration of cases of violence against women is paid more attention by the police. One of the explanations for this improvement is the increasing number of trainings for police officers, since some years ago the police and other state offices did not keep and provide any statistics on violence against women. As a result of the work done with professionals of many fields, a higher awareness on violence issues among state officials, trainings and roundtable discussion offered by specialized NGOs, the

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<sup>114</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention (2002) *Albania Reproductive Health Survey – 2002 Final Report* (Tirana: [www.cdc.gov/reproductivehealth/Surveys/](http://www.cdc.gov/reproductivehealth/Surveys/)).

<sup>115</sup> Refleksione, 2000.

<sup>116</sup> *Albania Reproductive Health Survey*, p. 315.

situation has changed. During 2005–2006 the Ministry of Interior, for the first time, provided data and statistics on violence against women.

The statistics provide data on the prevalence of the crimes, according to the articles of the Criminal Code. Thus the statistics provide non-segregated data regarding gender on, for example, physical assault, serious intentional injury, non-serious intentional injury, or nonconsensual intercourse with adults, without any specification in how many cases the perpetrator and victim are in familiar relationship, in how many cases the perpetrator is a stranger, or in how many cases the perpetrator is the boss who works in official institutions. On these conditions it is not possible to give figures on the prevalence of the acts of violence against women from the official statistics but data are found only on some forms of violence against women which are foreseen as a specific criminal act, like trafficking in women, nonconsensual sexual intercourse with adults or underage children for example. Regardless the improvements in registration of the cases by the court, police and the prosecutor's office, the data on the victims, their relation with the perpetrator, the victims' education, the perpetrators' education, age of both parties, place of living must be kept in a more adequate way. In some of the files or decisions of the courts of first level, in the acts of criminal proceedings of the prosecutor's office or in the denunciation of the victims in the police stations there is a lack of this type of data.

In the yearly statistical bulletin of the Ministry of Justice we find some data on the number of cases judged by the courts of different levels, based on the kind of penal acts according to the Criminal Code. The data include the number of the convicted persons, punishment's measures, number of the penal acts and all of these data are divided according to the different districts. Violence against women cases are identifiable in this yearly statistics when a criminal act against women is regulated as a specific criminal act in the legislation, such as: the trafficking of women and girls. (There is not data on cases of injured women by their husbands because it is not a special act envisioned in the Penal Code.) In these yearly statistics of the Ministry of Justice we find data on punishment of women and girls, too.

Data on the prevalence of the crimes based on the articles of the Criminal Code and especially on trafficking can also be found in the Ministry of Interior. The data for this Ministry are provided by the police stations and police directorates.

Regarding the registration of the cases in the police stations there is no official schedule with different indicators but when a woman reports a criminal act she is asked who the perpetrator is, what the relationship between her and the perpetrator is, what has caused the violent act, whether it has happened for the first time, and other similar questions.



None of the other law enforcement professions keep regular data. The registration of the cases and the use of the indicators depends in most of the cases on the level of professionalism and the sensitivity of individual professionals on the issue.

The National Association of Social Workers in Albania is working to prepare some regulations regarding the registration of cases. Their aim is to establish some protocols with the Ministry of Interior, Ministry of Health, and Ministry of Justice on registration regulations.

The Ministry of Interior has registered and identified cases of domestic violence for 2005. Based on its data there were 102 cases of domestic violence in 2005. In this data we may find information on different forms of violence, on the gender of perpetrators, age of perpetrators, gender of victims, and areas in which violence is more present.

Referring to the data of the yearly statistics in 2004 of the Ministry of Justice, during the year 2004 the punishment's measures for the criminal act of trafficking of female persons for prostitution, article 114/b1, no person was sanctioned with a fine; one person is sanctioned with up to two years of prison-time; four persons were sanctioned with two to five years in prison; seven persons were sanctioned with five to ten years in prison; nine persons were sanctioned with 10–25 years in prison and no one was sanctioned with life imprisonment. For the criminal acts foreseen in the article 114/b2 we find only six persons sanctioned with 10–25 years in prison. Referring to the same source for the act of the nonconsensual sexual intercourse with adults we find that no one was sanctioned with fine; two persons were sanctioned with up to two years in prison; five persons sanctioned with two to five years in prison; five persons were sanctioned with five to ten years in prison; two persons with 10–25 years in prison and no one with life imprisonment. In this source we find data for all the criminal acts but we can not find in how many of the cases women and girls the victims are.<sup>117</sup>

Regarding the number of procedures initiated either as criminal or civil actions in different cases of violence against women, we may refer to different studies prepared by the Center for Legal Civic Initiatives, based on the monitoring of the court decisions. In the framework of the project "Training of the justice system professionals on domestic violence issues" implemented by this center with the support of UNICEF first degree court decisions related to violence against women were monitored in Tirana, Vlore, Shkoder pertaining to year 2001–2002. The total number of the monitored files was 1890. The analysis of the data revealed that 82.90 percent of the cases were nonviolence related and 17.10 percent were violence related.

