

Ministry of Labour, Social Affairs and Equal Opportunities

**NATIONAL STRATEGY ON GENDER EQUALITY AND
DOMESTIC VIOLENCE
2007-2010**

A STRATEGY INTENDED FOR A SOCIETY BUILT ON GENDER EQUALITY AND WITHOUT VIOLENCE

In July 2006, the Ministry of Labour, Social Affairs and Equal Opportunities (MOLSAEO) delivered the initiative to develop the National Strategy on Gender Equality and Domestic Violence, and the Action Plan, with this being an indication of the political commitment of the Government of Albania to provide the movement for the achievement of gender equality with an instrument of policies synchronised with the civil society initiatives.

A fundamental civil right, and a value shared by the European Union member countries, gender equality is a crucial condition to ensure Albania's integration into the EU, and to meet the employment and social cohesion goals under the MSA, which Albania signed in June 2006.

In Albania, women and young women have achieved high levels of education, and have made progress in the labour market and public life. However, gender inequality is a matter of concern to the Albanian society. Due to the absence of suitable working hours and social services, and to other obstacles attributable to traditional gender-related stereotypes and the societal masculine mindset, it places numerous women in the dilemma of having to choose between raising children, and pursuing a career.

The current Albanian society has also seen increased domestic violence perpetrated rather against the women and young women, the children and the elderly. Studies show that violence unfolds in all its forms: psychological violence, a form of domestic violence that occurs most frequently; economic violence, which occurs basically in urban areas; physical violence, which is a main occurrence in rural areas; and sexual violence, which is less reported. Age groups 18-23 and 37-45 are subjected to greater domestic violence, with the disabled women and young women, migrant women and young women, the Roma women and young women, and rural women and young women, being at a higher risk.

Developing a National Strategy on Gender Equality and Domestic Violence was dictated by the need to upgrade women' and young women's status in Albania, to overcome gender-based hurdles and differentiation, to stick to the long and difficult path towards gender equality, to ensure compliance with gender equality-specific requirements and standards, and their incorporation into public policies and programmes, including the World Conference on Women, held in Beijing in 1995, Beijing +5, +10, the process of bringing the Albanian legislation into line with the EU legislation, and the Millennium Development Goals.

The Strategy lays down the approaches and institutional mechanisms for mainstreaming gender issues into public policies, easing gender-based differences, and preventing domestic violence.

The Strategy consists of two parts: Gender Equality and Domestic Violence. Both topics are closely related, with either of them revealing their own peculiarities. The main objectives contained in the Strategy are identified on the basis of the current realities in the country, and particularly, the problems that are of greatest concern to the Albanian society. For them to be identified, the situation in 12 Prefectures across the country was reviewed, and studies were conducted recently by governmental institutions, civil society, as well as gender equality and domestic violence experts, on the basis of the international standards underlying the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Millennium Development Goals.

The bottom line of the said Strategy was an inclusive process. In the course of this process, the working groups constituted of representatives of the central and local institutions and the civil society, as well as gender issue experts, came up with a draft of the project. Then, discussion of the draft among stakeholders followed. The presentation of the draft Strategy for the Prevention of Domestic Violence and its Action Plan, in November 2006, and of the draft Strategy on Gender Equality, at the National Conference on “Gender Equality, Social Cohesion and Equal Opportunities,” convened in February 2007, was the final output that wrapped up a number of activities hosted further to that discussion.

The National Strategy on Gender Equality and Domestic Violence has an Action Plan attached to it, which is broken down into goals, implementation measures, the relevant budget, and measurable indicators, as well as the time frames for their implementation. The National Plan also specifies the principal institutions and the partners responsible for each and every implementation measure.

This major instrument, and the laws adopted recently, including Law no. 9669, dated 18 December 2006, “On penalties for domestic violence,” and Law no. 9198, dated 1 July 2004, “On a gender-equal society,” which is being amended, make up an important basis of policies and legislation conducive to progress towards gender equality and violence-free family.

I would like to seize this opportunity to acknowledge the contribution made by the international organisations, including the UN system organisations (UNFPA, UNIFEM, UNICEF, and UNDP) and the OSCE, which have had a major role to play in drafting this Strategy, and extend to them my gratitude for having provided us with technical and financial assistance.

Special thanks goes to the Prime Minister of Albania, Mr. Sali Berisha, who strongly supported this initiative, and personally honoured the National Conference “Gender Equality, Social Cohesion and Equal Opportunities,” in which the draft Strategy and Action Plan were presented, thus once again confirming the high priority given to the gender equality issues in the Government’s agenda.

A thank you goes also to Mrs. Marieta Zaçe, Deputy Minister of Labour, Social Affairs and Equal Opportunities, for the lead role she took in, and the serious and professional work she contributed to, developing this important instrument. I would also like to extend my thanks to the coordination group of the project for developing the Strategy, the staff of the Gender Equality Sector under the Department for Equal Opportunities Policies, all the leaders and members of the working group involved in the drafting of the said Strategy and the Action Plan, as well as all those who offered cooperation in and contribution to this process.

The Strategy is now in place. Thereafter, the challenge concerns its implementation.

Koço BARKA

Minister of Labour, Social Affairs and Equal Opportunities

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ABBREVIATIONS

ACER	Albanian Centre for Economic Research
EU	European Union
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
RED	Regional Education Directorate
DEO	Department for Equal Opportunities
NCA	National Chamber of Advocates
INSTAT	Institute for Statistics
CC	Civil Code of the Republic of Albania
ECHR	European Convention on Human Rights
FC	Family Code
HCJ	Higher Council of Justice
CCoRA	Criminal Code of the Republic of Albania
CPCoRA	Civil Procedure Code of the Republic of Albania
CrPCoRA	Criminal Procedure Code of the Republic of Albania
MoES	Ministry of Education and Science
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoF	Ministry of Finances
MoI	Ministry of Integration
MFA	Ministry of Foreign Affairs
MOLSAEO	Ministry of Labour, Social Affairs and Equal Opportunities
SAA	Stabilisation and Association Agreement
MoH	Ministry of Health
NPO	Non-profit organization
GP	General Prosecutor's Office
LG	Local government
NETC	National Education Training Centre
NCEE	National Education and Evaluation Centre
CLCI	Centre for Legal and Civil Initiatives
NCQSAHI	National Centre for the Quality, Security and Accreditation of the Health Institutions
RoA	Republic of Albania
STDs	Sexually Transmitted Diseases
MS	School of Magistrature
PS	Police School

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INTRODUCTION

Gender equality issues comprise the core of social policies of the EU member countries, and one of the requirements to be fulfilled by the countries that have joined the European integration process. Overlooking of, or failure to properly address, these issues, would result in having around 50 per cent of the population not being able to fully benefit from the progress achieved through the social, political and economical reforms. If the issue of gender inequality, which is apparent in all the aspects of social life in Albania, is not made the focus of social policies, it will undercut Albania's efforts to achieve sustainable development, with the reason behind this being that the country's full human potential will not be made use of, and not all the social groups will enjoy the achievements. Hence, gender mainstreaming should be part and parcel of all the social, economic and political policies in Albania, so as to ensure achievement of sustainable development by making full use of the country's human potential, and guaranteeing enjoyment of these achievements by all the social groups.

This is the basis for understanding why gender issues are becoming more and more important for the Albanian society. Following 2000, the current century has seen major institutional and structural developments concerning women's advancement and further emancipation in the Albanian society, which have been conducive to their active participation, on an equal footing with men, in the political, economic and social life of the country. In this regard, ever increasing efforts are being made to ensure coordination of governmental initiatives with the ever increasing involvement of the civil society.

Priority has been given to developing different sectoral and cross-sectoral strategies, basically effective in the medium term. However, while the process for developing these strategies is drawing to a close on a positive note, the process for their implementation runs the risk of being challenged by a number of factors, including failure to enforce legislation or lack of propriety in enforcing it, insufficient capacities among the public administration scoring relatively high on corruption rating, failure to come with timely and objective planning, and lack of financial resources. Therefore, it is of crucial importance to institute measures to prevent or ease the impact of the afore-mentioned risks on the successful implementation of all the strategies that have been drafted.

The timing of the MOLSAEO-led initiative to develop the National Strategy on Gender Equality coincides with the process for drafting and approving the National Strategy for Development and Integration (NSDI). Already made subject to reviewing, this instrument is designed to respond to the dynamics of the evolution of ideas. It accommodates interests and new approaches determining the progress of sectoral developments as a whole, or in favour of different social groups.

The National Strategy on Gender Equality is the product of an interrelated and inclusive process, which involved different governmental institutions at a central and local level, civil society, non-profit organisations, different interest groups, representatives of the political forces at home, representatives of the academic field, and international partners.

This document was drafted with the **participation of all actors and stakeholders concerned with the gender equality issues**. This broad participation was intended to produce a well-founded instrument, and to ensure that the plan of actions and interventions complies with the real needs and capacities of the country's institutions. In addition, the said Strategy is designed to enhance cooperation among different governmental actors (at a central and local level), donors, civil society and the community, so as to take gender equality-oriented decisions.

The Strategy looks at and addresses two major issues: Gender Equality, and Prevention of Domestic Violence.

The Strategy aims at:

- Achieving gender equality in Albania through mainstreaming the gender perspective into all the aspects of the policies developed and applied. This means equal participation of women and young women, and men and young men in the social, economic and political life of the country, as well as equal opportunities for them to enjoy all their rights and to place their individual potential at the service of the society; and,
- Improving protection, performance of the judiciary system, and support for the victims of domestic violence, and focusing more specifically on prevention, attacking the root causes of domestic violence and abuse.

In the course of developing the said Strategy, the working groups relied on:

- The examination of the social and economic situation in Albania, taking into consideration the economic, education, health and cultural indicators;
- The specific analyses of women' and young women's participation in different sectors, and decision-making structures at a central and local level;
- The legal and institutional mechanisms, as well as financial, material and human resources available to develop effective policies designed to achieve defined aims and targets;
- The identification of the vision and main challenges in achieving gender equality in Albania;
- The preparation of an action plan to attain the aims and goals contained in this Strategy;
- The introduction of the baseline indicators to measure and evaluate the progress, or review actions in accordance with the newly emerging situations.
- The identification of the main areas of intervention to prevent domestic violence.

The Constitution of the Republic of Albania officially sanctions equality between men and women, but in practice, more often than not, women do not enjoy the same rights as men. This inequality is tangible in many sectors. Therefore, while working on drafting this document, the working groups identified the following aspects to focus on:

1. Legal and institutional mechanisms ensuring gender equality in Albania;
2. Gender balance in decision-making;

3. Economic empowerment as one of the essential conditions for achieving gender equality;
4. Education and easing/elimination of gender-based stereotypes transmitted through it;
5. Social support;
6. Health care;
7. Mass media and easing/elimination of gender-based stereotypes transmitted through it; and,
8. Five specific areas facilitating prevention of domestic violence: a) **Education** – as a sector in which efforts help prevent domestic violence; b) **Justice** – as a sector in which efforts are made to prevent and combat domestic violence, and support victims of domestic violence; c) **Health** – as a sector in which effort help prevent and combat domestic violence, and support victims of domestic violence; d) **Social services** – as a sector in which efforts help prevent and combat domestic violence, and support victims of domestic violence; and, e) **Public awareness** (cross-sectoral) as a vehicle for preventing and combating domestic violence.

The goals contained in this instrument (which are outlined in major detail in the next page) basically aim at:

- a. Highlighting women' and young women's current situation, and the way in which gender equality and domestic violence are handled in Albania;
- b. Specifying the most important steps that should be undertaken to address priorities surrounding achievement of gender equality and reduction in domestic violence; and,
- c. Identifying the institutions responsible and the partners that will be cooperating towards the achievement of the purposes contained in this Strategy.

CHAPTER ONE: CURRENT SITUATION

Gender equality is a corner-stone in the process for the development of the country. For gender equality to be achieved, the causes of inequality encountered in the family, the community, the labour market, and in the Albanian society, overall, must first be examined. Division of labour by gender creates burdens (measured according to time and energy consumption), level of knowledge (of prestige), and different powers for men and women. Gender inequality negatively impacts the balance among opportunities, living conditions and social status for women/young women and men/young men. The deep-going social and economic transformation that took place following 1990s, brought about evident changes to the economic structure, and the living standard, and resulted in a disrupted gender balance in the Albanian society. Even though during the transition period Albania did take important positive steps towards building a democratic society, the freedoms and rights gained have not affected women and men equally.

1.1 DEMOGRAPHIC SITUATION AND GENDER STRUCTURE

Albania has a young population, with the average age being 31.7 years. The division of the population by gender is balanced, with women accounting for around 51 per cent of the population¹. During the transition years, dynamic demographic indicators were registered due to the population young age, urbanisation processes, migratory movements, immigration and other economic factors. Hence, the relationships between the rural and urban population changed within a short period of time. Actually, the urban population rose to 46 per cent, from 36 per cent at the beginning of the 1990s. This increase in the urban population is attributed to the uncontrolled shift of the rural population towards the cities, as well as to shifts within the same district. On the basis of the statistics published by INSTAT, 600,000 Albanians, or 18 per cent of the population, have been estimated to have immigrated abroad. A comprehensive analysis of population group-ages shows that transition has affected and continues to affect the Albanian population structure. It has also brought about a substantial change to the family structure. The efforts to improve the standard of living have caused the Albanian family to change both its place and way of living. During this decade, the average age at marriage has changed from 22.6 to 23 for females, and from 27.2 to 28.5 for males². The divorce rate has changed accordingly – from 8.7 to 9.6 for 100 marriages. The average size of a family tending to give rise to two-generation families (parents and children) has also changed.

1.1.1. Gender balance in decision-making

Inequalities in terms of respecting women' and young women's rights grow also because of the poor level of their representation in the decision-making process, as well as the fact that the Albanian society has not yet succeeded in paying appropriate attention to

¹ INSTAT 2006, *Females and Males* 2005.

² INSTAT 2006, *Females and Males* 2005.

eliminating transmission of gender-based stereotypes in men' and young men's education, regarding the position they should enjoy both inside the family and in public life. Albanian women' and young women's low participation in decision-making, with them occupying 7 per cent of the parliamentary seats only, with 11 women only holding leadership positions³ at a central government level, and with them accounting for 2 per cent only of local government leaders, is quite a significant obstacle in carrying out the reforms and pursuing policies driven by women', children' and family's needs. Even though the number of women and young women employed with the public administration is rather encouraging, men still occupy the largest number of leadership positions.

The number of women and young women holding leadership positions in political parties is also low. This situation does not come through their lack of interest to be involved in politics, neither is it an indication of women' and young women's inabilities in this regard. It concerns the difficulties that the women and young women are faced with in adjusting themselves to the current reality surrounding Albanian politics. This situation reflects the lack of efficient standards and mechanisms for deciding the priorities, which would allow an increased number of women and young women in the country's leadership, with this being a role that they should be more determined to play. The low level of women's representation in the decision-making structures is an indicator of the fact that women' and young women's aspirations and needs are not represented, and are likely to have little impact on urging policies for addressing their problems, including poverty and gender inequality, or for improving their status and role in the economic and social development of the country.

