

# **Local strategy for the implementation of the EU Guidelines on violence against women and girls and combating all forms of discrimination against them**

— REPUBLIC OF ALBANIA —

*Adopted by EU Heads of Mission to Albania on 3 June 2010*

## **INTRODUCTION**

In December 2008, the Council of the European Union adopted the Guidelines on violence against women and girls and combating all forms of discrimination against them, which mark the EU's clear political will to treat the subject of women's rights as a priority and to take long-term action.

The operational objectives of the Guidelines are to promote gender equality and combat discrimination against women; devise effective and coordinated strategies; fight against the impunity of perpetrators of violence against women; and facilitate access to justice for victims.

The EU puts these Guidelines into practice through country-specific strategies. With the purpose of facilitating the implementation of the Guidelines in Albania, the present local strategy has been approved by EU Missions (Embassies of Member States and EU Delegation), following consultation with international organisations and civil society organisations active in the country.

This local strategy is in line with EU-Albania commitments in view of the country's EU accession perspective. In this regard, the principle of equal opportunities for women is enshrined in the Stabilisation and Association Agreement between the EU and Albania, which entered into force in April 2009. The promotion of gender equality, the protection against discrimination and the fight against domestic violence are also included among the European Partnership priorities.

The present strategy is divided into two separate parts. The first part analyses the most important challenges concerning discrimination and violence against women in Albania, as well as the relevant legal and institutional framework in the country. The second part defines a set of actions aimed to fight against domestic violence and gender-based discrimination in Albania, to be undertaken by the EU and Member States during the period 2010-2011 in order to implement these Guidelines.

## **I. ANALYSIS**

### **A. Legal and institutional framework**

#### ***International obligations***

Overall, Albania has an adequate legal framework to protect and promote gender equality and women's rights. The country has ratified most of the international and European human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1994. In 2008, Albania submitted its third periodic report to CEDAW, which is to be reviewed at CEDAW's 46<sup>th</sup> session in July 2010.

Albania underwent in December 2009 its first Universal Periodic Review during the 6<sup>th</sup> session of the UN Human Rights Council – UPR Working Group. A significant number of the recommendations formulated during the interactive dialogue, endorsed by Albania, covered issues related to gender equality, and called for further efforts to fight against domestic violence.

### ***National legislation***

During the past few years, Albania has made significant progress in strengthening the legal and institutional framework to protect and promote women's rights, and to combat family violence.

The Domestic Violence Law was approved by the Albanian Parliament in December 2006. It represented a considerable step forward towards the prevention of family violence, in particular through the introduction of protection orders. Since the adoption of the law, there has been a remarkable increase in reported incidents of domestic violence.

In July 2008, the Parliament passed the Gender Equality Law. Apart from providing definitions on gender, gender discrimination, women's rights in the workplace, equality in education, combating discrimination by the media and equal representation, this law contains measures like the country's first quota for the under-represented gender in elected and appointed positions, and the strengthening and establishment of gender equality structures at central and local level government. The Electoral Code adopted in December 2008 incorporated aspects of the 30% gender quota found in the Gender Equality Law into local and national party lists and some of the bodies administering the elections.

In order to help put these legal provisions into operation, the Government adopted in December 2007 the National Strategy on Gender Equality and the Eradication of Domestic Violence, covering the period 2008-2010. The strategy provides the basis for coordinated implementation of gender equality goals by all public institutions as well as donors in the country. This strategic document is now being evaluated and revised, in coordination with the Sectoral Working Group on gender equality and domestic violence.

In July 2008, the Government adopted the National Strategy on the Fight against Human Trafficking for the years 2008-2010, and the accompanying National Strategy for the Fight against Child Trafficking. These strategic policy documents encompass concrete measures regarding prevention of trafficking in human beings, protection and assistance to victims and prosecution of perpetrators. As a result, considerable efforts have been made to improve the identification of victims of trafficking, as well as the functioning of the national victim referral mechanism.

More recently, the Parliament approved in February 2010 the Law on protection from discrimination, which regulates the implementation and respect of the principle of equality in connection with a non exhaustive list of grounds, including gender.

### ***Competent bodies***

The responsible authority for the implementation of Government policies on gender equality is the Ministry of Labour, Social Affairs and Equal Opportunities. Therein, the Directorate of Equal Opportunities Policies is in charge of overseeing and monitoring the implementation of the National Strategy on Gender Equality and Domestic Violence. In 2009, the National Council on Gender Equality was established as a coordinating body, and an inter-ministerial working group on gender statistics was set up.

The implementation of the National Strategy on Human Trafficking falls under the responsibility of the Ministry of Interior, and more particularly of the Office of the National Anti/Trafficking Coordinator. The Office is responsible for operations of the national referral mechanism, and manages the database of victims of trafficking, operational since September 2008.