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<sup>117</sup> In the *Country Report on Human Rights Practices – 2004*, released by the U.S. State Department Bureau of Democracy, Human Rights and Labor in February 28, 2005 it is stated that "During the year, the Ministry of Public Order's Office of Internal Control investigated only 12 cases of police involvement in all forms of trafficking."

In the framework of the project “To improve the work of procedural organs and court related to a better implementation of the laws that punish and prevent domestic violence”, the Center for Legal Civic Initiatives, supported financially by the European Commission, have monitored 4920 of civil court decisions for the year 2000, within that 511 cases of dissolution of marriage of which 39 cases were violence related; 4300 civil court decisions for 2001, within that 402 cases of dissolution of marriage from which 43 cases were violence related; 5200 cases for 2002, within that 524 cases of dissolution of marriage from which 43 cases were violence related; 9252 civil court decisions for 2003, within that 3193 cases of dissolution of marriage from which in 39 cases were violence related; and 5273 civil court decisions for 2004, and within that 688 cases of dissolution of marriage from which 38 cases were violence related.<sup>118</sup> The forms of violence were different such as physical, economic, psychological and sexual.

In the frame of this project, 189 criminal proceedings acts, in the Tirana Prosecutor’s office and 122 criminal cases in the Tirana Court, related to domestic violence were monitored. From the analyzing of the punishment’s policy from the decisions of guiltiness for the period 2000–2004 we find 26 decisions with fine and 51 decisions with prison. This is a positive reaction of the state structures on criminal acts committed inside the family.

It is possible to compare the policy of punishment for these criminal cases, related to domestic violence, from 2000–2004. It results that for the year 2000 six verdicts ordered prison time and in two decisions the perpetrators were fined; for the year 2001, 13 verdicts have resulted in prison time and 11 others in fines; for 2002, 16 verdicts resulted with prison time and 5 others with fine; for the year 2003, 10 verdicts resulted with prison-time and one with fine; and for the year 2004 six verdicts resulted with prison and seven others with fine.

In the municipalities, the social administrators provide data on the cases of women that go there for help. One of the items of these data is “abused women and girls”. These data are not official and often unrealistic, but existent nonetheless.

A genetic data bank in cases of sexual violence does not exist. There is no data on identified or non identified perpetrators.

A regular national report of the different professions about their statistics on the cases of violence against women or its different forms is missing. None of the official data collection centers have been able to produce such a report until now. The Ministry of Justice provides data on the prevalence of the criminality in the national level based on data of the courts of the first level, Appeal Courts, High Court, the Prosecutor’s Office,

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<sup>118</sup> Center for Legal Civic Initiatives (2005) *For a Better Implementation of the Law on Protection of Domestic Violence’s Victims by the Judiciary* (Tirana: CLCI), p. 40.

the General Directory of Bailiff Service and the Prison Directory. In these statistics we find important data on the prevalence of the criminal acts, which are linked directly with female persons but the data does not necessarily include all of the criminal acts with which female persons in Albania are faced. The statistical bulletin of the Ministry of Justice is published and distributed to the relevant institutions. In the Statistical Bulletin of the Ministry of Justice we may find information only on acts criminalized by the Penal Code as mentioned above, but can not find data on domestic violence because it is not foreseen as a criminal act.

The websites of state institutions (the Ministry of Interior, the Ministry of Justice, the Prosecutor's Office, courts of different levels etc.) is available for the general public on violence against women.

The Committee on Gender Equality in the Ministry of Labor, Social Affairs and Equal Opportunities has a Documentation and Information Center, which provides information on violence against women. But this range of data needs to be updated based on actual and realistic reports.

Some NGO reports on violence against women cases are accessible for the general public.

## 10.2 NGO statistics on violence against women

There are a number of NGOs in Albania that focus on protecting women and girls from violence of different forms. These NGOs keep records on the cases treated by them, and the number of people that seek help. These data are the only source to present the situation on the prevalence of violence against women in the country, but the data are not unified. Each center provides data independently. Thus, for example, during the last years there were 1400 women and girls seeking help at the Center for Legal and Civic Initiatives, a center providing psycho-social and free legal aid for poor and abused women and girls. There does not exist a joint publication with a data collection from all these centers.