Inequality in women' and young women's participation in political activities. The Albanian political parties are still lacking in specific gender equality policies that would clearly identify women' and young women's needs and priorities concerning political participation. This also accounts for the fact why these parties had refrained from incorporating serious statements on gender equality into their 2005 electoral campaign manifestos, or even into their current platforms, even though they claim that they do hold gender equality as an important issue in their manifestos. Irrespective of the continuous efforts the women' and young women's political organisations have put in with a view to enhancing women' and young women's participation in politics, and consequently, in decision-making, it must be stated that their number in the Parliament and Government is still quite low. It has been noted that women and young women are indeed active participants in the electoral campaigns. They are great promoters of the manifestos of the political forces they represent, perform great roles as commissioners, and provide very important support during campaigns. However, this representation and this very active role have not been appreciated by the political forces in fielding them as candidates in parliamentary elections, and particularly, local government elections. Even though a quota has been introduced in terms of women' and young women's representation in party leadership structures, no quota is in place concerning the elected women' and young women's representation. Irrespective of the efforts made by the Women's Movement to incorporate this quota into the Electoral Code, failure to introduce such a

³ Figures refer to the following positions: Minister, Deputy Minister, General Secretary until October 2006; Source: Directorate for Equal Opportunity Policies.

quota accounts for one of the causes regarding women's under representation in the Parliament and in local government leadership. This low level of representation is again indicative of the conservatism permeating an already known male-dominated politics in Albania.

Regardless of this reality, the 2005 elections registered new positive experiences, given that, for the first time in the Albanian parliamentary life, a woman was elected to the post of the Speaker of Parliament, and for the first time in these elections, a political party led by a woman took part in the political race, and a woman filed as an independent to run in the elections.

Representation of women and young women in the civil society. Non-profitable organisations (NPOs), known as the most active part of the civil society, have been very active in the democratic developments even though, they have frequently had to operate in a conservative society, in a society where anarchy and chaos have ruled for a long time, in a society that has frequently threatened their activities, and even, their existence. Even in the absence of a consulting process between the state and the NPOs, they have made their contribution, indeed impacting on political decisions.

There are 614 registered associations⁴ in Albania, of which 112, or 18.24 per cent, are run by women and young women. This shows that Albanian women and young women responded immediately to the changes in the country, taking over the responsibility and role due to them in these democratic developments. A country in transition, like Albania, has a lot to gain from women's participation in this sphere, and as a consequence, from their contribution to the continued growth of the market economy and democratic society. This participation helps get rid of stereotypes of male dominance. As a result of their limited opportunity to participate in decision-making bodies, women and young women have through other alternatives succeeded in climbing to leadership positions, particularly, in the non-governmental sector. In this sector, they found more space and freedom for actively engaging to the benefit of women/young women and children in particular, and the community, overall.

Hence, women's associations have carried out and continue to carry out a range of activities relating to women'/young women's and children's rights, to social and health care, to economic development (mainly small business), and to combat against trafficking in human beings. As early as 2000, a national movement for women's political empowerment started, and has been consolidated with time. Such movement has succeeded in impacting on the political and social climate in the country, in favour of the gender balance. In a progressive way, the media, a very important factor, started to focus on gender equality-related problems, and particularly, on women's participation in politics, with the progress culminating in the 2005 general elections campaign with principal domestic media covering a number of programmes and debates. Improvement in their organisation is also an important added element to the evolution of women's NPOs. Following 1997, these NPOs, which started to be organised into networks and coalitions sharing programmes and activities, registered a better coordination among

⁴ Data provided by the MOLSAEO.

them.

Access to and control of decision making inside the family. Even though studies and data about women's participation in decision-making inside the family are non-existent, observations of everyday life show that women' and young women's participation in this aspect of decision-making is related to their education level, place of residence, age and access to property and income. The lower the woman's education level, the weaker her decision-making power, because of the much fewer opportunities for employment and for ensuring economic independence. Likewise, women and young women in rural areas, and poor and unemployed women and young women do enjoy a few rights to decision-making about important issues inside the family. When decision-making relates to the spending of money, in the vast majority of cases the final decision is taken by men in the family, who also maintain their right to deciding on the number of children, their education, the migration or immigration of the family or one of its members, as well as on the children's marriage when the latter is arranged through matchmaking. Women have more of an informing or advisory role about the need to purchase a particular food, or they advise on selling home-made products.⁵

1.1.2. Economic situation, inequality in poverty and inequality in the work force

Women's economic rights are represented by their level of participation in the work force, their retaining of the job, and their remuneration. Employment of Albanian women and young women is limited by a number of factors, including obligation and responsibility for bringing up the children, and doing household chores, their education level, and their limited access to vocational training, property and possibility for borrowing loans. Women and young women have started their businesses mainly in economic activities such as, trade, wholesale, shops, various services, including dentistry, notarisisation, advocacy, hair-dressing, agricultural business, industry, dairy production, textiles, book publishing, tailoring and handicraft. According to statistics published by INSTAT, women and young women make up 17 per cent of the private business leaders. The largest number of registered businesses run by women and young women is concentrated in Tirana (31 per cent), Durrës (8.7 per cent), and Elbasan (6.2 per cent). Eighty-five per cent of these businesses run by women are located in urban areas, and 15 per cent of them in rural areas.

If they provide greater facilities for women, agricultural loans would assist in increasing the women farmers' number. Two studies conducted by ACER (Albanian Centre for Economic Research) have found that 78 per cent of the loan applications are filed by male household heads, with 5-7 per cent of women farmers borrowing money from their own relatives.

Women are growing ever poorer than men. The deep-going economic reform carried out during the transition period, featuring the close-down of unproductive state-owned companies on a large scale, found the Albanian individual and society unprepared.

⁵ Conclusions drawn in the course of different talks and meetings with women and young women.

Following the nineties, unemployment rose drastically. Despite improvements in the following years, unemployment and poverty threaten a large number of Albanian households. Unemployment and poverty, specifically, are impacting negatively on the Albanian women's social status. The data on poverty in Albania are indicative of the feminisation of poverty, and women's increased proportion in the poor group. While the absolute poverty indicator⁶ posted a 27 per cent⁷ drop in 2002, from 2005, the reduction in poverty for women's population-groups was not the same. Geographically speaking, poverty was reduced at lower rates among these population-groups in rural areas, where, besides many factors producing poverty, the women's economic and social inferiority is highly influential.

In a country like Albania, the gender-based discriminatory culture does not merely concern the violation of women' and young women's rights. Gender inequality is a serious obstacle to speeding up poverty reduction. Women have traditionally borne the burden of welling-being in the family, even though they are less able than men to control the resources and means required for the above-mentioned responsibilities to be fulfilled. The high unemployment rate, low education level, doing unqualified jobs, lack of training opportunities, poor access to and lack of choice in the use of family planning methods, being a subject of violence, abuse or arbitrary actions inside the family, and poor representation in public leadership and political structures, all of them have an impact on the deepening and feminisation of poverty in Albania, and its prolongation.

The number of women participating in the labour market posted a significant drop during the transition years. In 2005, they accounted for 46.8 per cent of the active workforce.⁸ Women and young women in Albania have less access to new jobs than men and young men, and subsequently, they reveal a higher unemployment rate. Even though women and young women and men alike have the same access to education, they do not have the same opportunities in the labour market.⁹ The situation surrounding women's employment is more favourable in the public administration sector, where women make up 56 per cent of the employees, with men accounting for the other 44 per cent. The inequality is quite evident in the private sector, where a very small number of women and young women, only 17 per cent of them, can make it to the management level. Similarly, the women-run non-agricultural business rates low, only 2 per cent in the transport sector, and 25 per cent in the services sector.

Studies have found that women account for 53 per cent of the economically inactive population¹⁰. This means that out of 100 economically active women, around 53 of them are inactive, with this indicator being twice as low, or only 31 per cent, for men. All the age-groups reveal a low level of participation in the workforce. Women's participation in the labour market represents one of the main indicators of their economic empowerment, and adds to their role in securing income for the family. However, the data show that

⁶ The absolute poverty level is 4,891 lekë per person.

⁷ From a comparison between data from the LSMSs 2002 and 2005.

⁸ INSTAT 2006, *Females and Males 2005*.

⁹ INSTAT, *Gender Perspective in Albania*, Tirana 2004.

¹⁰ INSTAT 2006, *Females and Males 2005*.

there is inequality between women and men in terms of their participation in the labour market, and this is largely apparent in the statistical indicators concerning jobs and employment.

Statistics on the workforce balance, provided by INSTAT in 2005, pinpoint to the employment rate being 60 per cent for males, and 38.8 per cent for females. The unemployment rate registered at a national level was 14.1 per cent, with men and women accounting for 12.1 per cent and 17.2 per cent of the unemployed, respectively. These figures show that, in percentage terms, females register a higher unemployment rate than males. The data on those employed in the public sector show that women and young women account for the highest number of those employed in such positions as specialists or junior office workers, with these positions being less paid than other positions, such as lawmakers, senior officials and managers, and policy makers, with employed men and young men featuring in larger numbers. A comparison of the data on employment at both levels, central and local, shows that females account for a larger number of those employed at a central level. So, females make up 43 per cent of the employees in the central government institutions, and 30 per cent of the employees in the local administration. Females are largely employed in the health and education sectors, and less so in other sectors, including bar-restaurants, manufacturing, trade, etc.

The low figures on women's employment do not represent the reality about their engagement in work, because these figures fail to take account of their reproductive role in the family, starting with housekeeping, cooking, and care for children and other family members, with all these activities being necessary for the continuation of life, and styled as unpaid labour. In addition, even though they may reveal the same education or training level as men, women find it difficult to retain their jobs, or are discriminated in remuneration on account of the jobs they have. Women and young women run more risk of losing their job, or are less favourite candidates to be employed and to have their jobs retained for them, especially during the pregnancy period. Women's low remuneration level is also attributed to their low participation in private self-employed activities, which yield higher income than the public sector. Low access to property (8 per cent of women only are legal property owners¹¹), as well as the absence of favourable policies promoting women' and young women's private ventures, have led to a low number of women at the head of small-, medium-, or large-sized businesses. In 2005, 17 per cent of non-agricultural businesses only were run by women managers. Offering equal opportunities for paid employment impacts positively on lifting households out of poverty, and advancing women' and young women's social status within the family. On the basis of an analysis of the factors contributing to the size of income, including age-group, education level, and gender, the latter is found to play a most important part. Women are significantly less favoured than men, with their average pay being 35 per cent lower than that received by men for jobs requiring the same education level.¹² Likewise, a more detailed analysis by sectors of the economy shows that men's monthly net pay is¹³

¹¹ Amnesty International, *Albania. Violence against Woman in the Family. It Is Not Her Shame*, 2005.

¹² Age-groups have not been taken account of in calculations.

¹³ INSTAT – LSMS 2005.

significantly higher than a woman's pay in all sectors of the economy, and the difference is more pronounced with regard to those employed in the private non-agricultural sector.

1.1.3. Current situation surrounding gender discrepancies in education

Education is a field in which good achievements have been attained in terms of equal access being afforded to males and females alike. Girls are reported to account for 48 per cent of the students in nine-year schools (elementary schools). In secondary schools, schoolgirls account for around 45 per cent of the students, as compared to the schoolboys (55 per cent). The number of females enrolled in universities is higher than that of males, accounting for 58.2 per cent of the total students.

However, whereas girls' enrolment in schools is overall considerable, the phenomenon we often come across with include concrete drop-out and hidden drop-out of school. In this aspect, an estimate of the females' drop-out, both in absolute numbers and in percentage, yield the following picture (during the academic year 2005-2006, around 1.1 per cent of nearly 217,950 girls enrolled in the nine-year education, dropped out). Several of the factors driving girls to drop out of school include the destroyed or non-existent infrastructure that makes the trip unsafe, the lack of sanitary environs (toilets), and the lack of drinking water. While non-profit and community-based organisations have come up with a high number of girls running the risk of being illiterate, differences in the treatment offered to boys and girls are also noticed in the way certain subjects are arranged (for instance, physical education and housekeeping, in the course of which boys and girls separate, and go through activities reinforcing gender roles). Another real challenge to school attendance concern the 'informal' costs of education, which represent a financial burden on poor households, especially in rural and poorer areas of the country, and which may be blamed for children's declining to attend school. Furthermore, social and cultural reality supports the view that girls drop out of school more often and more quickly in order to contribute to the household economy, or to get married at a very young age.

In the framework of the overall upgrading of the school curricula, the MoES, in cooperation with the Institute for Curricula and Standards, made it a condition for gender perspective to be mainstreamed through: (1) Reviewing and developing curricula in pre-university and university education; (2) Reviewing and developing new school textbooks; and (3) Developing instructions and methodological materials for mainstreaming the gender perspective into the curricula. Handling of gender orientation in the school curricula differs by levels. This treatment in the nine-year education is insignificant. In secondary schools, the gender component is introduced in the social studies as knowledge for the society, history and literature. In higher schools, gender issues are taken up in the curricula of Social Work, Psychology, Sociology, Journalism and Political Sciences in the subjects of literature, psychology, social policies, philosophy, and culture. A number of the faculties train students as gender issues specialists who are employed with the public sector and civil society. Overall, the reviewed school textbooks reveal improvements designed to eliminate stereotypes introducing gender inequalities, both in the selected examples, the psychology underlying the selected material, and the tasks to

be discharged by the teaching staff. Nonetheless, the gender perspective in the teachers' textbooks is virtually insignificant. Moreover, at an initial stage of their training as teachers, the teachers are given insufficient skills to deal with gender component, whereas the teachers' on-the-job training is overall focused on their training by subjects, as well as the methodological training in teaching and learning. The gender component is not an integral part of these trainings.

Women and young women are in considerable numbers in the pre-school, nine-year (elementary) and secondary system. The number of females enrolled in the nine-year (elementary) education continues to grow both in urban and rural areas. In the academic year 2005-2006, they accounted for 66 per cent of the total students. Whereas the percentage of females in the secondary education is overall higher than that of males, in rural areas females account for 43 per cent of teaching staff only. The number of women employed at all the levels of undergraduate education, including both at an administration and teaching staff level, is low – 49 per cent, as compared to men accounting for 51 per cent. The percentage of men and women employed with the education directorates and education offices is 59 per cent and 41 per cent, respectively. Ninety-two per cent of the directors are men, as compared to 8 per cent of female directors, and 83 per cent of the directors of the Regional Education Offices are men, as compared to 17 per cent of female directors in these offices. Even though women account for a larger number of the specialists and support staff in these bodies, they still remain under-represented as compared to men (48 per cent versus 52 per cent at the specialists level; and 40 per cent versus 60 per cent at the support staff level).

1.1.4. Current situation surrounding social protection

The political and economic reforms in the 1990s were accompanied by an increase in the number of people exposed to poverty and social exclusion. For these consequences to be alleviated, a special system of social protection was devised on the basis of the following programmes: (1) social insurance, (2) financial assistance, (3) provision of income to the disabled people, and (4) social services. Assessment of individuals' (women/young women and men/young men) vulnerability and social problems often signifies definition of their scale of social exclusion from the society's normal life, lack of policies and measures for protecting their rights, and lack of a chance to use the existing services in their community. Under the vulnerability rating, unemployed women and young women are defined as one of the main groups at risk, and with social problems. Recent years have seen an increase in the number of female heads of households, including widows, divorced women, or those whose husbands have immigrated. Female household heads receive financial assistance or family pensions, if their husband has been employed, and humanitarian aid and employment services offered by the NPOs. The following figures may be produced for the first trimester of 2007 only: the number of unemployed women amount to 7,688; around 1,141 women get unemployment benefits; approximately 5,598 women receive financial assistance, and the number of households with female household heads is 5,844.¹⁴

¹⁴ Source: National Service for Employment/MOLSAEO, data for the first trimester of 2007.