As the independent national institution for the defence of fundamental rights and freedoms, the People's Advocate (Ombudsperson) is responsible for monitoring human rights, including women's rights, and for making recommendations to redress human rights violations. In addition, the Commissioner for Protection from Discrimination has been tasked with the effective implementation of the Anti-discrimination Law, with the power to impose sanctions in cases where the law has been breached.

## **B. Main challenges identified**

Notwithstanding the progress made by the Albanian authorities in recent years in the legal and institutional framework, discrimination against women and domestic violence remain widespread in the country. The allocation of human, technical and financial resources at national and local level to support these laws and policies remain insufficient, which substantially hampers the effective implementation thereof. At present, a considerable number of actions undertaken in this area have been covered by donor contributions and non-governmental organisations.

### ***Discrimination against women***

Gender-based discrimination is prevalent in Albania. Women face discrimination in a number of areas, which translate into higher unemployment, early school drop-out of girls, limited access to land and property, and lower level of representation in high-level elected and appointed bodies. There is a need for enhanced monitoring of the situation of women and of gender equality in the country, and for improved collection and analysis of gender-disaggregated data.

Further efforts are needed to promote the economic security and empowerment of women in Albania. This includes, amongst others, improving the current situation of women in the labour market, as well as women's political participation and decision-making position. It is equally necessary to ensure that the laws and policies guiding social inclusion and social protection are equitable responding to women and men's needs. In this regard, in order to eliminate gender disparities in allocating economic aid among poor Albanians, the Social Assistance / Economic Aid Law needs to be revised so that it targets individuals in need and their dependents instead of households, as the current legal provisions assume that heads of household are male. Alternatively, categories of "heads of household" would need to be expanded to include a broad spectrum of women-headed households, as well as victims of domestic violence and trafficking.

### ***Domestic violence***

In its first national survey on domestic violence (March 2009), INSTAT reported that 31% of women had suffered from physical forms of violence in the home. Despite significant increases in the numbers of women coming forward to report violence to police officials, domestic violence remains largely under-reported and not sufficiently investigated and prosecuted. In its last report "Ending Domestic Violence in Albania. Next Steps" dated March 2010, Amnesty International urges the Albanian authorities to: "introduce into the

Criminal Code amendments criminalizing domestic violence, including systematic psychological and economic abuse”.

There is a need for further coordinated efforts of the State authorities and other stakeholders dealing with domestic violence cases (e.g. central and local government, police, courts, social workers, health-care providers, NGOs). In this regard, the Government needs to effectively put into action the Memorandum of Understanding signed by the relevant line Ministries for the implementation of the Domestic Violence Law, and to closely cooperate with civil society organisations actively working in this field.

There remains a need for systematic training and capacity-building of the judiciary and the police in order to ensure the proper application of the law and sensitive handling of victims. In this regard, NGOs have reported that in cases of domestic violence police tend to routinely initiate a petition for a protection order, although in some cases criminal prosecution might be more appropriate. Additional resources and training for police are equally needed to ensure the enforcement of protection orders. Furthermore, local authorities require further technical and financial support allowing for community response to domestic violence cases, in particular in rural areas.

The State needs to guarantee the right of victims to have access to justice, in particular through the effective implementation of the Law on free legal assistance. Further efforts aimed at protecting victims are essential, including the establishment of sufficient public shelters for victims of domestic violence and supporting NGO-managed shelters. Albania needs to set up a toll-free 24-hour national helpline offering specialised counselling to victims of domestic violence.

Reintegration of victims of domestic violence requires increased attention and public resources to provide further training and employment opportunities to abused women, and to facilitate their access to long-term housing.

Prevention activities need to be significantly stepped up, amongst others through awareness raising campaigns, the further inclusion of gender perspective in school curricula, and increased information about the rights and legal means foreseen in the Domestic Violence Law. There is also work to be done on changing attitudes towards the victims of sexual crimes who are still often blamed for "encouraging" the attack, and are isolated within their local community. In this regard, enhanced cooperation with the media is required to promote responsible and sensitive reporting in this field.

### ***Trafficking of women and girls***

Albania remains a country of origin of women and children trafficked for the purposes of sexual exploitation and forced labour, although there has been a decline in the number of persons trafficked. Albania is no longer considered a major country of transit, but domestic trafficking of women for prostitution is reported to be on the increase.

Albania needs to effectively implement the Law on witness protection, to allow for further investigations against human trafficking perpetrators. There is further need for progress on reducing the reliance on human evidence and increasing forensic capacity to improve conviction standards and rates.

The Government also needs to continue training law enforcement officials and social services involved in the fight against trafficking in human beings. Government funding for the protection and reintegration of victims of trafficking needs to be increased, including the provision of shelter, housing, vocational training and employability services.