Some data collected from these NGOs that can help understand the situation will be presented as follows from 2005, though data on a few previous years exists and is available from some of the counseling centers in Albania. Below are the data about the calls from women and girls.

### **Counseling Center of Pogradec (South Eastern Region of the Country), Year 2005<sup>119</sup>**

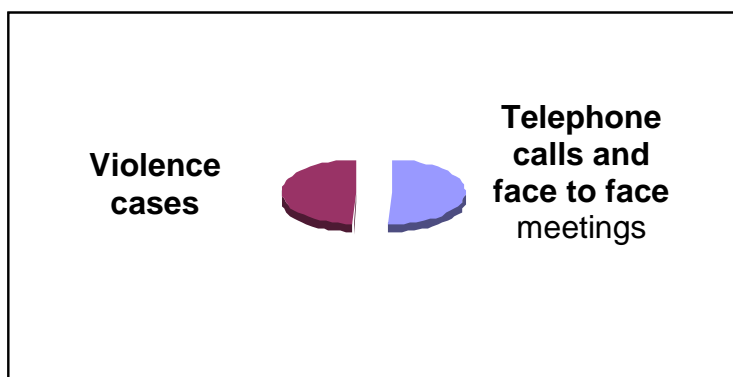
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<sup>119</sup> Data from the center. Pogradec, January 2006.



There were 544 calls in total during the year, of which 404 (74.2 percent) are violence related. More calls come from urban areas. Women of 21–30 years old are the first group to report violence, than come women under 20 years old and the last are women who are 31–40 years old.

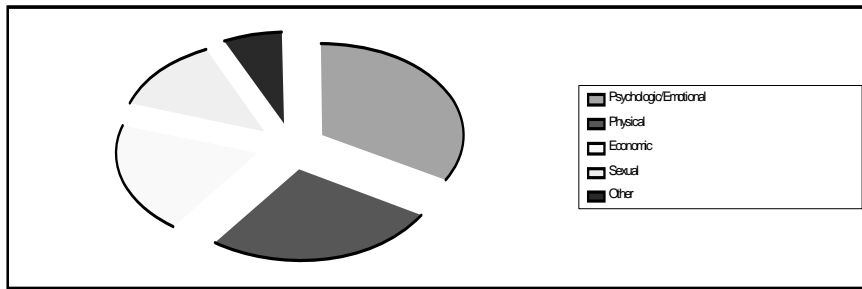
**Counseling Center of Elbasan (Central Part of the Country), Year 2005<sup>120</sup>**



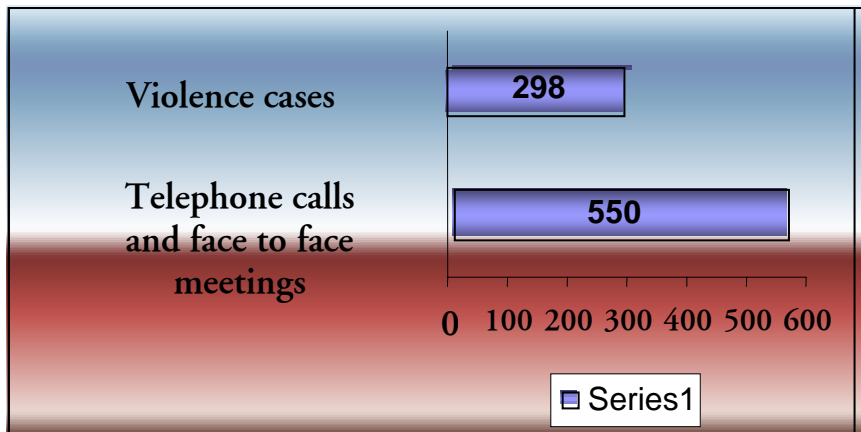
726 calls in total were registered during 2005, out of which 712 are cases related to violence. Thus, violence related cases make 98 percent of the cases registered.

The following graphic presents the ratio between the different forms of violence registered; cases of physical and emotional forms of violence outnumber the other forms of violence.

<sup>120</sup> Data from the center, January 2006.



Counseling Center of Durres (Center Part of the Country), Year 2005<sup>121</sup>



The Counseling Center of Durres received 550 calls during 2005, out of which 298 or 54.1 percent of the cases were violence related. According to the registered data, the abusers (based on the frequency) are: the spouse or the partner, father, mother, other relatives, and strangers.