Demographic changes in Albania have brought about changes in the very structure of the Albanian household. First, households tend to be smaller than prior to the 1990s, when households with many children were more common, and the extended household was an important form of social and economic support. Albania's demographic profile featured marriages at an early age, childbirth at a relatively young age, and sustainable marriages. Now, these tendencies have changed, but the Albanian household has to cope with new social problems. Hence, women as single parents are a new phenomenon, which followed in the aftermath of immigration abroad. Only female heads of households are faced with extremely difficult challenges, unemployment and lack of child care system. Juggling household head' and only caregiver's responsibilities is difficult, and requires the putting in place of social protection schemes.

The following reasons account for the social disadvantage the groups of the women in need¹⁵ are faced with: (a) because of unemployment across the country, a large number of them have found employment in the private/informal sector; and (b) because they have to fulfil the wage-earner' and caregiver's responsibilities, women and young women take on part-time jobs, which do not call for mobility or long hours and advanced professional knowledge. Hence, they receive a low pay, do not have a secure job, have no social or health insurance, are overburdened (paid work on the labour market and unpaid work at home), are underpaid, are only caregivers, are often only wage-earners, are psychologically burned out, and in consequence, everything is reflected on their children and families.

1.1.5. Current situation surrounding health care and services

The Ministry of Health has given priority to protecting the woman's health. For this reason, its policies and strategies, also upheld by UNFPA as one of the main donors in this field, make the woman and young woman the focus of the reproductive health services. These services are intended to be integrated at the three levels of health care, with priority being given to primary health care. Continuous health improvement remains a major challenge both for women and young women and men and young men. Access to a qualitative health care is a key factor for the wellbeing, development, and overall progress of the entire society.

The major challenge concerns the scarce availability of the data grouped by gender on which to build for an account of the situation to be made, and for the gender equality issues to be mainstreamed into the health care. Hence, for this situation to be introduced use has been made of the odd reports submitted, and the information collected basically by different community-based or non-profit organisations, not on a systematic basis.

Gender issues in the health sector. In handling gender discrepancies and issues the emphasis is overall laid on the biological differences between men and young men and women and young women. However, it is very important, on the other side, to understand that, in their everyday life, women and young women and men and young men perform

¹⁵ The term "women in need" includes female household heads, raped women, trafficked women, Roma women, Egyptian women, disabled women, and mothers of many children.

different activities. They are part of different realities of life, and have different needs and exercise different responsibilities. In terms of the health care, for the afore-mentioned reasons, women and young women and men and young men are exposed in different ways to health complications. This concerns not only the peculiarities of diseases and health complications that are different for both genders, but also the social, economic, cultural and even political spheres, which impact on women', young women', men' and young men's health in different ways. It is important to point out that the individuals' quality of life should be viewed both from the perspective of biological differences and the different roles the society has assigned them with. On the other side, these inequalities are also interwoven with the effects of other forms of social division, including the class, ethnicity, or location. Drawing on this, we can say that there is a significant difference in how women and young women and men and young men from different social groups are affected by health care issues. For individuals' different needs to be met, dynamic, appropriate and contemporary health services should be in place.

The concept of gender equality in the health sector concerns the fairness of health treatment extended to all individuals rather than equal treatment. Focusing on the fairness of the distribution and offering of health services allows avoiding and eliminating the disadvantage in the health care for women/young women and men/young men. Over the last 15 years, the health sector has been faced with challenges so as to provide suitable services to males and females. While greater emphasis is laid on reproductive health and family planning, other health issues, including mental health or health at the workplace, leave much to be desired. There is little information on the highest incidence of diseases among women and men; on women's work load; and on the tendencies of the incidence of diseases among women and young women, including malnutrition, anaemia and other diseases. Even less is known about males' and females' perspective roles concerning health care at a community level, their perceptions of the commonest health issues, and who has the say in the family about the medicines to be bought. It is also difficult to talk about different growth tendencies among girls and boys, diseases they contract most frequently, and whether these differences stem from the different treatment boys and girls receive. A UNDP-led study of reproductive health, conducted in 2001, found that Albania registered among the lowest figures in the gender-related development index, as compared to East European countries.

Women and young women have little knowledge of HIV/AIDS and the sexually transmitted diseases, and a poor culture of health in general, and of reproductive health, in particular. The teenagers are most vulnerable to these diseases. Lack of females' capacity to talk their partners into using condoms during sexual intercourse, as they provide the best protection from HIV, is also blamed for the a STD infection.

In terms of family planning, decisions on the family size should jointly be taken by consorts, based on the opinion shared by females and males aged 15-44, even though fewer men than women give their consent to it (around 96 per cent versus 89 per cent). No studies reporting gender-based differences in terms of the knowledge of and approaches to decisions on family size and family planning, are in place. However, according a study conducted in 2002, "withdrawal" remains the main means of

contraception in rural and urban areas (in urban areas, 88 per cent females versus 92 per cent males; in rural areas, 93 per cent females versus 99 per cent males).¹⁶ However, over the last three years, as a result of the policies pursued by the Ministry of Health with a view to enhancing the quality of the family planning services and extending these services to rural areas, the number of users of modern contraception methods rose to 22 per cent in 2005,¹⁷ from 8 per cent in 2002. Likewise, the number of public health centres offering family planning services has tripled, as compared to 5 years ago. These centres provide contraception methods for free.

Gender issues in accessing health information. Information on the males' and females' health care may be obtained at the public services built by the Ministry of Health and donors, international organisations, including UNFPA, USAID, UNICEF and different non-profit organisations, on the basis of the issues that are of concern for the moment, and depending on the funds provided by different donors. Whereas a separate subject on sexual education is incorporated into the curriculum of secondary schools, students informally report that teachers are not fully prepared to provide answers to students' questions, and more often than not the time allocated for this subject is used to fill in gaps created in other science courses. It may be said that information is not disseminated on a systematic basis. The National Strategy for Prevention and Control of HIV/AIDS Spread in Albania, for the period 2004-2010, was developed in response to several factors, including the increased number of diagnosed cases, evolution of the population's behaviours, such as, for example, the tendency to have sexual intercourse at a younger age, and the use of drugs. This Strategy underscores that women and young women in Albania run the risk of contracting HIV/AIDS for various reasons.

Gender issues in the health care system. Lack of data on the use of the system providing health care by gender, and their level of approval of these services, render the assessment of the situation difficult. It has been noticed that women have less time and chances than men to see the doctor, because of the great burden they carry at home as they do the house chores and care for the family members. However, the role of men as the main wage-earners in the family puts them under too much pressure to state that they are sick, given that there would be considerable economic and social consequences for the family. Besides these factors, the distance from hospitals or health centres, the lack of financial resources for transportation, their being forbidden to move around unaccompanied, and the quality of care offered particularly in a number of health centres in the rural areas, have prevented women and young women from remote and rural areas to accessing these necessary services. More often than not, they do rely on the local knowledge transmitted across generations, and cases of home delivery, particularly in remote areas, are frequently reported. Women and young women, particularly in the rural and remote areas, have difficulties to accessing services conducive to good health, including water supply and sanitary services. In many of these areas, potable water and toilets are located outside their living premises. The reform of Primary Health Care, initiated by the Ministry of Health, will help enhance the performance of these services offered by Health Centres. Reproductive health services and mother and child health services will be a

¹⁶ Reference is made to the data obtained from a Survey on Reproductive Health, 2002.

¹⁷ A study by INSTAT and UNICEF MICS, 2005.

priority in the package of services to be offered by these centres.

1.1.6. Current situation surrounding representation and presence of women in the media

There is little or no coverage of the problems that are of concern to the Albanian women, including education and employment opportunities, problems of domestic violence, and sexual harassment, even when these phenomena become part of the public debate.

Females are often described in unethical, insulting and disparaging terms. It happens that coverage of real events is impacted by prejudices, and stories are covered in the light negative stereotypes. More often than not, a female is seen as a victim, and rarely is she portrayed as an individual contributing to the development of the society, not merely because of the females' percentage in the total population, but particularly, because of the values they cherish.

Traditional women-related stereotypes are quite evident in the media. The latter describe the female, part of the society, as economically and emotionally dependent, weak, and professionally incapable, on the one hand, and on the other, as a dedicated housewife, devoted to her family, and a worthy mother and wife. They in the media tend to pick up males, especially from the areas of politics, economics and sports, when they need figures from different areas to come out with pronouncements and speak their mind, or when they need to quote to resources. Whereas professional women's voice is little heard, and is rarely quoted in media.

Coverage of gender roles. Monitoring of visual national and local media over a number of months in 2006, found that: *TVSH* allocates 7 per cent of television time to women and their problems, *TV Klan* 10 per cent, *Top Channel* 5 per cent, *News 24* 4 per cent, *TV Koha* 5 per cent, and *TV Alsat* 5 per cent. Overall, visual media allocate 7.8 per cent of television time to women and their problems¹⁸. Monitoring of the 15 best-selling newspapers between 13 September 2006 and 20 September 2006, indicated that: Politics – the female politicians' or analysts' opinion of women's participation in politics contributed to an extent of only 6-7 per cent of reports in this column; Economy – female economists' voices contribute to an extent of only 1-2 per cent of reports in this feature dominated almost entirely by men; Social – women's problems take up 10-12 per cent only of the reports in this column, with 80 per cent of the reports basically featuring females as victims of phenomena, including domestic violence, criminality and prostitution; Culture-Sport – this is the most "balanced" column in terms of the space devoted to women's problems, which account for 20-25 per cent of the reports in this column. However, in this column, media's attention is largely focused on the erotic gossips concerning females from the world of art, culture and sport, with 90 per cent of the features dealing with their outer appearance, and female sexuality, nudism, and seduction; Opinions-Interviews – female opinion-makers contribute to 8-10 per cent of the reports in this feature, with 2-3 per cent only of these opinions or interviews focussing

¹⁸ Monitoring was carried out by the working group while it worked on developing the said Strategy.

on gender issues.

Ratio between male and female journalists in the media. What remains a problem for the Albanian media concerns not only the coverage of the society's chauvinist reality and the distortion of the gender roles, but also the fact that the Albanian reality is reflected in the very structure and functioning of the media. Hence, male journalists visibly outnumber female journalists, and the higher up the media management hierarchy you go, the greater this ratio is.

A 2006 survey has found that social male journalists outnumber women journalists in a ratio of 55 per cent to 45 per cent; culture-sport male/female columnist ratio is 45 per cent to 55 per cent; politics male/female columnist ratio is 35 per cent to 65 per cent; economy male/female columnist ratio is 40 per cent to 60 per cent; and, male/female analyst ratio is 8 per cent to 92 per cent. In total, female journalists in written media account for around 40 per cent of the total, whereas in visual media, they represent 60 per cent of the total presenters, and 68 per cent of total reporters.

Female journalists are assigned with coverage of social, environment, and education topical themes. Recent times have also seen a change in the ratio between male and female journalists dealing with political themes. However, the number of female journalists covering international topics or political analyses, which continue to remain male journalist's domain, is still low.

Journalists' informal work is another matter of concern to the Albanian media market. Most of them work without a work contract, and are not covered by insurance. A Ministry of Labour-led study (2003) found that 75 per cent of the journalists do not have work contracts. In April 2006, Journalists' Union of Albania stated that this number rose to 90 per cent.

It turns out that field journalists are mostly discriminated against and most vulnerable, and it goes without saying that these journalists, who are not able to protect and stand for their rights, will not be able to cover and protect the rights and interests of a society or a particular social group.

1.1.7 Current situation surrounding domestic violence

Under the Albanian legislation, "domestic violence" means an action, or omission of action, committed by persons against persons who are or used to be in a family relation, resulting in a violation of their physical, moral, psychological, sexual, social, and economic integrity. Domestic violence is frequently a hidden crime. The Albanian society has regarded it as a private issue, with no or little focus being put, mainly by different non-profit organisations, on preventing it.

While not quite systematic, different studies have shown that domestic violence is largely present in the Albanian society. Domestic violence goes across the lines of age, gender, ethnicity, religion, economic status, disability or geography. However, most of its

reported victims include women and young women. So, one third of the Albanian women and young women are estimated to be experiencing some form of domestic violence. This includes battering, beating and, in some cases, abduction and trafficking by their own family members for purposes of exploitation. Surveys conducted over the past ten years show that over one quarter of women and young women report to have been victims of emotional and sexual violence, and that rural women are basically more exposed to physical violence (see *Refleksione*, 1995, 1996; Bregu & Gjermeni, 2003, *Aleanca Gjimore për Zhvillim* (Gender Alliance for Development) 2006). The Albanian Counselling Centre for Women and Girls (*Qendra e Këshillimit për Gratë dhe Vajzat*) reports that, in 2004, it received around 6,670 phone calls from violated women and young women. Ministry of Interior figures for 2005 show that there were 102 cases of domestic violence, of which 21 were homicide cases, and 25 others were murder threats. Moreover, children are victims of violence, too. A 2006 UNICEF-sponsored study shows that one in five children has experienced dizziness, one in fourteen children has experienced fainting, and one in four children has experienced bruising and bleeding due to beating.¹⁹

1. 1.7.1 Initiatives launched and issues in the area of domestic violence prevention

Prevention of domestic violence is a complex issue that has mainly been promoted through the activity of non-profit organisations. In the context of prevention, it is essential to provide victims of domestic violence with access to information and counselling. Also, professionals should have the appropriate knowledge of how to respond to early signs of abuse.

General public awareness-raising. Important forms of prevention include awareness-raising and education of the general public through media campaigns, the changing of public attitudes particularly among the youth, quick handling of the provision of support to victims in order to prevent repetition of cases, information on where to obtain legal or social assistance, and apprehension of perpetrators so as to prevent them from repeating violent acts. Little has been done in all these aspects. So, the few existing studies on the incidence and degree of the spread of domestic violence are basically conducted by the NPOs. There is no database, or information centre for the public at large and the victims. In addition, the media rarely go beyond the sensation element of domestic violence in trying to help handle this phenomenon.

Education of children and youths. The finding is that the education system has a very important role to play in changing the younger generations' attitudes. The analysis of activity in this area shows that, in the area of the curricula, the Ministry of Education and Sciences (MoES) is lacking in clear policies for developing an organized pattern to guide curriculum and textbook experts in addressing domestic violence issues. Addressing domestic violence is a recommendation made to schools, but no school curriculum offers knowledge on violence (child abuse and incest, abuse of the elderly, physical and emotional abuse, sexual abuse) as part of general knowledge. Moreover, curriculum standards do not provide for practices in class that would help teachers convey the

¹⁹ Tamo & Karaj, 2006

necessary knowledge, skills and behaviours to their students, so that they can discern violence and know how to go about it. More than at any other level of education, in the pre-school education system domestic violence is mostly handled through encouraging positive relationships, respecting other persons' feelings and ideas, practising group decision-making, arranging meetings with parents, local government authorities and teachers, and incorporating the cognitive and educative activity into the triangle of teacher-parent-child relationship, and into the whole of its ethos of education. For instance, according to Standard 1, child's early education promotes child's optimal development, with a focus on building positive relationships with the adults rather than addressing issues through the use of force. The violence perpetrated against children is identified, addressed and handled by the social worker, the educator and the parent. However, the specialized services offered to the child are not clear. Neither are the psychologist and social worker very much involved in the educative activities and the ethos of education.