## ***Education***

Finally, remains the challenge of promoting gender perspectives in curriculum for all levels of education and particularly elementary and secondary school levels. In this regards, further efforts should be made to ensure a gender equality perspective in all the educational system and contribute to change attitudes, fight against stereotypes and raise awareness on women's rights.

It is also necessary to promote gender studies at University level as well as introducing gender perspective in different degrees, particularly in the curriculum of law studies and, furthermore, increase training of lawyers and members of the judiciary on the proper application of the existing legal provisions related to domestic violence and other gender issues.

## **II. EU LOCAL OUTREACH AND ACTION**

### ***Monitor the situation of women and girls in Albania***

- Share information regularly on the situation of women and girls in Albania, and discuss violations of women's rights at Heads of Missions level.
- Collect and verify information on gender-based violence and discrimination. This includes identifying forms of violence against women, discriminatory laws and practices, and shortcomings of public policies defined in response to domestic violence.
- Urge the implementation of laws and policies relating to women's rights based on the recommendations from the UN CEDAW Committee, Universal Periodic Review and Special Rapporteurs, and monitor progress.
- Cooperate with other relevant international organisations, particularly the UN, OSCE and the Council of Europe, in addressing domestic violence and discriminatory practices against women.
- Promote research and debate on gender equality and women's rights in Albania, amongst others by supporting awareness-raising campaigns.
- Encourage the media to report on gender-based violence and discrimination in a responsible, informed and sensitive manner. Stress the role of the media to change attitudes, fight against gender stereotypes and raise awareness about women's rights.
- Ensure integration of national gender equality priorities into broader policies and strategies, including interventions funded by EU Missions. Support interventions which ensure Albanian legislation's conformity with existing national and international obligations on gender equality and domestic violence, amongst others with the aim of meeting EU standards.

### ***Promote the role of human rights defenders***

- Involve human rights defenders in the preparation and implementation of the present local strategy regarding the EU Guidelines on violence against women and girls and combating all forms of discrimination against them. Maintain regular contacts with them and also with the EU liaison officer for human rights.
- Maintain a permanent dialogue with human rights organisations, in particular women's organisations, amongst others with a view to better understand their needs and constraints and shape donor assistance accordingly.

- Provide financial support to civil society initiatives aimed at fighting domestic violence and gender discrimination. This includes EU calls for proposals for civil society organisations under the Instrument for Pre-accession Assistance (IPA) and the European Instrument for Democracy and Human Rights (EIDHR), as well as different grant schemes of Member States. Inform human rights organisations, in particular women's organisations, on the financial resources available and the means of requesting them.
- Stress the need for further cooperation among civil society organisations committed to the protection and promotion of women's rights, in order to avoid fragmentation of civil society and women's movement in Albania.

### ***Cooperate with the Albanian authorities***

- In the framework of the political dialogue with the Albanian authorities, raise the subject of effectively protecting and promoting women's rights as a fundamental element to meet the political criteria for EU accession. In this context, EU Missions will express the need to adhere and comply with international norms and standards, including the recommendations made by international and regional mechanisms as regards women's rights and gender-based violence.
- Maintain an active dialogue with the Government of Albania and other relevant institutions on women's rights issues, emphasising the need to back up legislation and policy commitment with human and financial resources allowing for their effective implementation.
- Encourage the Albanian authorities to improve coordination of relevant bodies in the implementation of the legal provisions and public policies related to gender equality and domestic violence.
- Encourage and support the work of national bodies for the promotion and protection of women's rights, namely the People's Advocate and the Commissioner for Protection from Discrimination.
- Promote the capacity-building and training of the judiciary on the proper application of the existing legal provisions related to domestic violence. Encourage the criminal justice system to increase visibility of successful prosecutions of domestic violence cases.
- Support efforts to promote the principle of equal treatment, including equal rights for men and women and gender mainstreaming, and to fight against discrimination. In this regard, further efforts should be made to ensure a gender equality perspective in the educational system at all levels, in order to change attitudes, fight against stereotypes and raise awareness on women's rights.
- Encourage the involvement of civil society organisations, including women's organisations, in the policy-making process and subsequent implementation.
- Encourage the establishment of local shelters and a 24-hour nationwide hotline for victims of domestic violence.
- Work to raise awareness and change attitudes towards women and particularly crimes against women, so that victims receive support, not condemnation from the authorities and their local community.

## **EVALUATION**

The Working Party on Human Rights of the Council of the European Union shall regularly evaluate the implementation of the Guidelines in Albania. This periodic evaluation will take place, inter alia, on the basis of the reports submitted by the EU Heads of Mission in Albania and after consultation with civil society organisations. For this purpose, a first report on the implementation of the present local strategy shall be submitted by the EU Heads of Mission in Albania to the abovementioned Council Working Party one year after its adoption.