



Contribute for GREVIO's first thematic evaluation round

Albanian Women Empowerment Network

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The Albanian Women Empower Network--AWEN is established on July 1st, 2009 (and legally registered on December 27th, 2011) as initiative of eight non-profit organizations focusing on women protection. Our network aims at strengthening the cooperation among organizations in order to enhance the impact of joint activities at national level and to empower the feminist movement in Albania.

The network has 10 members organizations operating all over Albania.

Our network works in the field of protection of human rights, in particular, the rights of women and girls, aiming at the social, economic, cultural and political empowerment of women. The main thematic areas are:

- Reducing prevalence of GBV including human trafficking
- Participation of women in politics
- Economic empowerment of women
- Supporting women CSOs becoming more democratic, sustainable, environmentally concerned and efficient in realizing their missions

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INTRODUCTION

Violence against Women (VAW) continue to be a serious concern and a serious violation of human rights in Albania, affecting the full and equal participation of women and girls in society. According to the Institute of Statistics of the Republic of Albania, 1 in 2 women, or 52.9 % of women, claim to have experienced violence at least once in their lifetime, and 36.6 % of them claim that they are currently experiencing violence. The most common forms of violence have been experienced and are experienced during a love affair or in the family and are exercised by the intimate partner. The most common form of domestic violence by an intimate partner is coercive control, followed by psychological violence and physical and/or sexual violence. The economic violence experienced in the family by the intimate partner is the only unchanging indicator in time. The most common forms of domestic violence occur during the first year to the third year of marriage.

Domestic violence perpetrators are mainly with 9-year education (47.9 %) and secondary education (30.0 %). The age groups that have experienced the most frequent domestic violence from the intimate partner are the age groups from 45-54 years old and from 55-64 years old. All forms of violence are less common in the 18-24 age group.

In the framework of the functioning of a protection system for victims of gender-based violence, there is a lack of operational shelters providing services in general, especially emergency shelters. There is still an urgent need to establish emergency shelter for the victims of Domestic Violence, at least one in each region, as the only support for the emergency cases.

The coordinating body for VAW and DV issues at the central level is The Ministry of Health and Social Protection (MHSP) and at the local level is the Coordinated Referral Mechanisms of domestic violence' cases (CRM). The member institutions of CRM and their representatives very often are not gender-sensitive and lack the necessary knowledge and capacities to undertake the duties and responsibilities. These local actors need regular support and monitoring from the central level structures (Ministry of Health and Social Protection, other relevant line ministries, State Social Services) and other key actors like CSOs and donors. Responsible institutions of the Referral Mechanisms need support in their everyday work with case management, considering that they lack specialized personnel and resources. The mechanisms established and extended to all the municipalities in the country, should become fully functional considering that are the only instrument of the system that is responsible for the protection and security of the victims of domestic violence in the country. This requires for: continuous training for the involved actors; improved collaboration among the local actors to better assist all gender based violence victims (not only victims of domestic violence); increased attention in better addressing the needs of victims with disabilities; opening of emergency shelters for the domestic violence victims in each municipality; increased access with information dissemination and services for DV survivors in rural and remote areas; making use where present/ and creation of rehabilitation opportunities/services for perpetrators; prioritization of empowerment of the women survivors through assistance for employment;

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simplification of the necessary procedures for rent bonus for the women survivors of gender based violence; better continuous follow up of the cases, etc. These measures would improve the functioning of the local Referral Mechanisms and therefore, protect and empower girls and women survivors of gender-based violence.

Gender Equality Officers (also Local Coordinators for domestic violence issues) appointed in 61 Municipalities perform a series of other functions, such as: social administrator, responsible for education and youth, etc. This makes them ineffective in working on gender equality and domestic violence.

The lack of functional official bodies responsible for the coordination, implementation, monitoring in the area of violence against women is evidenced even in the recommendations for the Albanian state of the Committee of Parties of Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).

Three of the main conclusions were: the Albanian Government should establish one or more official bodies responsible for the coordination, implementation, monitoring and evaluation of policies in the area of violence against women; providing stable and sustainable funding levels for women's NGOs that support victims of violence against women; amending the definition of rape and sexual violence to align it with the requirements of Article 36 of the Convention (sexual violence, including rape).

Article 7: Comprehensive and coordinated policies

During the recent years, Albania has made important efforts and changes in the national legislation and mechanisms for gender equality and domestic violence but regardless improvement of the current legislation, women have continued to face discrimination and remain inadequately protected against violence. This because Albania is not finding the proper mechanisms to correctly implement the legislation. Assessing the level of implementation of human rights legislation, policies, and strategies remains a challenge due to the absence of comprehensive monitoring and data.