Extracurricular activities are carried out on the basis of materials about the handling of the rights of the child and integration into the international political structures. Domestic violence is addressed in the framework of the Convention on the Rights of the Child, and the issues of conflicts, tolerance and social integration, and not as a specific activity intended to integrate child victims of violence and abuse. Publications by the Institute of Curricula and Standards containing literature on the children's rights, both student's and teacher's books, the *Tolerance – Threshold of Knowledge* series, and *Extracurricular Activities for Grades 1-12*, are about the student's education with new civic norms in a comprehensive and continuous way. In the course of the activities conducted in line with the given instructions, children are instructed to recognise a risk and protect themselves against it, to be tolerant and take the right approach to addressing a conflict by avoiding violence. Even here, however, the concept of domestic violence is considered as an alternative topic to be covered by teachers. Educative activities are not built on integration programmes intended for child victims of domestic violence and abuse. Educative plans are lacking in goals evaluated by a psychologist or social worker.

The biggest challenge in this area is that the textbooks used in our schools, are written by independent authors who are lacking in the necessary training, allowing them to focus on the standards and curricula. Handling domestic violence subject themes is not the actual target for the textbook authors. The publishing houses (dealing with the printing of the textbooks) work independently of the institutions involved in developing the standards and curricula. This leads into failure to deal with the targets in a qualitative way. Domestic violence issues are not spelled out explicitly in the mandatory nine-year education course of social education (basic textbooks). The family is still regarded as a myth of human love and understanding. The new textbooks, accommodating the standard requirements and curriculum targets, take new approaches to the concept of the family, division of tasks in the family, respect for the elderly, accommodation of the disabled students into their social groups, assumption of responsibilities, and respect for human rights. In the course of activities and exercises, students are trained to go about problematic situations and conflicts in the spirit of good understanding and tolerance. In secondary school, domestic violence is addressed as part of the knowledge on family, not

as part of groups of topical themes. Students are taught about concepts of the family, life within the family, domestic violence, and family exposure to the negative occurrences in an open society, including prostitution, pornography, and trafficking. The students, however, do not receive knowledge and information that prepare them, as individuals, to build a life for his family, and resolve issues within this important social grouping. There is a need to introduce additional reference literature on domestic violence issues across the whole school system, including general, specialised and teacher training schools.

School staff training also leaves much to be desired. Overall, teachers are overburdened with numerous tasks, and their employment contracts do not contain special clauses providing for domestic violence in the activities that are not part of their teaching burden. Often, teachers are lacking in proper communication skills, and exercise verbal violence against children. Furthermore, no Code of Conduct regulating relationships with children is in place. Creating a unique system how to handle child victims of domestic violence is not high on the agenda of the MoES. The Ministry has not seen to the training of teaching staff on domestic violence issues. Neither does it run any projects intended for situation assessment and development of proposals for local or national piloting. The National Education Training Centre does not have any training programmes on domestic violence in store, because that has not been considered a target within their jurisdiction. The National Education and Evaluation Centre does not boast a network of data on domestic violence, because this issue has been not been regarded as the object of the research and activities of this institution. Their service is focussed on training the Regional Education Directorate inspectors and teachers in the suburbs of different districts across Albania. The alternative services provided by various associations are not coordinated and are not distributed effectively according to the important areas. Shortage of funding is what often limits their activity.

Traditionally, the school has not been considered as an education institution. Instead, it has tended to provide students with academic knowledge. Therefore, the school administrations do not give priority to domestic violence in the educative activities and services that school offers. School annual plans of educative work on domestic violence are not seen as a priority. Neither are they regarded as a perfunctory task for teachers, who dedicate to this theme only two hours during an academic year. Their assistance becomes evident in extreme cases, and is offered basically in the form of occasional individual counselling, financial assistance, or students' partnership. School administrations do not have a protocol of how to bring in cases of violated children. Currently, schools are required to assume responsibility for the services they offer. However, they are lacking in human capacities. According to NDSPE, (National Development Strategy of Pre-university Education) schools are not supported with the necessary legislation regulating the management of funding and the community's participation in developing policies for improving their services. So, they build their work on the MoES recommendations.

Security and cleaning staff are not trained on monitoring the behaviour and protection of child victims of violence in other environments in the school.

Providing assistance so as to ensure prevention. One of the challenges the Albanian public health system is faced with concerns the addressing of domestic violence as a public health issue.²⁰ In addition to physical damage and immediate trauma due to abuse, domestic violence contributes to a number of chronic health disorders, including depression, alcohol abuse and drug abuse. It also prevents women and young women from managing other chronic diseases, such as diabetes and high blood pressure. Little has been done, however, to improve public health response to domestic violence through public policies, health education and prevention efforts. There exists a critical gap in providing care to violated individuals. Many health professionals discharge violated individuals from hospital or health centre, while identifying injuries only that need to be treated, and send them back home, to the same harmful setting where the original violence took place. One reason behind this is that health professionals are lacking in training, and support for properly identifying, handling or referring the domestic violence victims.

Under the traditional Albanian health care model, medical professionals do not have the legal obligation to ask their patients about the cause of their injuries, wounds or fractures, and take down in the patients' records. As a result, medical professionals treat the "physical symptom", while the violence generating such symptom remains always "untreated," and in consequence, not addressed. Only 13 per cent of health service providers report that they record the violence-related cases, and only 4 per cent of them report that they record both the case and the cause of violence. So, registration of patients means basically recording of the diagnosis and personal details. Apart from the lack of the legal obligation to record cases of violence, the lack of a clear protocol and the lack of awareness of the importance of documentation, what accounts for this situation is the lack of clear-cut and professional skills to raise this sensitive issue with the patient without putting him at risk (NASW National Association of Social Workers of Albania 2006).

Health professionals are lacking in the basic skills and awareness that would help them overcome their personal barriers in the area of domestic violence. According to a study by the National Social Workers' Association (2006), which was carried out in the districts of Dibra, Shkodra, Pogradec, Tirana and Vlora, health care providers are not clear about the approach to be taken to gender-based violence. Asked to fill out a questionnaire, 37 per cent of respondents reported that they considered violence an internal issue of families, while in open debate they disapprove of this, considering it as an issue to be tackled by the whole society (Albanian NASW, 2006). Under Article 8 of the Code of Medical Deontology (Kalaj, 2001), the General Tasks of the Medical Professional include the following: "...if a medical professional finds that a person (a detainee) has been subjected to ill-treatment, following confirmation of this fact by the person concerned, the medical professional shall inform the legal authorities." Article 43, Responsibilities to Patients, of the same Code stipulates: "If, during check-up, a medical professional finds that a child has been ill-treated, he shall take the necessary measures for the protection of that child. In doing so, he shall demonstrate prudence and maturity. However, if he deems it necessary, particularly in the case of children below the age of 15, the medical professional shall notify the competent authorities." The Code does not

²⁰ Long-Term Strategy on the Health System Development, 2004.

provide for the special treatment of patients/victims of domestic violence as a duty of the medical professional. The provision on ill-treatment of children fails to specifically provide for the ill-treatment administered by household members. Basically, medical professionals are left to use their own discretion whether to report a case to the competent authorities, but reporting victims is not laid down as an obligation for the medical professionals. Furthermore, the “competent authorities” are not specified clearly.

1.1.7.2 Initiatives undertaken in the area of justice and protection and problems surrounding them

The legal system and the system of justice have a major role to play in the process of the democratisation of the family and social life with a view to offering the necessary support to households, in order to prevent ill-treatment and protect their members from it, and preserve household’s stability. Safety of all the household members *should be a priority* in the performance of the court, case management, the performance of the public prosecutor’s office, the defence lawyer, and the police.

The comprehensive or less comprehensive legal framework, and the bodies comprising the system of justice, allowing for the hurdles, (non-)coordination, structures and mentalities within them, exercise a direct or indirect impact on numerous victims’ and abusers’ life. Achievement of the standards of impartiality, independence and professionalism in the Albanian system of justice, where one’s “power” depends on the extent to which power and right are granted under law, where an end is put to (re)sacrificing and (re)victimisation of the victims of domestic violence, is a legal obligation, a moral mission and civic contribution of this system, so as to protect the rights of that category, whose rights have unjustly been encroached upon.

“An analysis of the system of justice shows that the rating of Albanian public’s trust in this system is low.”²¹ Hence, reforms of the system of justice, the legal system and at large, are still short of meeting the public’s expectations in receiving a service of the standard that the latter is expecting the legal and judicial system in Albania to offer. If insecurity builds up domestic violence because of lack of legislation, or the approaches adopted by the system of justice, then hopes for democracy and recovery die out, too. Escalation of domestic violence in the Albanian family to the point of taking away the life of the other relative, or driving them to committing suicide, has indeed become a matter of concern²² for the whole society, and particularly, for the law enforcement bodies.

1.1.7.2.1 Summary of the main findings from an analysis of the legal framework

The Constitution of the Republic of Albania sanctions the protection of the individual’s rights and freedoms, and prohibition of discrimination. It also provides for special protection for the family, children, young people, pregnant women and young mothers. Likewise, important international instruments ratified by Albania, including the

²¹ *Analysis of the Legislative System in Albania*, Tirana: OSCE, 2004.

²² CLCI, *For as Effective an Enforcement of Legislation as Possible...*, pp. 32,39.

Convention for the Elimination of All Forms of Discrimination against Woman, the Convention on the Rights of the Child, and the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment, lay down obligations for the Albanian State so as to comply with certain standards, offering appropriate protection from violence to individuals (even within the family). The same may also hold true for a number of Conventions of the Council of Europe.

However, the legal framework addressing domestic violence is still incomplete:

Criminal Code:

- It does not prescribe domestic violence as a qualitative (specific) circumstance in certain offences, including violent sexual relations, battering and other violent acts, murdering, wounding and bullying.
- It contains no provisions for the protection of children from violence and abuse, and from household members' neglect.
- It is short of certain provisions prohibiting/punishing children's exposure to situations where they may become witnesses to violence (which, even though indirectly, largely affects their normal development and physical and psychological well-being).
- The existing policies penalizing domestic violence are not rigorous enough. Likewise, they have not provided for certain alternative sentences, which are more appropriate for cases involving domestic violence.
- No special provisions are prescribed for the protection of the elderly household members from violence, abuse and neglect.

Criminal Procedure Code

- The Criminal Procedure Code relates initiation of proceedings against certain criminal offences to the victim's initiative, thus creating the wrong impression and sending out the wrong message that domestic violence is not so very important a matter for the State to be (largely) involved, but is a private issue among parties.
- Likewise, the Criminal Procedure Code does not abide by the policy of non-termination of the case where plaintiff withdraws from the process. Given that, in cases involving domestic violence, more often than not the victim withdraws reporting out of fear and pressures, the Criminal Procedure Code should provide for provisions allowing the public prosecutor to go on with the legal proceedings of cases involving domestic violence, even if the victim withdraws.
- Likewise, provisions regulating and coordinating the filing of a civil lawsuit inside the criminal process should be reviewed and explained better.

Civil Code

- For cases involving domestic violence it does not contain specific provisions providing for an effective leeway for the victim to receive damages for the moral and material harm suffered.

Family Code

- Article 62 of the Family Code provides for the taking of violent husband away from home, implying violence being administered by one spouse against the other only,

and not violence against the other household members. So far, this provision has not been associated with the necessary procedural provisions that would regulate the manner in which this sanction would be undertaken, as well as its duration. However, these shortcomings are being addressed by the new Law “On domestic violence.”

- It is lacking in special and more simplified procedures for divorcing on account of violence.
- Likewise, there is no special arrangement in place with regard to effects that domestic violence may have on exercising parental responsibility, on leaving a child under the custody of one parent to be brought up and educated, and the right to visiting or housing.

1.1.7.2.2 Summary of the main findings from an analysis of the system of justice

Judicial power²³

An analysis of the roles, responsibilities and functioning of the judiciary identified the following as some of the most significant issues surrounding domestic violence:

- Even though the constitutional conditions exist, a specialised juvenile court is not yet in place in Albania. However, special juvenile penal sections at Judicial Circuit courts have been set up with Decree no. 5351, dated 11 June 2007, of the President.
- Albanian judges are mandated to consider all penal, civil, administrative, commercial, and family cases, as well as all the other cases prescribed by law. However, the internal division of labour within courts and training of certain judges to handle cases involving domestic violence is of import.
- The public has limited trust in the judiciary’s performance and authority. There have been charges on corruption, procrastination of trials, lack of transparency, and lack of professionalism among judges.
- The judiciary administration employees have not received special training on the reception, orientation and treatment to be extended to the victims of domestic violence.
- Citizens are not well-informed about the way how the judicial power and their rights function. Hence, instead of turning to the court, they file their complaint with the Ministry of Justice, thus missing out on the time frame within which they may lodge their complaint to a higher judicial body. Likewise, no easy-made and simple forms to facilitate citizens’ access to the system of justice are available.
- The judiciary does not boast clear, detailed or reliable statistics on cases involving domestic violence overall, and violence administered against/by children, against/by the elderly and women, in particular. A unified system for reporting the statistics containing the following data, is inexistent:
 - Number of cases involving domestic violence taken to court and number of court decisions made about them.
 - Average length of time for handling the case till a final decision is made.
 - Execution of decision or not.
 - Number of judges trained in the area of domestic violence, ethics, human rights, and violence-focussed case management.

²³ Law no. 8436, dated 28 December 1998, “On the organisation of the judicial power in the Republic of Albania.”

- Number of trained administrative staff.
- Lack of statistics is associated with shortage of studies on the effectiveness of the court sentences and decisions to combat domestic violence, which renders accurate and informed intervention for plausible improvements impossible.
- Argumentation in the court decisions is superficial, devoid of clear-cut analyses of the fact of and the causes for domestic violence. Pronounced schematisation characterises both criminal, and civil and family law decisions. Arguments produced by courts should be well reasoned out and not a general routine, given that they may both play an explanatory and educative role, and shape the idea both in the eyes of the public and interested parties, and particularly, abusers that domestic violence is intolerable and liable to punishment by the system of justice.
- The history of criminal cases has demonstrated that penalties have not always been indicative of the gravity of case, and that the facilitating or aggravating circumstances have not been applied correctly. **Failure to punish abusers causes the victims overall, and those in rural areas, in particular, move away from the system of justice.**
- Even though battering, wounding and other forms of physical and psychic violence, in principle, are criminal offences and are liable to punishment, in the juridical practice and that of the law professionals it is noted that, if they involve household members, they are not handled with due seriousness.
- Whereas the reality features cases involving children's abuse by parents, the judicial practice has seen very few of these cases, given that a child finds it difficult to report his parent as his abuser. On the other hand, there is still limited specialised knowledge of the trial approach, and the techniques of questioning the minors subjected to domestic violence, which take into account their age and physiological peculiarities.
- Even in the case of violent children there has been misuse of the legal coercive measures, which may lead to serious psychological, moral and physical consequences for the minor.
- Judges should make sure that, under the rules of procedure, humiliating and/or unauthorised questioning of the victims of or witnesses to domestic violence is prohibited, so as to reduce the traumatic effects of the legal proceedings on those affected by domestic violence or their re-victimisation.
- Basic infrastructure and services are overall insufficient. Trials still happen to be held under inappropriate conditions. Protective infrastructure is not in place, or protective measures are not guaranteed for the victims of domestic violence, and for the judges themselves, during investigation and trial.
- A significant shortcoming concerns lack of coordination among structures. Inter-institutional agreements that provide for multi-disciplinary protection to victims of domestic violence and unification of services are not in place. Similar agreements may be reached with the police, emergency services (ambulances), forensic medicine, legal psychiatry, hospitals, local government (about plausible housing and other social services), advocacy (legal aid and free-of-charge counselling and defence), and non-profit organisations. Increased effectiveness and efficiency of the system of justice is closely related to the level of cooperation between the judiciary and the other structures designated to enforce the decisions and legislation, including the public prosecutor's office, police, judiciary police, and bailiff's office.