<sup>121</sup> *Ibid.*

## **11. CASE LAW ON VIOLENCE AGAINST WOMEN**

### **11.1 Cases on violence against women before the national and international bodies dealing with human rights issues**

The Constitutional Court reviews individuals' complaints on violations of their constitutional rights to due legal process. Cases related to the violation of women's economic rights have been filed with this Court; however, reviews focus on the violation of due legal process, not on the cases themselves.

No cases of complaints on violence toward women have been filed with the People's Advocate. However, in its activity, this institution has encountered cases of women's maltreatment in prisons or detention facilities.

No complaints by women have been filed to the Committee for Gender Equality on cases of use of violence.

There are no cases of violence against women filed to international forums, though Albanian legislation creates all opportunities for access to international courts or other international forums.

### **11.2 Published court decisions, case studies, and analyses of case law**

There are no published judicial decisions regarding violence toward women in particular. However, the decisions of the First Level Court in Tirana are published in the website of this court. Among them, there are judicial decisions regarding violence against women in particular or decisions regarding dissolution of marriage, or cases involving issues of children in which domestic violence is present. However, to find the decisions regarding violence toward women in particular, it is necessary to check (to monitor) all the decisions.

The Annual Statistical Book, a publication of the Ministry of Justice published since 2002, includes important data on procedural acts and judicial cases, based on Penal Code provisions, complaints, etc. This publication, however, does not analyze special cases related to violence toward women.

Regarding the assessment of the efficiency of the judiciary and legal systems in combating violence against women, it must be said that these analyses are not developed on a regular basis, but only when state institutions are obliged to report to international bodies, based on the obligations of international conventions. There are some reports that aim to assess the efficiency of the judiciary and legal systems in

combating violence against women. However, these reports are prepared by different Albanian NGOs and international organizations that work in Albania.<sup>122</sup>

As it was stated above, the Center for Legal Civic Initiatives monitored court decisions regarding violence against women in family relations. The Center for Legal Civic Initiatives, in the context of the EU-supported project “To improve the work of procedural organs and court related to a better implementation of the laws that punish and prevent domestic violence” conducted the following monitoring: 205 civil judicial decisions (dissolution of marriage) and 123 penal decisions by the Tirana Court of First Instance; 163 acts of proceedings of the Tirana Prosecutor’s Office; 682 examinations of the Forensic Medicine Institute, and 234 cases of clients of the Women’s Advocacy Center (currently the Center for Legal Civic Initiatives), for 2000–2004. This study led to important conclusions regarding the activity of proceeding bodies and courts regarding the prevention and fight against domestic violence.<sup>123</sup>

In the context of the project “Monitoring court decisions of the courts of the Tirana, Shkodër, and Vlorë judicial districts, for 2001–2003, on issues related to trafficking in human beings,” supported by the American Embassy during 2005, the Center for Legal Civic Initiatives analyzed a number of cases related, for example, to trafficking and prostitution.<sup>124</sup>

In the context of the project “Training justice system professionals on domestic violence issues”, supported by UNICEF during 2004, the Center for Legal Civic Initiatives conducted a study of judicial decisions for the period 2001–2002 in the courts of first instance in Shkodër, Vlorë, and Tirana.<sup>125</sup> Some conclusions<sup>126</sup> with regard to justice sector professionals are: In the Albanian court system today, victims of

<sup>122</sup> *Report on the assessment of the implementation of the Convention for Elimination of All Forms of Discrimination against Women in Albania* (December 2005) realised for International Development United States Agency from Chemonics International Inc. (Tirana); *Report on Domestic Violence in Albania* realised by the Center for Legal Civic Initiatives in the frame of the regional project “Support Women’s Human Rights in the Western Balkans”, supported by the Netherlands Humanist Committee on Human Rights, etc.

<sup>123</sup> See: Center for Legal Civic Initiatives (2005) *For a Better Implementation of the Law on Protection of Domestic Violence’s Victims by the Judiciary* (Tirana: CLCI).

<sup>124</sup> See: Center for Legal Civic Initiatives (2005) *Monitoring of District Courts’ Decisions of Tirana, Shkodra and Vlorë, on Trafficking in Human Beings (2001–2003)* (Tirana: CLCI).

<sup>125</sup> *Juridical and Social Pieces on Protection against Domestic Violence (2005)* Special publication prepared jointly by the legal magazine *Law, Development Opportunities for Women* and the legal-scientific magazine *Juridical Life* (Tirana).