The new National Strategy on Gender Equality is an ambitious strategy aiming to be implemented for a 10 years period (2021-2030) and all the strategic objectives are foreseen to be achieved to the extent of over 70%.

Recent developments:

Law No. 9669, dated 18.12.2006, "On measures against domestic violence" is the primary legal instrument aimed at preventing and reducing all forms of domestic violence, as well providing protection and other services for victims of violence. During this reporting period, the Law underwent significant amendments in 2018 (with the Law 47/2018) and in 2020 (with the Law 125/2020), meeting key recommendations put forward in the Concluding Observations of CEDAW Committee (2016) and GREVIO Baseline Evaluation Report for Albania (2017). The amendments of 2020 included also measures to address domestic violence during civil emergencies, given the COVID-19 pandemic crisis.

Decision of the Council of Ministers No. 327, date 2.06.2021

This DCM governs the standard basic procedures for the coordination of work between the authorities responsible for prevention of domestic violence, protection, provision of support, and rehabilitation services to victims, while guaranteeing human rights and promotion of gender equality, and elimination of all forms of discrimination against women.

Other amendments in the secondary legislation:

- Joint Instruction of the Minister of Health and Social Protection and the Minister of Interior, with No. 912, dated 27.12.2018, “On the procedures and template of the Order for Provisional Measures of Protection”,
- Joint Instruction of the Ministry of Justice and High Judicial Council, No. 9, dated 17.06.2020, “On laying down the rules for setting up a special database on domestic violence cases in courts and unifying the registration thereof”.
- Standard Operating Procedures (SOPs) in the matters of health and social care services (February 2020);
- Instruction of the Minister of Health and Social Protection, No. 816, dated 27.11.2018, “Approving the standard service provision and operation of the Crisis Management Centres for cases of sexual violence”,
- Joint Instruction of the Minister of Health and Social Protection and the Minister of Interior, “On the procedures and template Risk Assessment Form for cases of domestic violence”.
- Instruction of the Minister No. 744 dated 15.11.2019, “Approving the minimum standards of social care services for victims/survivors of gender-based violence and domestic violence, in public and non-public (short-term) emergency residential centres (Emergency Shelters).
- Domestic Violence Case Management Protocol to be used at the local level, through the Coordinated Referral Mechanism (CRM)
- Case Management Protocol for cases of sexual violence against adults, to be used at local level, through a Coordinated Multi-Sectoral Approach
- Standard Operating Procedures for handling the cases of domestic violence and gender-based violence, to be used by the Health Service Workers, as members of the Coordinated Referral Mechanism.

Changes in criminal legislation

- Law No. 35, dated 16.04.2020 “On some insertions and amendments to the Law No. 7895, dated 27.1.1995, “Criminal Code of the Republic of Albania” amended
- Law No. 62/2022 “On the National Sex Offender Registry”. This law aims at preventing sexual harassment, violence, abuse, or exploitation by laying down the rules for the creation and operation of the National Sex Offender Registry.

- Law No. 13/2022 “On ratification of the Convention No. 190 of the International Labour Organization on Violence and Harassment, 1986”. Based on the Albanian Constitution, this Convention is now part of the domestic legislation and marks an important benchmark in terms of protection of women, girls, men, and boys from harassment and violence in the field of employment.
- Law No. 10/2021 “On Asylum in the Republic of Albania”. This Law regulates the rules for processing asylum seekers applications, in accordance with international standards and provides additional guarantees for persons from specific groups, including, among others, pregnant women, victims of female genital mutilation, persons from the LGBTI community or persons victims of torture, rape or various forms of psychological, physical or sexual violence.
- Law No. 13/2020 “On amendment to the Law No. 108/2013, “On Foreigners”. This Law offers a better protection to foreign national victims of trafficking and victims of gender-based violence.
- Law No. 124/2020, dated 15.10.2020 “On amendment to the Law No. 10 221, dated 04.02.2010 “On Protection from Discrimination”. This Law introduced a series of significant improvements, such as recognition of new forms of discrimination particularly related to gender-based discrimination and violence against women and girls, such as multiple discrimination, intersectional discrimination, hate speech, segregation, sexual harassment, structured discrimination, incitement and assistance to discrimination and the announced purpose of discrimination. (Article 3). The Commissioner for Protection from Discrimination (CPD) has now broader competences, such as to review complaints of persons or groups of persons claiming to have suffered discrimination, not only under the Law on Protection from Discrimination, but now also under the Law on Gender Equality; and the power to monitor the implementation of the Law on Gender Equality.
- Law No. 15/2019 “On Promotion of Employment”. The victims/potential victims of trafficking, gender-based violence, domestic violence or young mothers under 18 are included in the special groups of jobseekers/disadvantaged jobseekers in the labour market, who benefit from employment promotion services and programs.
- Law No. 22/2018 “On social housing”. The vulnerable groups including victims of trafficking, domestic violence and young mother benefit from the specialized housing program, under this Law.
- Law No. 57/2019 “On social assistance in the Republic of Albania”: This law defines the beneficiaries/recipients of cash assistance, who are, among others, the victims of domestic violence, for the entire duration of the Protection Order or Emergency Barring Order, who do not received services in the social care institutions.
- Law No. 111/2017 “On Legal Aid Guaranteed by the State”. This Law guarantees free legal aid to special categories, including victims of domestic violence, sexual abuse, human trafficking, and the persons whose right has been violated under an act or omission that constitutes a discrimination. This mechanism, while guaranteeing access to the justice system through free legal aid, foreseen also the creation of institutions providing primary and secondary legal aid.
- Law No. 121/2016 “On social care services in the Republic of Albania”. This Law provides for specialized services inter alia to women and girls victims of violence or human trafficking, pregnant women and girls or single parents with children up to 1 year old.