Ministry of Justice

The Ministry of Justice should seriously start off to seriously play a role in aligning the Albanian legislation, which helps prevent and combat domestic violence. The following are its co-travellers

- The Legislation and Legal Aid Directorate (under the General Directorate of Codification) *still does not boast a study on justice and legislation applicable in cases involving domestic violence.*
- No clear statistics aggregated by age-groups are available to the Juvenile Justice Directorate, which is involved in and coordinates activities in defence of juveniles' rights and legitimate interests in the area of justice, and for the juveniles' legal education and prevention of breaches of law by them. This renders shaping of policies designed for preventing criminality among these age-groups and protecting juveniles' rights difficult.
- The Ministry of Justice has not yet enacted subordinate legal acts relating to the functioning of the Forensic Medicine Institute. These subordinate legal acts will allow:
 - Forensic medical experts' enhanced performance to produce expert opinions even at the request of an affected person in cases involving criminal offences, against which no legal proceedings are initiated (many of them concern domestic violence). Actually, the victims of domestic violence need authorisation by the police or the public prosecutor's office for the forensic medical expertise to be carried out, with the procedure being prolonged to the detriment of the victim.
 - Reimbursement of expenses made by victims of domestic violence (in cooperation with the Ministry of the Economy and the Ministry of Finances).

High Council of Justice and the Inspectorate of the High Council of Justice

Under the situation where domestic violence is a matter of concern and victims' access to the system of justice is not comparable to European standards, the High Council of Justice should give a thought to it that, in evaluating the judges' professional skills, it should collect data and consider also criteria related to the ethics, sensibility, the speed with which a judge addresses domestic violence issues and the way how he goes about it. It should orientate the checking on these issues and decisions to be conducted by the Inspectorate of the High Council of Justice; and it should recommend judges' information with these issues.

School of Magistrature

Even though domestic violence issues have been part and parcel of the contents of the initial and subsequent training programme, the recommendation is that these sessions should be kept going for as long as domestic violence remains a very serious issue, with the approaches adopted by the system of justice to it being still fragile. The School should focus its attention on hosting regional conferences and meetings, bearing also in mind

specific features of the different regions in Albania, on staging mock trials, on conducting studies, on preparing the training modules, and on developing questionnaires testing the knowledge, sensitivity, needs and tendencies of the system of justice. The hosting of multi-disciplinary sessions, with other players of the system of justice attending, is also important. In the academic year 2003-2004, for the first time the School of Magistrate introduced elements of domestic violence and gender equality into the curriculum of basic formation. In adopting the curriculum of the basic and subsequent formation, the Steering Council of the School should lay emphasis on mainstreaming topical themes on domestic violence into it so as to ensure its continuity.

Public prosecutor's office

No public prosecutor's office at a national level registers specialised public prosecutors capable of tackling with particular aspects of the legal proceedings against the criminal offence of domestic violence, and handling the victims. Criminal offences, including battering or wounding, do not receive appropriate attention. This becomes a reason for violence to be exacerbated, thus leading to serious criminal offences resulting in death. The proposed sentence for the perpetrator is overall light, and does not fit the crime. Reporting, as compared to the real situation, is limited, which is indicative of the lack of trust in this body.

The majority of criminal offences relating to domestic violence fall under the category of those criminal offences against which legal proceedings start off following lodging of a complaint by the affected plaintiff. For this reason, their reporting **is not recorded at the public prosecutor's office**, and is directly submitted to the court as the competent body (CLCI, *For as Effective an Enforcement of Legislation as Possible ...*, p.17). Even though it is duty bound to inform public opinion about its activity, the public prosecutor's office is not allowed to reveal data that affect the investigation process, encroach on persons' dignity and private life, and infringe juveniles' rights and public moral. Training on these and other issues concerning the public prosecutor's representative skills in court is still inadequate. There is little knowledge of how to proceed with cases where the victim is not there (has died), or does not want to file a complaint.

Judicial police

Judicial police carries out investigation of criminal offences under the guidance and supervision of the public prosecutor's office.

- The organisation of the judicial police structures is complex, with the connections between the judicial police and other structures of the police being unclear. The operational performance of the police still calls for more discretion (the public prosecutor's approval of the investigative actions concerning domestic violence situations should be clearer). A sector tasked with domestic violence issues, is not in place.
- The police bodies are not clear about their obligation to offer support and protection to victims of domestic violence. Training of police on human rights, Code of Conduct, professional performance and domestic violation is not yet carried out in compliance with the appropriate standard and to the appropriate extent.

- Documentation of criminal facts by the judicial police leaves to be desired, with the result being that, even though reporting has been made in a considerable number of cases, decision has been taken against starting legal proceedings (CLCI, *For as Effective an Enforcement of Legislation as Possible ...*, p. 33). The judicial police are not in possession of special registers containing detailed statistical data on victims of violence approaching the judicial police and police bodies, overall.
- The knowledge allowing judicial police to classify an act as criminal offence does not meet the required standard, with it being blamed also for the above-mentioned effect.
- No clear-cut procedural protocols on the steps the police and judicial police should take when dealing with domestic violence cases, are in place.
- Agreements of cooperation among the judicial police, police and other governmental and non-governmental structures that offer services to victims, are non-existent.

Bailiff's office

- Bailiffs have not received training on how to cooperate with public prosecutors, judges and police, and overall, agreements of cooperation among structures are lacking.
- Victims of violence are not exempted from payment in cases of the execution of decisions relating to domestic violence.
- There are delays in the performance of the bailiff's office, or failures to carry out the orders of the executive branch, which, in the event of domestic violence, may have consequences for the victim's life.

Legal aid and advocacy

The legislation providing for the right to legal defence is of a good standard, with its enforcement coming across difficulties. This is due to lack of subordinate legal acts, as well as subjective reasons, which actually jeopardise the effectiveness of the right to defence. Free-of-charge legal aid is generally offered to that category of persons who have limited possibilities, or find it impossible to afford the expenses incurred to resolve legal issues. With the adoption of the new Law "On domestic violence," victims are provided with free-of-charge legal aid. Implementation of this new provision is important at this point.

For an effective legal defence (whether free of charge or not), it is necessary that **problems relating to the professional Code of Conduct**, including giving up on legal defence during the process, lack of professionalism, failure to show up in different judicial hearings, and procrastination of the process, are minimised or eliminated.

Better coordination between courts and public prosecutor's offices (the latter assign the free defence lawyer), on the one hand, and the local chambers of advocates in the districts, on the other hand, is required *to enhance the quality of representation and defence of the victims of domestic violence*. This calls for *developing the rosters of free-advocate lawyers who have a rich professional background on domestic violence issues, and making those names available to the court and public prosecutor's office*.

On account of their importance and difficulty, domestic violence issues call for *a highly*

professional, trained and experience defence lawyers. So far, little attention has been devoted to this aspect of the defence lawyers' professionalism. Defence lawyers in different districts reveal a different level of professionalism. Under these conditions, the General Council of the National Chamber of Advocates is faced with the immediate task of *developing detailed training programmes, modules and agendas for the legal interns and those practising the profession, overall.*

The Steering Council of the National Chamber of Advocates should make sure that, alongside the questions about qualifications, on a case-by-case basis, the would-be defence lawyers are asked to provide answers to questions about specific aspects relating to the defence of the victims of domestic violence, and largely, of the children, women and the elderly, and the filing of a civil lawsuit within the criminal process.

Legal aid is also offered to the victims of domestic violence by non-profit organisations operating in this area. Indeed, some of them have offered a highly qualified service. They include the Centre for Legal and Civil Initiatives (CLCI) (former Advocacy Centre for Women), Legal Clinic for Minors and the Centre for the Protection of the Rights of Children in Albania. The support that the State offers to these services and centres helps increase the latter's access to the system of justice. The State is duty bound to prepare the licensing process, and offer support to non-profit organisations licensed to provide legal defence to victims, and to provide for their exemption from financial obligations favouring State's cash box. Coordination of training sessions on best practices with defence lawyers from non-profit organisations involved in providing legal defence, is recommended.

Ministry of Interior. State Police. Police School

At a central level, the Child Defence and Domestic Violence Sector under the Police General Directorate at the Ministry of Interior is one of the structures largely involved in domestic violence issues. At a Region level, twelve Police Directorates at the Regions are in place.

- Professionally speaking, the police is still falling short of performing its role in preventing the domestic violence phenomenon, and in identifying, registering, following up on, and settling different disputes associated with or followed by exercise of domestic violence. No reviews of the responsibilities the police may bear and the preventive role it may play in cases involving criminality within the family and suicides, are carried out.
- Establishment of a case reference and management system designed for violated children, women and elderly, across all the levels of the police, is a matter of urgency.
- Police service standards offered by the relevant structures are still unsatisfactory. The ways how the police intends to keep violent individuals and households threatened by violence under control, are not clear.
- No handbooks outlining in a simple and operational way the procedural actions the police should undertake upon receiving information about a violent act within the family, and no protocols regulating fast communication between the police and the public prosecutor's office and the other multi-disciplinary services designated for the

defence of the victim, are in place. There are no agreements of cooperation for this purpose among the police structures, the non-profit organisations, health service, education and the media.

- The tasks of a preventive effect that the criminal police inspector and the inspector in charge of a given area should carry out following reporting of a criminal act to the public prosecutor's office, with a view to possibly preventing intensification of the conflict, which may trigger off another criminal offence, are not clear.
- There is still no evident public telephone number that citizens may dial to report domestic violence.
- Overall, police officers have not received specific training allowing them to address domestic violence cases in a serious and professional way. Disciplinary measures should also be effective to cases of neglect relating to domestic violence. Re-victimisation by the police is an irreparable damage.
- Indicators show that female employees' recruitment in the structures of this police, and social workers in the police stations, so that they may provide professional support to a violated person, seems to be still limited.
- No periodic identification or statistics on domestic violence cases reported to the police, have been produced so far. Nonetheless, thanks to the foreign aid provided to police structures, the TIMS automated registration system, to which all the police employees will have unlimited access, whereas public prosecutors and judges will have limited access to it, is under construction. The TIMS reporting system will also contain data on domestic violence. Hence, the police officers' training on the system operation, and the development of secondary legislation (directives) on the data to be automatically entered into the system, is important.

Public notary's office

No free services for authenticating legal acts in favour of low-income victims of domestic violence are provided for. Public notaries' training on different professional Code of Conduct issues is highly limited.

Forensic medicine

The Forensic Medicine Service is still in need of specialised forensic medical experts, and protocols on handling the domestic violence cases, as well as on how examination is conducted and records are taken down. Experts should also be in possession of the tool kit necessary for examining domestic violence cases. Instructions of how to take down statistics should be developed, and agreements of cooperation with the other services offered to victims, should be concluded.

Faculties of Law. Post-graduate schools

The increase in the number of the Faculties of Law calls immediately for the unification of the standard of knowledge offered in several courses and at several levels in all the publicly- and privately-run faculties, allowing the students to have the essential knowledge of the meaning of domestic violence, the forms in which it unfolds, and the legal approach to violent behaviours. Not all the Faculties boast such legal clinics (where they exist, they are not in use) that stimulate training of theoretically prepared and practically agile students' teams. The domestic violence issue and the way how it is

addressed by the system of justice are not yet incorporated into the curriculum of some course in the majority of the Faculties of Law. Lecturers and students should be encouraged to conduct scientific research on domestic violence (for university and post-graduate studies), and the measures to prevent violence and protect the victims.

1.1.7.3 Initiatives launched and the challenges facing social services

In 1996, in their report *Domestic Violence in Albania*, the Human Rights Advocates recommend that the Albanian State should look after the victims of domestic violence, and see to it that they are offered legal and social services.²⁴ The CEDAW, likewise, contains recommendations for “shelters” designed for women and children subjected to domestic violence to be set up, and for the necessary staff to be trained, so as to be able to handle victims of domestic violence bearing in mind both the legal and social aspects.

Irrespective of the recommendations made, the only actions undertaken so far include contributions to the written and electronic media, reporting the domestic violence, and the building of capacities of a number of non-profit organisations. Women and children, against whom domestic violence is administered, find it impossible to access services, assistance and support by public organisations. Even though education and social services sectors function at a local government level, which are duty bound to address domestic violence, many problems have been circumvented because of the process of the local government decentralisation. Social services offered by the local government have been reduced to financial assistance, or to referring cases involving violence to the police, to the odd non-profit organisation, or to the hospital.

The service offered by the psychologist/social worker is the most specialised service providing assistance to children subjected to domestic violence, which is still at a project level. The psychologist’s services have been attached to schools in 140 locations. However, not all these services are carried out by professionals who have graduated as such. The annex to the *Psychological Service at School*, developed by the Curricula Directorate at the Ministry of Education and Science, recommends that this service should also be offered by persons whose job is approximate to that of a psychologist. This has led to reduced quality of performance and less effect for children. Under the said project, this duty is focussed on promoting physical and mental development and assisting in enhancing the quality of the teaching and learning processes. Under this recommendation, a psychologist’s duty is separate and specified, and it is advisable that the social worker should deal with other issues. In many cases, these two duties have been merged. The psychologist’s service staff and social workers do not have specific training. The social or health services have not set treatment of children subjected to domestic violence as the goal of their performance.

Even though much recovery has taken place in the majority of kindergartens and schools,

²⁴ Amnesty International 2006, *Albania: Violence against Women in the Family Is Not Her Shame*. <http://web.amnesty.org/library/Index/ENGEUR110052006?open&of=ENG-ALB>

no recreational environments, including relaxation rooms, a dining annex, an arts area, a hand games area, and the information and communications environments, have been provided for children subjected to domestic violence. The existing environments, including the library, the activity rooms, the gyms, and the computer rooms, are of little use to these children. The buildings do not offer high security, and the fencing and communications system are inefficient. The large number of students in a class, in certain areas, is of great concern to these children.

According to Report by Amnesty International 2006, the Government of Albania has failed in ensuring provision of legal defence to the victims of violence, and in ensuring provision of social services for their reintegration.

1.2 LEGAL FRAMEWORK

1.2.1 GENDER EQUALITY

Given that all the nationals are equal before the law (Article 18 of the Constitution of the Republic of Albania), as subjects of the law man and woman are *de jure* treated as equals, are on an equal footing with one another, and have equal obligations. Equality pervades the Constitution and the other laws. The draft-law “On gender equality” completes the legal landscape on gender equality in education, employment and decision-making. It allows the setting up of governmental mechanisms in developing policies on gender equality, and provides for the measuring of the impact of these policies through periodic evaluations and monitoring.

A number of Codes, adopted after 1995, contain provisions on the protection of human rights, and sanction the principle of equality between man and woman. The following are among the most important:

- *Civil Code* and *Civil Procedure Code* recognise women’s legal capacity at birth, and the legal capacity to act, after becoming of age, the same as men concerning, for example, the right of residence, the right to keeping their own family name, and their birthright.
- *Criminal Code* and *Criminal Procedure Code* defend men and women to the extent, and hold them indiscriminately liable for having committed criminal offences.
- *Family Code*, adopted in 2003, recognises equal rights to men and women, who after the age 18, are free to marry; to follow the same procedure for resolving a marriage; and to have equal rights and obligations in a marriage, in the family, and for raising and taking care of children.
- *Labour Code* recognises equal rights to men and women to freely choose their profession, the right to equal remuneration for work of equal value; and the right to paid annual leave.