<sup>126</sup> Presented in the publication *Legal and Social Treaties on the Protection from Domestic Violence*, published under the frame of the project “Training of justice system professionals on domestic violence issues”.

domestic violence or parties in family litigation encounter attitudes, tradition, cultural and other barriers that prevent them from getting the help they need. From training sessions with Albanian legal professionals it is noticed that myths and stereotypes are deeply rooted in their mentality. So the training was a good start; it challenged some prejudices and opened channels of communication between legal and sociology professionals.

Based on a questionnaire from this project it was found that: participants consider domestic violence difficult to prove; 89 percent of the participants in the training thought that women are mostly violated; and 54 percent of the participants thought that violence is mostly present in its physical form; 65 percent of the participants thought that no protection is provided for the injured party by the police; 47 percent of the participants thought that the state may support victims of domestic violence through providing free legal aid.

## **12. 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.

## ANNEXES

### Annex A. List of laws and regulations screened

Law No. 7895 of January 27, 1995 on the Penal Code

Law No. 8813 of June 13, 2002 on the Code of Criminal Procedure

Law No. 9205 of March 15, 2004 on the Protection of Witnesses and Collaborators of Justice

Law No. 8291 of February 25, 1998 on the Approval of the Police Code of Ethics

Law No. 9062 of May 8, 2003 on the Family Code of the Republic of Albania

Draft law on Measures against Domestic Violence

Decision No. 589 of August 28, 2003 on the Setting up and Operation of the Center for Receiving Trafficking Victims

### Annex B. List of documents and books consulted

National Education Strategy 2004–2015

Platform for Equality between Men and Women 2002–2005

Platform for Action for the Improvement of Women's Status in Albania, 1999–2000

Adriana Babani (2003) *Domestic violence against Women in Albania* (Tirana: Pegi Publishing House).

Albanian Center for Human Rights (2004) *Manuals for Teachers and Students* (Tirana).

Center for Legal Civic Initiatives (2005) *For a Better Implementation of the Law on Protection of Domestic Violence's Victims by the Judiciary* (Tirana: CLCI).

Center for Legal Civic Initiatives (2005) *Monitoring of District Courts' Decisions of Tirana, Shkodra and Vlora, on Trafficking in Human Beings (2001–2003)* (Tirana: CLCI).

Center for Legal Civic Initiatives and School for Magistrate (2005) *Legal and Social Treaties on the Protection from Domestic Violence* (Tirana: Pegi Publishing House).

Centre for Legal Civic Initiatives, and Children's Human Rights Centre of Albania (2005) *State Violence in Albania: an Alternative Report to the UN Committee against Torture*. (Geneva: World Organization Against Torture, April 2005)

Council of Complaints of the National Council for the Radio and Television (June 2005) *Antena* (Tirana).

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- Gender Alliance for Development Center (November 2005) *Violence Threatens Us All... Guide for the Media Representatives*
- Gender Alliance for Development Center (September 2004) *The Sensitivity of the Print Media on Gender Issues in Albania* (Tirana: Pegi Publishing House).
- Gjermeni, Eglantina and Majlinda Bregu *Monitoring Media on Domestic Violence, 2001 and 2002* (Gender Alliance for Development Center).
- Gjermeni, Eglantina and Marsela Dauti (September 2004) *Sensitivity of Written Media towards Gender Issues in Albania, based on media monitoring during the year 2003*. (Tirana).
- Islami, Halim, Artan Hoxha, and Ilir Panda (2003) *Criminal Procedure – Commentary* (Tirana: Morava).
- Jaupllari V. and B. Dervishaj (2004) *The Activity of the Committee of Equal Opportunities 1998–2003* (Tirana–Tetovë–Prishtinë: Albas Publishing House).
- Ligori H. (2005) “Theoretical and practical issues of domestic violence. Legal context and need for changes” *Juridical and Social Writings on Protection against Domestic Violence* (Tirana: Pegi Publishing House).
- LRI (2005) *For Better Implementation of the Law on the Protection of Domestic Violence Victims by Justice Organs* (Tirana: LRI Tirana).
- The Girls and the Trafficking – Annual Report* (2004) (Vatra Psycho Social Center).
- US Department of Health and Human Services, Centers for Disease Control and Prevention (2002) *Albania Reproductive Health Survey – 2002 Final Report* (Tirana: [www.cdc.gov/reproductivehealth/Surveys/](http://www.cdc.gov/reproductivehealth/Surveys/)).
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