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- Law No. 65/2016 “On Social Enterprises in the Republic of Albania”. The objective of this Law is, among others, the employment of disadvantaged groups in the labour market, including women victims of violence and trafficking.

Policies

- The 4th National Strategy on Gender Equality and its Action Plan 2021-2030 (NSGE 2021-2030)

To ensure that specific measures against domestic violence and other forms of violence against women are coherent with other policies in respective areas, the NSGE 2021-2030 has been aligned with other sectorial strategies and policies in relevant areas. Here we can mention the National Strategy for Development and Integration, the National Strategy on Social Protection (2020-2023), the National Strategy for Social Housing (2020-2023), the Juvenile Justice Strategy (2022-2026), the National Strategy for Employment and Skills (2019-2022); the Policy Paper on Social Inclusion (2016–2020) and the national plans: on the Fight against Human Trafficking, the National Youth Plan (2022-2029), Integration of Roma and Egyptians community (2021-2025), LGBTI_ persons (2021-2027), the Implementation of Resolution 1325 (2018-2020), and others.

- February 2022 - Albania started the mandate and its role in the Security Council
- July 2022 – With 124 votes in favor, the Albanian Parliament approved the Law on National Register of Sex Offenders. With this initiative, Albania takes the first serious step towards protecting persons/children from online and offline sexual violence. The law is broadly based on the draft prepared by the best experts of Counselling Line for Girls and Women, AWEN and other Women CSOs.
- The Council of Ministers approved on 23 July 2022 the joint proposal of High Judicial Council (HJC) and Ministry of Justice (MoJ) for a new judicial map in Albania, reducing the total number of courts of first instance from 22 to 13, one Appeal Court and two Administrative Courts of First Instance. This initiative is premature and implies lack of access of a large number of citizens to justice, especially to the vulnerable groups, victims of GBV/DV and the communities living in the rural areas.
- November 2022 – on going: Vaccination of girls with the vaccine against the Human Papilloma Virus (HPV) has started for the first time in our country, which is already included in the national vaccination calendar to protect them from cervical cancer.
- From January 2023 started the implementation of the new policy to support unemployed mothers with more children, for which the first 5 years of caring for the third child will be recognized as working years. "New program to support mothers with three or more children up to 18 years old, who have a family income of up to 100 thousand ALL, recognizing them up to the first 5 years of the third child, and subsidizing them from the state social and health contributions, will be a program that will be accessible to all mothers who will apply to this program through the Decision of the Council of Ministers No. 88, Date 22.2.2023 For the Approval of the National Strategy for Development and European Integration 2022 – 2030
- Decision of the Council of Ministers no. 692, dated 26.10.2022 On the approval of the National Youth Strategy and action plan 2022-2029

- Instruction of the Minister of Health and Social Protection no. 564, dated 5.10.2022 On the adoption of standards for treatment centers for children who are victims or witnesses of sexual abuse and severe forms of violence
- Decision of the Council of Ministers no. 751, dated 1.12.2022 For a special protection from the state for unemployed women with three or more children aged up to 18 years

Regarding the access to justice, the Law on Free Legal Aid introduces possible exemptions from judicial fees for victims of trafficking and domestic violence, and establishing local legal aid offices. The implementation of the law has been very slow and the budget allocation insufficient for local offices to be set up in the short term. Despite the amendments of June and August 2018, access to justice remains a big challenge. Free legal aid assistance continues to be delivered predominantly by civil society organizations.