Other specific laws provide for equality in the areas of decision-making, education and vocational training, and protection against sexual harassment, of the reproductive rights,

and through social insurance.

The principle of *non-discrimination* is also sanctioned in Article 18, point 2, of the *Constitution of the Republic of Albania*: “No one may be unjustly discriminated against for reasons such as **gender**, race, religion ...” Use of the term “gender” instead of “sex” in the main constitutional provisions is indicative of a positive step towards use of concepts through gender perspective, in compliance with the international standards. Correct use of the term allows lawmakers to develop legislation in defence of man and woman, while focusing on the social aspect rather than on the biological aspect.

Albania is a member state of the United Nations Organisation as early as 1955. It has ratified a large number of Conventions on Human Rights. On account of the discussion at hand the most important is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1978, ratified by the Parliament of Albania by Law no. 7767, dated 9 November 1993. On account of its importance, this Convention is known as well as the *Women’s Constitution*. In line with its obligations, in January 2003, the Albanian State reported to the Committee on the Elimination of Discrimination against Women. At this stage, it is focussed on fulfilling the recommendations made by the Committee on the Elimination of Discrimination against Women, as well as preparing the third periodic official report. Under Law no. 9052, dated 17 April 2003, Albania also adheres to the Optional Protocol to the CEDAW.²⁵

1.2.2 Domestic Violence

Law “On penalties for domestic violence.” Adoption and entry of this Law into force is an important step towards completing the legal framework in the domestic violence area. This law covers two main aspects: First, it sanctions the state-run bodies that have the obligations and powers to deal with domestic violence. Second, the new Law allows the courts to issue writs in favour of victim’s defence against the abuser, an additional mechanism in defence of the victims of domestic violence. For this Law to be enforced, it has to be completed with the necessary legal acts and supported by an appropriate budget.

1.3 INSTITUTIONAL MECHANISMS THAT ENSURE GENDER EQUALITY IN ALBANIA

1.3.1. Governmental mechanism that ensures gender equality

Under Law no. 9198, dated 1 July 2004, “On gender equality in society,” following amendments in February 2006, the Ministry of Labour, Social Affairs and Equal Opportunities (MOLSAEO) is the authority responsible for gender equality issues.

The democratic Government’s vision for the woman’s advancement and the achievement of gender equality caused these issues to be incorporated into its policies as important priorities, with the emphasis being laid on the strengthening of governmental mechanism.

²⁵ For a more detailed description of the legislation, please refer to Annex 1 of this Strategy.

To that effect, the Directorate for Equal Opportunities Policies was set up at the Ministry of Labour, Social Affairs and Equal Opportunities. This Directorate is designated: *“to develop and pursue policies designed to promote equality in such areas as the gender equality, equality/inequality in abilities, challenges of the ethnic, ethno-cultural and linguistic minorities, age inequality, and the generation/race inequality.”* In terms of gender equality issues, in particular, the Directorate has the objective of: *“promoting gender equality and woman’s broad participation in economic, political and cultural life of the country”*.

With regard to gender equality issues, the Directorate has the following duties:

- Developing equal opportunities policies focused on the gender equality perspective and the protection of rights of other social categories, as mentioned in its mission statement.
- Suggesting initiatives for studies and analyses of the whole range of equal opportunities policies, and the implementation of these studies in the process of the development policies.
- Drafting the necessary legal acts that help achieve equality in different areas, and to implement and monitor the provisions of the law for equality and the regulations adopted pursuant to it.
- Overseeing the implementation of international agreements and acts in the area it covers, which are approved by the Government.
- Cooperating with the non-profit organisations, which are active in the equal opportunities area.
- Coordinating work on developing national equal opportunities programmes designed for the population pools falling within the scope of the Directorate for Equal Opportunities Policies.

Establishment and empowerment of the contact-points network at a Ministry and Prefecture level has allowed the mainstreaming of gender policies into the Government’s policies, which will impact on the upgrading of the situation surrounding gender equality at a national level.

At a Parliament level, a Sub-committee on Minors and Equal Opportunities is set up within the Standing Parliamentary Committee on Labour and Social Issues. In line with the issues it covers, the Sub-committee scrutinises and undertakes legal initiatives. This Sub-committee cooperates with the MOLSAEO on gender equality and children-related issues.

1.3.2. Other mechanisms

The importance of gender equality is highlighted in the progress report of the NSSD 2003, which lays emphasis on the right for equal access to employment and education, underscoring that these directly impact on poverty reduction. Policies and programmes oriented towards achievement of gender equality are crucial in the Government’s agenda for Albania’s integration into the European Union. Law “On employment promotion” provides for the input to be given by employers who create vacancies, and employ the candidates

suggested by the Office for Employment. Pursuant to this Law, five employment promotion programmes are applied: (1) programme designed to promote employment of unemployed jobseekers; (2) programme designed to promote employment of unemployed jobseekers through on-the-job training; (3) programme designed to promote employment through institutional training; (4) programme designed to promote employment of unemployed female jobseekers; and (5) programme designed to promote employment of graduates from higher education within or outside of the country.²⁶

The mechanism at a central level is MOLSAEO, whose mission (under Law no. 7995, dated 20 September 1995, “On employment promotion,” and Law no. 8872, dated 29 March 2002, “On education and vocational training in the Republic of Albania”) is to design policies in the area of employment and vocational training. The Ministry achieves this through the Employment Policy Directorate. The National Service for Employment (NSE) (established on 1988) is an independent public service, with the status similar to that of a central state administration, which reports to the Minister. Its highest decision-making body is the 13-manned Tripartite Administrative Council headed by the Minister. Two members of this Council are women. Likewise, pursuant to Law no. 8872, dated 29 March 2002, “On education and vocational training in the Republic of Albania,” the National Education and Vocational Training Council was created in November 2003. The social dialogue in Albania takes place between social partners at a national level and the representatives of the Government on important issues relatives to the latter’s policies or interventions. At a national level, 85 per cent of the employees in public sector and 22 per cent of employees in private sector work on the basis of collective contracts. Tripartite consultation councils, which carry out consultations on the sustainability of the employment policies, programmes and projects for employment, are set up at the Offices for Employment. Social partners take part in the Administrative Councils of the Social Insurance Institution and National Service for Employment.

1.3.3 Governmental mechanisms that address domestic violence

The Law “On domestic violence” defines two types of responsible authorities: the administrative and judicial authorities.

Ministry of Labour, Social Affairs and Equal Opportunities

This Ministry is the chief responsible authority (Articles 5/1 and 6). It has a coordinating, supportive and supervisory role to play.

The tasks of the Ministry of Labour, Social Affairs and Equal Opportunities include:

- Identifying direction of state policies
- Financing projects benefiting victims of violence and protection of the household
- Supporting establishment of auxiliary structures of infrastructure and supervision of this process
- Training

²⁶ Source: MOLSAEO.

- Keeping statistics
- Supporting and supervising service centres
- Licensing the non-profit organisations

Other line authorities responsible (under Law no. 9669, dated 18 December 2006)

Ministry of Interior

The tasks of the Ministry of Interior include:

- Setting up special sectors addressing domestic violence at each and every police directorate (Article 7/1/a)
- Setting up special structures and appointing the persons responsible for the enforcement of this Law (may also be at the level of a small unit) (Article 8/1)
- Training police effectives to be dealing with domestic violence (Article 7/1/b)

The tasks of the structures under the Ministry of Interior include (Article 8):

Police (at a regional and local level):

- Setting up special structures and appointing persons responsible
- Responding to each and every notification by the victim, or other persons
- Keeping a record and providing the victim or the accompanying person with a copy
- Informing about the sanctions set forth in the legislation, and the institutions to be addressed to
- Informing the victim about social services
- Accompanying the victim to these services
- Transporting the victim to health or social centres
- Placing a policeman at the victim's disposal if the latter's life is at risk
- In the event of suspicion of domestic violence, the police should start off checking immediately, reflect the findings in a report, and initiate mainly investigations
- Providing the victim with the number of the reported case (TIMS)

Other functions of the police in the framework of orders for protection include:

- Upon order by the court, the police should accompany the victim or abuser to the dwelling so as to supervise the taking away of their personal belongings (Article 10/1/f)
- Seize the weapon found during control (Article 10/1/g)
- Remove/suspend the perpetrator's permit to use the weapon (Article 10/4/b)
- Submit application concerning an Order for Protection and Order for Immediate Protection of the victim of major age (Article 13/1/c and Article 13/3/c)
- Provide applicant or court with certified (sealed) copies of the official documents (Article 15/2)
- Take part in the hearing for issuing the Order for Protection and Order for Immediate Protection
- Execute the court decisions immediately, and check on their on-going execution
- If criminal responsibility is involved, the police should cooperate with the public prosecutor so as to initiate legal proceedings (Article 24, Article 23/6)

Local government units

The tasks of the municipalities and communes (under legislation) include:

- Setting up social service structures dealing with domestic violence
- Setting up social and rehabilitation centres for the victims and perpetrators
- Referring, orientating, accompanying and taking victims to other services
- Providing the victim and the court with official documents
- Submitting application to the court concerning Order for Protection for minors and Order for Immediate Protection
- Taking part in the hearing for issuing the Order for Protection for minors
- Ensuring execution of court decisions
- Installing a 24-hour helpline, which later on establishes contacts with the local government units, police, medical emergency units and the non-profit organisations, thus establishing coordination among them, as well

The tasks of the **Ministry of Health and its structures** include:

- Building the capacities to address cases involving domestic violence in emergency wards and health centres (communes and municipalities)
- Offering medical and psychological assistance at all times
- Carrying out medical examinations at all times
- Providing the victim with a medical report
- Referring/orientating the victim to other services (Article 7/2/d), as well as accompanying or offering transport to him/her (Article 8/3/b and c)
- Bringing in certified documents to court

Ministry of Justice

This Ministry addresses domestic violence issues through the forensic medical service, bailiff's office and legal defence.

The tasks of the forensic medical service include:

- Training experts on domestic violence and violence against children
- Providing experts with the material basis
- Supervising enforcement of legislation
- Carrying out examination, and providing the victim with a copy
- Appearing in court in its capacity as expert

The tasks of the bailiff's office include:

- Training bailiffs on the execution of the Order for Defence and the Order for Immediate Defence
- Ensuring their fulfilment
- Undertaking all the required actions

The tasks with regard to legal defence include:

- Providing legal defence free of charge
- Submitting a number (roster) of trained defence lawyers offering this service

All the above-mentioned bodies are duty bound to accept to deal with all the cases, and address them on the basis of the peculiarities of each one of them has. Likewise, they are duty bound to execute the court decisions, to register and enter everything into the records, and to cooperate with the other structures. For failure to fulfil these obligations they are held responsible before the law both under the civil and penal legislations.

The tasks of the **Court** include:

- Considering applications for the Order for Defence and Order for Immediate Defence
- Ensuring enforcement of this Law and other laws
- Abiding by the principles underpinning impartiality, legitimacy, non-discrimination, and reliance on evidence, and observing the professional code of conduct
- Undertaking measures for the internal administrative organisation so that it responds in time (urgently) to victims addressing it, and providing safety and security in the court environments
- Training judges so as to introduce them to the Law “On domestic violence”
- Training the staff to respond to victims according to law and code of conduct.

CHAPTER TWO: VISION, STRATEGIC PRIORITIES AND STRATEGIC AIMS

Gender equality and women’s empowerment are important to reduce inequalities and poverty for this part of the society. Interventions in and strategies on poverty reduction and observation of the rights of the poor categories are successful if they: (a) recognise women and young women as a group that are not offered equal opportunities to exercise their rights, and enjoy achievement of an equal status with men; (b) ensure women’ and young women’s increased participation in identifying the solutions to the problems they have, not only by respecting their rights, but also by contributing to developing sustainable programmes and policies; and (c) develop policies by accommodating the basic rights and gender equality.

2.1. VISION

The country’s economic and social growth and the development and application of appropriate policies to achieve gender equality will serve as a premise for designing gender equality-related goals, and men’ and women’s equal access to decision-making, at a central and local level, in the areas of education, health care, employment, public services, and prevention of domestic violence.

For this to become a reality, clear and feasible aims should be defined in relation with education, health services to women and young women, the ensuring of opportunities for employment and income, reduced violence, alleviation of other social problems, and participation in the political decision-making at a local and central level. Likewise, for this vision to be achieved, numerous interventions, strategies and “pro gender” policies assuring positive changes in the women’ and young women’s lives, are necessary.

The main goal concerns incorporation of gender issues into public policies through concrete, detailed and budgeted action plans, which help lay the foundations for

advancing gender equality, and minimise the phenomenon of domestic violence in the future, on the basis of international recommendations and instruments, while referring to the concrete conditions in Albania.

2.2. STRATEGIC PRIORITIES

Several of the *strategic priorities* contained in this document, in line with the areas it covers, may be enlisted as follows:

1. Reinforcing the protective legal and institutional mechanisms so as ensure gender equality in Albania.
2. Empowering women through their increased participation in decision-making;
3. Ensuring women's economic empowerment and their increased opportunities for employment and vocational training;
4. Promoting women and young women's equal access to quality education;
5. Improving the social situation of women and young women at risk by enhancing their access to quality social services.
6. Improving population's health by boosting the health system's response to the men/young men's and women/young women's specific health needs.
7. Ensuring media upgraded role in introducing a new, modern approach to gender equality in the society. Ensuring women' and young women's heavier presence in the media.
8. Raising awareness of the phenomenon of violence, legal and administrative protection, and support to individuals affected by domestic violence and to abusers.

2.3. STRATEGIC AIMS

The strategic aims contained in this document have been developed following an analysis of the strategic priorities. For each and every area, the strategic aims have been further elaborated, and materialised in specific objectives and concrete actions that have to be undertaken. For all these, and the indicators for monitoring and evaluating achievement of strategic aims, please refer to the Action Plan.

CHAPTER THREE: POLICIES

3.1. FURTHER UPGRADING LEGAL AND INSTITUTIONAL MECHANISMS THAT ENSURE GENDER EQUALITY IN ALBANIA

Even though, *de jure*, men and young men and women and young women enjoy equal rights, with the main difficulty being observation and implementation of these rights in the everyday life (*de facto*), there is always room to further upgrade those legal and institutional mechanisms ensuring gender equality in Albania, so that as suitable conditions as possible are created to make this equality a reality. Hence, having in mind the areas covered by the present Strategy and the relevant legislation, with regard to the upgrading of legal and institutional mechanisms intended to achieve gender equality in the society, the following recommendations are made.

Recommendations:

- 1) Reinforcing governmental mechanisms at a central and local level, with a view to implementing and monitoring this Strategy.
- 2) Reviewing legislation from the gender perspective in line with international standards.
- 3) Raising public awareness, especially among women and young women, about the legal rights due to them.

3.2. GENDER BALANCE IN DECISION-MAKING

Under the document *Pro-poor & Pro-women Development Policies in Albania*,²⁷ 2005, women's strengthened participation in the political life is determined by a number of interventions. In this aspect, taking account of the legal and institutional mechanisms designed to achieve gender balance in decision-making, the following recommendations are made:

Recommendations:

- 1) Ensuring increased number of women and young women in political decision-making.
- 2) Raising Albanian society's awareness of the women' and young women's active participation in politics.

3.3 ECONOMIC EMPOWERMENT AS ONE OF THE FUNDAMENTAL CONDITIONS TO ACHIEVE GENDER EQUALITY

²⁷ UNDP, Human Development Report, Albania.

With the Albanian legislation took in the economic, social and cultural transformations, and new Codes were developed. Work relationships were regulated by the new Code drafted in 1995, and the ensuing legal acts and subordinate legal acts, which have constantly been upgraded in accordance with international human rights standards. Women's rights, as human rights, have been incorporated into Albanian legislation overall, and in the labour legislation, in particular.

No data are basically available to the public or private sector on women's discrimination on account of their pregnancy or motherhood. In private sector, however, it is thought that women are subjected to discrimination on the above-mentioned grounds. Typically, a woman does not get employed if she is pregnant, or if she has small children. Courts have not registered any reporting of cases because of these reasons. One explanation may be that women do not know the legislation that protects this category of women, or that women are not confident that they may gain their right and refrain from reporting.

Recommendations:

- 1) Increasing the number of projects or programmes promoting women' and young women's vocational training and employment, and extending these projects to rural areas, as well.
- 2) Ensuring increased number of entrepreneurial women and young women by allowing them to have greater access to property, capital and loans.

3.4 EDUCATION AND ELIMINATION OF THE GENDER DISCREPANCIES

In the area of education, the Strategy on Gender Equality aims at visibly enhancing the gender-based results in the educational system in Albania. It is in line with important instruments on which Government of Albania relies to reduce poverty, including the Millennium Development Goals and the National Strategy for Development and Integration (NSDI). Poverty impacts on the academic achievements not only at the macro level (countries with poor local economies register poorer academic performance), but also at the micro level (children from poor households receive less education as they are forced to interrupt or drop out of school in face of their economic situation, and the need to contribute to household's well-being). Young women are particularly vulnerable because of economic reasons (they are mainly involved in supporting their families), and because of the social and cultural attitudes according to which investment in young women's education is a low priority.

Recommendations:

- 1) Upgrading school curricula promoting gender equality, and enhancing women' and young women's participation in teaching, and the planning and management of education.
- 2) Building up the capacities of the education institutions with a view to mainstreaming gender equality issues and concepts into the planning and monitoring of

education.

3) Boosting the communities' and households' social and cultural approaches that promote the values and importance of young women's education, including women' and young women's roles in and contribution to development.

3.5. SOCIAL PROTECTION

The state of welfare ensures social protection²⁸ for households with many children, the Roma and Egyptian households, households with orphaned children, and the orphans above the age of 18 years, through two main mechanisms: 1) cash transfer in the form of financial assistance; and 2) public or private services intended for people in need. Cash transfers aim to guarantee a dignified life above the minimum living level (old-age pension, invalidity, disability benefit, and financial assistance for the poor).

Disadvantage of cash transfer for women: Many of the cash transfers are related to social insurance and are given in the form of the family pensions for persons dependent upon the beneficiary. Cash transfers are related to the male beneficiary, who receives them on behalf of the whole family, if his income is diminished. This does not benefit female household heads, who are not employed on account of the traditional gender-based model encouraging women to stay at home and look after children. Women, who used to work, were not heads of households at the moment of creating the family, given that the man is the household head. In consequence, they have not had the urge to seek well-paid and full time jobs. Instead, they did accept part-time jobs or jobs that were not paid well. Hence, their contribution to social insurance is low.

The financial assistance programme represents an important component of the social protection policies in support of poor households, which, under the free-market economy conditions, are more vulnerable to poverty and the risk of social marginalisation. Through this programme, households without incomes or whose incomes are below the level

²⁸ **Social protection** refers to the structure of material (or immaterial) goods received from the State, market, civil society and households, or a combination of these agents, individuals/households, so as to minimise the multi-dimensional loss.

Social policy consists of the directions to change, to maintain, or create living conditions, which are favourable for social well-being. Hence, social policy is part and parcel of public policies related to social issues, including public's access to social programmes. The social policy aims at improving the social well-being, and recognising individuals' needs for education, health care, housing, and social security. Social policy refers to ensuring social welfare and acknowledges human needs to education, health care, housing and social security.

Social services imply all the services offered to individuals and groups in need, who, with the resources available to them, are not in a position to meet their living needs, so as to preserve, develop and recover individual possibilities, and overcome the emergency or chronic needs.

Community-based social services include all the types of social services, public or private, which are provided at a local level, in the territory falling within the jurisdiction of a Region/municipality/commune.

Civil society embraces all the social institutions and organisations, which advocate and undertake actions to the benefit of the public, and cooperates with the Government, business and the household. It consists of the non-profit organisations, trade-unions, religious groups, social, cultural and sports clubs, professionals' associations, academia, political institutions, consumers' organisations, the media, citizens' groups, and religious institutions.

defined as the “official poverty line,” receive a guaranteed minimum of income in monetary terms (monthly cash transfer) to meet their basic living needs. Based on Law no. 7710, dated 18 May 1993, “On assistance and social care,” the financial assistance scheme came into use in 1993. The financial assistance is designed for Albanian nationals’ households, which have insufficient incomes, or do not receive any material living incomes from any economic activity, household members working abroad, and capital. Improvement in social care calls for the commitment of the Government, and particularly, of the Ministry of Labour, Social Affairs and Equal Opportunities and the State Social Service, supported by donors, and the commitment of the local government, civil society and international organisations.

Recommendations:

- 1) Providing support to poor households and individuals and groups in need with a view to reducing poverty by offering cash payments and social services, with priority being given to households with female heads of households, mothers of many children and the orphaned children.
- 2) Ensuring nation-wide distribution of community-based services for women and young women with social problems.

3.6. HEALTH CARE

In the area of health care, the Strategy on Gender Equality addresses the women’ and young women’s needs relating both to reproductive health, and other general health needs. It is also focussed on the improvement of more general conditions leading to different health needs among the females and males. Given that women and young women and men and young men take on different roles and responsibilities in the family and community, it is important that their needs, interests and contributions are incorporated into the policies developed in the area of health care. Besides, when discussing about health care, the following factors or differences should be taken into account:

1. *Diseases or health conditions from which women and young women are suffering on account of their gender.* These situations basically relate to the females’ reproductive system. Their incidence could be an important indicator of the females’ health in a given community. In many cases, these complications may be attributed to inappropriate health care, use of traditional treatment practices, or use of violence.
2. *Diseases or conditions from which both females and males suffer, but which have a greater incidence in one of the groups.* Under these situations, women/young women or men/young men are at greater risk because of the biological differences, which are combined with unequal power relationships and unequal access to health care. These situations may grow more serious if women and young women, in particular, are prevented from receiving the necessary services to treat plausible complications and diseases.
3. Diseases or conditions that are encountered in both sexes, *but one of them is*

impacted more negatively or exposed to a greater risk.

4. Diseases or conditions from which both sexes suffer, *but one of the sexes is less able to be protected against or cure them.*

Failure to take these factors into consideration may lead to a situation with the health services system discriminating against women and young women, or men and young men. Under the Albanian legislation and the International Conventions and instruments ratified by Albania, gender equality is promoted and discrimination is prohibited. Article 12 of the CEDAW states explicitly: “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.”

Recommendations:

- 1) Developing and upgrading health policies and programmes so as to ensure that they address gender differences and females’ and males’ health needs.
- 2) Enhancing knowledge and understanding of females’ and males’ health, and their health needs.
- 3) Providing support to and guaranteeing women’ and young women’s and men’ and young men’s full and equal access to all levels of health service, and ensuring provision of effective health services to them.
- 4) Providing support in extending effective health services to women and young women and men and young men, and promoting good health by undertaking preventive measures and reducing risk factors surrounding women’ and young women’s health.

3.7 Elimination of gender-based stereotyping in the mass media

Recognising, promoting and implementing gender equality in the media is a must for each and every democratic society, as it impacts on the women’ and young women’s increased participation in all the walks of life, and particularly, in the decision-making institutions. The media has the role to inform public opinion in an objective way, and to give and support a dignified portrayal of individuals in the society. The media must stay clear of the sexist language, fake coverage, and crafted stereotypes of the role of the individual in general, and the role of the female in particular, both in family and society.

One of the important issues of the development policies and a response to the women’ and young women’s continuous marginalisation, gender mainstreaming calls for a number of requirements be met both in the political and social aspects, where the media has an important role to play. The reality in the Albanian society speaks of a pronounced lack of gender equality, which is not understood and is not accepted. It is a primary task for the media to become agents of change through correct coverage of the woman’s multi-dimensional personality, and her contribution in society.

Recommendations:

- 1) Raising public awareness and enhancing the quality of public information so as to overcome gender-based stereotypes. Highlighting the importance of achieving gender equality in society through various policies and products in the media.

3.8 ADDRESSING DOMESTIC VIOLENCE

3.8.1 Prevention

Prevention of domestic violence is a priority of the Government. It is essential that each and everybody, who is affected by domestic violence, should have access to the necessary information, and counselling, and that the professionals should know how to cope with the early signs of violence. Policies in the area of prevention should be focussed on:

- 1) Preventing domestic violence by changing the population's approach, and particularly, young people's approach;
- 2) Informing the population and launching awareness-raising campaigns
- 3) Providing quick assistance to all the victims of domestic violence so as to prevent repetition of violence;
- 4) Counselling and imparting of information to all the victims on how to access supportive services and legal defence;
- 5) Stopping abusers, where possible, from repeating violent acts.

Recommendations:

- 1) Educating children and young people at school in a way that future generations know about healthy relations, and become aware that domestic violence is a crime and is unacceptable.
- 2) Following the instructions issued by the Ministry of Education and Science on hosting educational and awareness-raising events at all the levels of teaching, either at a city, district or Region level, so as to raise public awareness of and prevent all the forms of violence against children.
- 3) Upgrading the curricula, textbooks and extracurricular texts in different areas of study.
- 4) Educating the public at large on the gravity of the domestic violence issue, and focussing on the abuser.
- 5) Hosting publicity campaigns on a constant basis. Information on the victims should be elaborated further on so that the details concerning the support and assistance offered by different bodies are easily accessible to everyone looking out for them.
- 6) Ensuring that all the professionals and staff, and particularly, those involved in the health/social services, education and other sectors receive the appropriate instructions and training so as to be able to identify the victims of violence at an early stage, and offer assistance and support.
- 7) Keeping on experimenting with the psychological service in urban areas, planning teachers' training, the psychological service's monitoring and evaluating activities, and empowering the experts' network at a national level.

- 8) Developing instructions on best practices, and source materials or handbooks dealing with the education and health sectors, with coordination being ensured by the Ministry of Labour, Social Affairs and Equal Opportunities.
- 9) Coordinating development of source materials with specialised non-profit organisations.
- 10) Developing projects targeting the abusers, so as to help them plead guilty for their acts, and modify their behaviours.

3.8.2 Defence and justice

It is vital for the victims of violence and abuse to have access to information on defence through the penal and civil legislation, and to receive positive feedback by the Government, police and different bodies of criminal justice. Policies in the areas of defence and justice should be focussed on the following directions:

- 1) Providing safety to all those affected by domestic violence, and holding abusers responsible before the law for their acts.
- 2) Ensuring a sustainable and effective response by the police to each and every domestic violence incident reported.
- 3) Extending the witness's protection procedures to the victims of domestic violence, where necessary.
- 4) Applying punishments and sanctions intended for domestic violence.
- 5) Making sure that victims do not hesitate to contact defence and justice bodies on the way they are treated at different stages of the trial.
- 6) Making sure that the civil and penal legislations offer maximum protection to all the victims so as to avoid repetition of domestic violence.
- 7) Raising awareness of the law on domestic violence.

Recommendations:

- 1) Making sure that criminal justice bodies recognise the need for intensifying their efforts so that proper defence is extended to the victims, and abusers are held accountable before the law for their acts, and boosting the public's trust in the services they are offering.
- 2) Making information on the civil and penal legislations and legal proceedings available on a permanent basis.
- 3) Identifying the players in the system of justice, who will be dealing with cases involving domestic violence. Setting up of units/sectors/sections to be coping with domestic violence issues, at the relevant institutions.
- 4) Training judiciary staff on domestic violence, and putting in place special measures for victims.
- 5) Making sure that the subject on gender equality and domestic violence is part and parcel of the Police School curriculum on a permanent basis.
- 6) Joining the efforts of different bodies of the judiciary and non-profit organisations in developing a training programme for the judges.
- 7) Making sure that penal and civil courts share the necessary information on a constant basis.

- 8) Ensuring that reviews take place so as to identify the lessons learnt, and to upgrade different bodies' performance.

3.8.3 Social support

The victims should have access to a range of supportive services offered by different bodies. The policies in the area of social support should be focussed on the following directions:

- 1) Improving possibilities for accommodation, while providing greater assistance to victims to help them stay at their homes if possible, as well as shelters and re-accommodation services. Providing upgraded information and counselling.
- 2) Providing assistance to victims who have just broken, or walked out of a violent relationship, so as to rebuild their own life.
- 3) Offering support to children and young people affected by domestic violence.
- 4) Providing information to each and everybody affected by domestic violence through different bodies trained in this area.

Recommendations

- 1) Establishing a 24-hour helpline allowing victims to report, and receive appropriate support quickly.
- 2) Upgrading cooperation and sharing of information among different agencies. This type of cooperation should be supported by a number of service-focussed acts, including child care acts, social services acts, police act, local health services act, and local special health services act. A system of coordination will help establish a good routine between institutions and organisations focused combating domestic violence.
- 3) Expanding supportive services for accommodating victims into shelters.
- 4) Granting funds to organisations offering supportive services to victims of domestic violence and their children.
- 5) Developing services to identify and support children and young people affected by domestic violence.

CHAPTER FOUR: ACCOUNTABILITY

1. Implementation

The Directorate for Equal Opportunity Policies under the Ministry of Labour, Social Labour and Equal Opportunities, designed to promote gender equality and women's participation in the country's life, is tasked with the implementation of the National Strategy on Gender Equality and Domestic Violence.

The other institutions responsible for its implementation include the Ministry of Education and Science, the Ministry of Health, the Ministry of Justice, and the Ministry of Interior, along with their subordinate institutions.

Local government bodies will be playing a major role in the implementation of the said Strategy. Contact points located at the Prefectures and Municipalities will bring cooperation between the MOLSAEO and local government to fruition. Concerted efforts have been registered for developing human resources and institutional capacities of the Prefecture and Municipality network.

2. Monitoring

The following will be held accountable for the monitoring of the National Strategy on Gender Equality and Domestic Violence:

1. National Gender Equality Council, which will be set up by decision of the Council of Ministers, and will be headed by the Minister of Labour, Social Affairs and Equal Opportunities. This Council will be constituted of the deputy ministers of the line Ministries, representatives of associations, the stakeholders and the academic world.
2. Technical Secretariat for the Monitoring of the Strategy on Gender Equality and Domestic Violence, at the MOLSAEO, which follows up on the implementation of the said Strategy and Action Plan.
3. Committees for Equal Opportunities at the municipality level.

The tasks of the above bodies will be established by decisions of the Council of Ministers.