SEXUAL VIOLENCE

Sexual violence: remains a topic that needs to be thoroughly addressed in Albania. While other forms of violence are increasingly reported, sexual violence is not reported by girls and women.

A national study¹ of AWEN network on Understanding sexual violence and sexual harassment showed that these are not easy processes in Albania. Previous studies have shown that people often do not have information about sexual violence or harassment, especially in cases of sexual violence in intimate relationships. The girls and women participating in this survey study claimed that they were not informed about sexual violence or sexual harassment either at school or from their families. In many cases, discussing such issues in the family was considered “a shame”, which left the participants uninformed. At the same time, these issues were neither discussed at school for the same reason. The young girls who participated in the focus group confirmed that until 5-6 years ago, when they were students, the situation at school was the same: teachers divided the class when they talked about sexuality issues and tried to avoid or skim the topic.

The phenomenon of sexual violence was perceived as widely spread and expanded all over Albania, with a worsening tendency.

Sexual harassment was also reported as a spread phenomenon mainly among divorced women. Since many participants were survivors of sexual violence, they had their own experiences of looking for an apartment for rent or a job. They described many cases where they were sexually harassed by the landlord or business owner.

The forms of sexual violence and sexual harassment can vary depending on the persons involved and the type of sexual harassment or violence. The study participants mentioned several cases of sexual violence in its most severe form, that of rape. But they also mentioned cases of sexual violence against children while attempting to benefit sexual acts as well as of sexual harassment in public places, in school, in police premises, while looking for housing and at work.

The legal framework on sexual abuse and violence has significantly improved in recent years in an effort to harmonize it with the international standards requirements. However, there are still some issues related to the definition of rape, not only in cases of coercion, but also in cases “without the person’s consent”. Also, there is ambiguity in the definition and specifications of immoral acts and various types of sexual harassment. That would improve the judicial panels’ understanding and their appropriate sanctioning of these acts.

- National policies should prioritize protecting vulnerable social groups from sexual violence, such as Roma girls forced into early marriages and lesbian girls subjected to "corrective rape." There is a lack of policies incentivizing the reporting of sexual violence, often pressuring victims to remain silent.
- The absence of standards and codes of conduct for professionals and individuals in contact with victims hinders the reporting of sexual violence. Recommendations have been made to adopt clear codes of conduct, but no action has been taken yet.
- The State Police and Prosecutor's Office handle criminal prosecutions, but neither institution has specialized offices for sexual crimes, often bundling them with cases of violence against children or gender-based violence.
- Immediate and free forensic examinations are part of the standard procedure, but shortcomings exist, particularly in small towns where weekend services are lacking. There is no specific protocol for examinations, and they often focus solely on the vagina, neglecting other potential evidence.
- Comprehensive criminal policies against sexual violence are lacking, resulting in a historical gap between reporting and sentencing. Civil society organizations have been raising awareness and pressuring justice bodies to investigate and prosecute sexual violence.
- In recent years, increased public awareness and social pressure have prompted law enforcement and justice institutions to take sexual crimes more seriously, leading to a slight rise in the rate of criminal prosecutions for these offenses according to recent statistics.

WOMEN’S CIVIL SOCIETY ORGANIZATIONS

Sustainability of the existing services provided by NGOs: While the work of CSOs as service providers is publicly known and appreciated, state support for allocating adequate resources for sustainability of the existing services provided by CSOs, especially for all those women organizations working to support victims and prevent violence, is almost missing. The state supports financially only the shelters for victims of trafficking, Alo 116 for Children, LGBTIQ Shelter and the National Counselling Line for Women and Girls (the latter at a very small amount). Even in these cases no mechanism has been found to ensure stability. The CSOs have to apply for funds every year and employee salaries are delayed from 2 to 4 months at the beginning of the year. This causes instability not only in the funding of organizations but also for the continuity of the staff working and providing direct services.

The role of civil society is recognized by the state institutions, however there is an immediate need to translate this recognition into concrete financial support, especially for all those women organizations that play a vital role in protecting and empowering vulnerable girls and women, while pushing forward gender

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equality standards in the country. Procurement of social services (at central and local level) to CSO-s offering specialist support services, thus to increase sustainability of services and availability of these services for domestic and gender-based violence victims, but not only, relevant for all other social services.

ARTICLE 22: SPECIALIST SUPPORT SERVICES

Specialized support services in general, especially those targeting vulnerable girls and women, with a special focus on gender-based violence victims are provided by the civil society organizations through international donors' support and located mainly in urban areas, including the state services. The social services in rural areas are very rarely provided or totally inexistent in the most remote areas of the country.

Important developments:

- "Lilium" crisis management center has been established in 2018, this is the only center providing emergency support to survivors of sexual violence. Still the country lacks a long-term crisis management center. Lilium center doesn't have enough capacities considering being the only center providing such services in the country.
- 2 one-stop centers for children's victims of sexual abuse have been established in Fier and Shkoder

State guarantees long-term accommodation through two national public shelters, one for victims of domestic violence and one for victims of human trafficking/potential victims of trafficking. In addition, other services are provided by the municipalities.

Other residential centers (long-term shelters): In total there are 8 centers that offer long-term services to victims of gender-based violence and domestic violence located in 4 municipalities (5 in Tirana, 1 in Shkodër, 1 in Vlorë, and 1 in Elbasan). They provide the following services: (a) safe accommodation; (b) psycho-emotional support; (c) economic empowerment programs; (d) acting as liaison with institutions for legal support, education, employment and long-term housing; (e) follow-up of cases for safe and sustainable integration.

There are 16 public and non-public emergency residential centres (emergency shelters) in total that offer services for 24 to 72 hours to victims of gender-based violence and domestic violence and specifically:

- Centers managed by the municipalities in: Përmet, Pogradec, Roskovec, Sarandë, Urë Vajgurore, Krujë, Kukës
- Centers managed by CSOs in: Shkodër, Korçë, Elbasan, Vlorë, Tirana

- Centers managed by the municipality and NPOs in: Dibër
- LILIUM Centre managed by the Ministry of Health and Social Protection in Tirana
- Two new integrated services “One-stop centres” in the regional hospital in Fier and Shkodër

Types of services provided:

Medical support; Short-and long-term psychological counselling; Legal counselling; Socio-economic reintegration; Outreach services; Helpline;

Government structures should allocate a concrete and sufficient budget to this category of social services in the country, not remaining dependent on external funds (donors). The new National Strategy for Gender Equality and Gender Based Violence 2021-2030 should not remain donor dependent and the Social Services Reform should be prioritized at Central Governmental Level. This will make possible the concrete realization of the strategic objectives of the strategy, one of these being the provision of specialized support services for vulnerable women, especially victims of gender-based violence. Using Gender Responsive Budgeting as a tool for integrating a gender perspective into policies and actions in all sectors and at all governmental levels, decision-making and implementation, can accelerate the achievements of results in the field of gender equality and against gender-based violence.

Immediate establishment of emergency shelters for the victims of gender-based violence should become mandatory for local governments, at least one in each region, as the only support for the emergency cases. Besides, new crisis centres for sexual violence victims should be opened in other regions of the country (beside Tirana: Lillium Centre). This would lead to a qualitative jump in the victim protection response of each municipality.

Guaranteed State Legal Aid and legal protection of victims of gender-based violence: Regardless the legislative amendments, women have continued to face discrimination legislation-wise and remain inadequately protected against violence. Although the Law on Free Legal Aid introduces possible exemptions from judicial fees for victims of trafficking and domestic violence the implementation of the law has been very slow and the budget allocation insufficient for local offices to be set up in the short term. Despite the legal amendments, AWEN members report that access to free legal aid and quality legal support remains a big challenge. Free legal aid assistance continues to be delivered predominantly by civil society organizations although this year the Ministry of Justice has signed agreements with several organizations providing free legal aid. Some main problems/issues are: lack of initiation of criminal proceedings in cases of repeated violence and violations of the Immediate Protection Orders especially by the prosecution offices; very limited application of the public lawsuits which according to the law should be initiated by the police representatives, prosecution orifices, administrators of local units ; free psychological expertise does not apply in cases of psychological violence that needs to be assessed by an expert; lack of coordination/collaboration between the newly created public structures (for primary and secondary legal aid) with CSOs offering free legal aid; etc.

Implementation of the law and its sub-legal acts needs to be closely monitored by the Ministry of Justice and be adequately budgeted. The collaboration of the newly created public structures (for primary and

secondary legal aid) with CSOs offering free legal aid need to be facilitated by the Ministry of Justice and Ministry of Health and Social Protection. The application of the public lawsuits by the public actors should be closely monitored and a capacity building initiative should be initiated on this topic, focusing on its extreme importance, etc. This will result in improved protection of women victims of gender-based violence.

ⁱ <https://awenetwork.org/eng/publikime/studime/sexual-violence-and-sexual-harassment-a-situational-analysis>