NATIONAL STRATEGY ON GENDER EQUALITY AND DOMESTIC VIOLENCE – ACTION PLAN

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALES	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
Aim 1	Goal 1.1	1.1.1						
Strengthening protective legal and institutional mechanisms so as to ensure gender equality in Albania.	Strengthening governmental mechanisms at a central and local level, with a view to enforcing and monitoring the Strategy.	Setting up new structures, and in concrete terms: - National Gender Equality Council (NGEC) - Technical Secretariat (for monitoring the Strategy) - Committees for Equal Opportunities (at a municipal level)	MOLSAEO, Council of Ministers, MOLSAEO, MoI, Municipalities	2 (two) months following adoption of the Strategy. Within first half of 2008 By end of 2008	It has no financial impact. It has to be estimated	Possible delays in issuing the Decision by the Council of Ministers on establishing the National Gender Equality Council may also lead to delays in getting the other bodies stabilised.	Bodies set up. Clear description of duties and responsibilities of each and every body. Start of their operation	MOLSAEO Directorate for Equal Opportunities
	Goal 1.2 Reviewing legislation from the gender perspective in line with international standards.	1.2.1 <u>Reviewing Law no. 9198, dated 1.07.2004, "On gender equality in the society,"</u> with a view to ensuring a more effective protection from violations of gender equality.	Line Ministries and other central departments, MOLSAEO, OSCE, UNDP, Council of Ministers, Parliament	By the end of 2007.	It has no financial impact	Postponing time-limits for adopting amendments to Law "On gender equality"	Draft-law prepared. Adoption and publication in the Official Gazette	NGEC, Technical Secretariat, Respective directorates under MOLSAEO

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		1.2.2						
		Completing secondary legislation on gender equality, following adoption of the new Law “On gender equality,” with a view to making it applicable.	Line Ministries and other central departments, MOLSAEO, OSCE, UNDP, Council of Ministers, Parliament	January – June 2008	It has no financial impact.	Postponing time-limits for adopting the Law may also impact on the deadline set for completing secondary legislation. It may also lead to postponing the adoption of amendments.	Subordinate legal acts prepared. Adoption and publication in the Official Gazette	NGEC, Technical Secretariat, Respective directorates under MOLSAEO
		1.2.3						
		Amending Law no. 7703, dated 11.5.1993, “On social insurance”	Line Ministries and other central departments, MOLSAEO, Council of Ministers, Parliament, MoF, Social Insurance Institute, International bodies, Donors	In the course of 2010	It has no financial impact	Postponing time-limits for adopting amendments.	Amendments prepared. Adopting and publication in the Official Gazette.	NGEC, Technical Secretariat, Respective directorates under MOLSAEO
STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER	IMPLEMENTATION	SOURCES/ BUDGET	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND

		INSTITUTIONS	TIMESCALE	000/LEKË			EVALUATION MECHANISMS	
	1.2.4	Amending paragraph 1 of Article 104 of the Labour Code of the Republic of Albania, with regard to maternity leave – a 35-day run-up period to childbirth.	Line Ministries and other central departments, MOLSAEO, Council of Ministers, International bodies, Donors	In the course of 2009	It has no financial impact	Postponing time-limits for adopting amendments.	Amendments prepared, and adoption and publication in the Official Gazette.	NGEC, Technical Secretariat, Respective directorates under MOLSAEO
	1.2.5	Enforcing Law no. 9131, dated 8.09.2003, “On the Code of Conduct in the public administration,” concerning “civil servant’s appearance.”	Line Ministries and other central departments, MOLSAEO, Council of Ministers, International bodies, Donors	January - June 2008	No costs incurred.	Failure of institutions to grasp the importance of preparing regulations.	Rules developed on the basis of the law. Enforcing the internal regulation of institutions.	NGEC, Technical Secretariat, Respective directorates under MOLSAEO
Goal 1.3	1.3.1	Official translation and publication of International Conventions ratified by Albania, and particularly, new edition of the CEDAW, the Optional Protocol, and other legal instruments in line with the EU legislation.	Line Ministries, MOLSAEO, Non-profit organisations, International organisations	2007-2008	It should be calculated	Extremely prolonged procedures for rendering translations official may impact on time-limits.	Conventions translated and published. Number of official publications distributed, and list of institutions/ districts where publications are distributed.	NGEC, Technical Secretariat, Respective directorates under the Ministries involved. Organisations operating in the Human Rights area.
Raising public awareness, especially among women and young women, about the legal rights due to them.								

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		1.3.2						
		Running awareness-raising campaigns: “Women’s rights are human rights”; raising public awareness about the national and international legislation.	Line Ministries, MOLSAEO, Directorate for Equal Opportunities, Non-profit organisations, International organisations	2008 - 2010	Calculations should be based on the number of training sessions to take place in the 12 Prefectures across the country.	Lack of resources may lead to insufficient coverage of the 12 Prefectures.	12 4-day training sessions in the 12 Prefectures across the country. List of participants. Documents distributed.	NGEC, Technical Secretariat, Committee for Equal Opportunities, Respective directorates under the Ministries involved ; Organisations operating in the Human Rights area.
Aim 2	Goal 2.1	2.1.1						
Empowering women through their increased participation in decision-making.	Ensuring increase in the number of women and young women involved in the political decision-making.	Reviewing the Electoral Law, and supporting activities aimed at ensuring an increased number of women and young women in the Parliament, or the decision-making structures at a local level.	Political parties, Parliament, Media, Non-profit organisations and networks of women and young women, MOLSAEO	2008-2010	30,000	Postponing of time-limits for adopting amendments to Law. Severe political climate may curb women’ and young women’s initiative to engage in decision-making, irrespective of the quota	Draft-law prepared. Law adopted and published in the Official Gazette. Referred quota. Handling gender-based discrimination in Albanian politics as a matter of concern not	NGEC, Technical Secretariat, Committee for Equal Opportunities.

Goal 2.2

2.2.1

Raising Albanian society's awareness about women' and young women's active participation in politics.

Promoting new incoming values into political life, new forms for handling of the society's needs, and enhanced solidarity and equality in building a more democratic and peaceful society.

Media
Non-profit organisations and networks of women and young women, MOLSAEO

2007 – 2010

10,000

Difficulties surrounding the mindset, particularly, with regard to introduction of new values or forms.

Difficulties surrounding application of concepts through lack of the respective resources and capacities.

Improved environment for women and young women involved in politics.

Manifestation of solidarity values, particularly, among the younger generation.

established.

only to women and young women, but also as a failure of the political parties and of the Albanian society at large.

Number of women and young women in the steering forums of the political parties, and elected to the Parliament of Albania.

NGEC, technical Secretariat, Committee for Equal Opportunities

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
Aim 3	Goal 3.1	3.1.1	MOLSAEO, National Service for Employment, Non-profit organisations, INSTAT	2007-2010	It should be calculated.	Insufficient resources may lead to limiting the study approaches, or their extension across the country.	<p>New patterns in politics.</p> <p>Way of communication with, and transparency towards the public.</p> <p>Number of individuals trained in developing policies.</p> <p>Two studies conducted.</p> <p>Publication and distribution of the studies.</p> <p>Findings and recommendations for building up employment policies, and women' and young women's economic empowerment</p>	<p>NGEC, Technical Secretariat, Committee for Equal Opportunities, Non-profit organisations, Private partners interested in the employment area.</p>
Women's economic empowerment, and their increased employment opportunities and vocational training.	Ensuring increase in the number of projects or programmes designed to promote women' and young women's vocational training and employment, and extending these projects to rural areas, as well.	A cross-country study of the number of women and young women employed in the formal labour market, and the number of informally employed women and young women.						

t.

3.1.2

Expanding employment service extended to women and young women in need, and increasingly incorporating this target into employment and vocational training promotion programmes.

MOLSAEO, International partners, Non-profit organisations, Business

2007-2010

500,000

Lack of other social services may stop women and young women from being employed.

Increased number of skilled and employed women and young women.

NGEC, Technical Secretariat, Committee for Equal Opportunities, Non-profit organisations, Interest groups

3.1.3

Developing part-time employment policies designed for women in need.

MOLSAEO, National Service for Employment, Donors, Government, Non-profit organisations, Employers

2007-2010

20,000

It is likely that these policies turn into prevailing policies governing women' and young women's employment, overall.

Number of women in need benefiting part-time employment.

NGEC, Technical Secretariat, Committee for Equal Opportunities, Non-profit organisations, Actors involved in the employment area

3.1.4

Developing a new information system at a central and local level, so as to ensure women' and young women's equal approach and

MOLSAEO, National Service for Employment, Banking institutions, Non-profit

2007-2010

It should be calculated.

Difficulties in using different techniques for receiving information (for example, the Internet)

Number of trained and informed persons.

Designed Web site.

NGEC, Technical Secretariat, Committee for Equal Opportunities, Non-profit

	access to public information on the right to having a job, as well as to labour legislation, information on the labour market, education and vocational training, and property and loans.	organisations			may interfere with coverage of the whole territory with the relevant information.	Number of publications distributed.	organisations, Actors involved in the employment area.
	3.1.5						
	Developing salary subsidisation programmes designed for excluded categories of women, female heads of households, trafficked and violated women and young women, women close to retirement age, and invalid women, or disabled women.	MOLSAEO, Donors, Government, Non-profit organisations, Private operators	2007-2010	200,000	Lack of transparency and control may prevent target groups from benefiting realistically.	Number of women and young women in need benefiting from the salary subsidisation programme.	NGEC, Technical Secretariat, Committee for Equal Opportunities
Goal 3.2	3.2.1						
Ensuring increase in the number of women and young women entrepreneurs by enabling them to have greater access to property, capital and	Supporting initiatives for starting loan programmes intended for women and young women through piloting in two areas, with a view to promoting entrepreneurship.	MoE, MOLSAEO, Non-profit organisations, Social State Service, Donors, Loan agencies, Banks	2007 – 2010		Mentality prevalent in the target areas on women' and young women's access to property and loans, may check or alienate the	Female entrepreneurs' success stories in the two piloted areas. Number of successful activities carried out by women and	NGEC, Technical Secretariat, Committee for Equal Opportunities, Loan agencies, Banks, Civil society

loans.

intervention focus.

young women from sub-urban and rural areas, who have benefited from loan programmes.

3.2.2

Promoting development of small businesses managed by women and young women, improving their benefits through intensive recovery programmes, advice on finances and marketing, training on management, upgrading products, and restructuring human resources.

MOLSAEO, Donors, Chambers of Commerce, Non-profit organisations

2008 -2010

Lack of resources may lead to failure to bring the scheduled programmes to fruition.

Mentality built around the way small businesses are organised, may intervene with the restructuring of resources, and chiefly, human resources.

Increased number of small businesses run by women and young women.

Building up of the existing businesses.

Number of participants in the respective programmes and training sessions.

Increase in product sales (improved quality).

NGEC, Technical Secretariat, Committee for Equal Opportunities, Civil society

Aim 4

Goal 4.1

4.1.1

Promoting women' and young women's

Upgrading school curricula designed to

Handling gender dimension topically in the respective subjects,

MoES, Institute of Curricula, Universities,

2008-2010

35,000

Lack of interest on the part of certain departments

Upgraded curricula.

NGEC, Technical Secretariat, Committee

equal access to quality education.

promote gender equality, and enhancing women' and young women's participation in teaching, and education planning and management.

as well as through the introduction of special subjects on this issue, starting as early as the development of the university curricula.

Chairs

through shortage of information on mainstreaming gender cross cutting issues into all the areas.

for Equal Opportunities, Institute for Gender Studies

4.1.2

Regularly reviewing and upgrading the curricula and textbooks with regard to gender stereotypes.

Institute of Curricula, Institute for Gender Studies, Non-profit organisations specialised in the area

2007-2010

No costs incurred.

Failure to devote sufficient attention to reviewing on a constant basis.

Curricula reviewed from the gender equality perspective.

NGEC, Technical Secretariat, Committee for Equal Opportunities, MoES

4.1.3

Identifying gender analysis as one of the crucial criteria for selecting the best textbooks for publication (teacher's book, student's book and other auxiliary teaching documents; teacher's guides, training modules, as well as teacher training methodology).

Institute of Curricula, MoES, Institute for Gender Studies

2007-2010

No costs incurred.

Lack of capacities may lead to failure in accurately using gender analysis as a selection criterion.

Clear system and procedures surrounding gender analysis in textbook selection.

NGEC, Technical Secretariat, Committee for Equal Opportunities, Commissions tasked with textbook selection

Goal 4.2**4.2.1**

Building up the capacities of education institutions so as to mainstream gender equality issues and concepts into the planning, implementation and monitoring processes in education.

Preparing teacher training modules into which gender is mainstreamed as a specific topical theme, and the parent-teacher dialogue is incorporated.

MoES, Institute of Pedagogical Studies and Curricula, Institute for Gender Studies, Non-profit organisations offering training

2007-2008

It should be calculated.

Modules prepared.

NGEC, Technical Secretariat

4.2.2

Training primary and secondary school teachers in this aspect.

MoES, Education Directorates, Non-profit organisations offering training

2008-2009

It should be calculated.

Lack of resources may lead to failure to provide coverage for the whole country.

Number of trained teachers in the 12 Prefectures.

Clear-cut and efficient gender-oriented policies in education.

NGEC, Technical Secretariat, Committee for Equal Opportunities

STRATEGIC OBJECTIVES

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER INSTITUTIONS

IMPLEMENTATION TIMESCALE

SOURCES/ BUDGET 000/LEKË

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND EVALUATION MECHANISMS

4.2.3

Ensuring increase in the number of women and young

MoES, MoJ, Local

2007-2010

Prevailing mentality may be a barrier to

Number of women and young women

NGEC, Technical Secretariat,

	women in school leaderships through their appointment to leadership positions, and other institutional arrangements.	government, Education Directorates			achieving this goal in certain areas.	newly appointed to the leadership of schools in the 12 Prefectures.	Committee for Equal Opportunities
Goal 4.3	4.3.1						
Ensuring upgrading of social and cultural approaches taken by communities and households that help promote the values and importance of young women's education, including women' and young women's role in and contribution to development.	Conducting a cross-country study of social and cultural approaches to young women's education, and women' and young women's participation in decision-making in education.	MoES, Non-profit organisations, Local government, Donors	2007-2008	5,000	Insufficient resources may lead to limited number of covered areas.	Study completed and published. Outputs and recommendations made.	NGEC, Technical Secretariat, Committee for Equal Opportunities
	4.3.2						
	Undertaking an awareness-raising campaign based on findings of the study on schools, parents and communities, and	MoES, Non-profit organisations and specialised institutes for studies,	2007-2010	10,000	Mentality and shortage of information alone are not always to blame for young	Number of posters, leaflets and round tables in the 12 Prefectures.	NGEC, Technical Secretariat, Committee for Equal Opportunities

particularly, in remote and rural areas, as well as on the importance and benefits of young women's education, including continuation of young women's education beyond primary education.
4.3.3

Engaging female and male teachers in the awareness-raising door-to-door campaign in rural and remote areas, about women' and young women's education.

Media

MoES, Regional Education Directorates, Teaching staff, communities and parents, Teachers' Associations

2007-2010

15,000

women's interrupting education. Lack of infrastructure also impacts on the interruption of education.

Difficult infrastructure in remote areas may be an obstacle to accurate monitoring.

Increasing number of young women in rural areas, who go to school after having finished primary education.

Number of teachers engaged in awareness-raising campaigns in 24 Municipalities.

Number of houses and villages visited to that effect.

NGEC, Technical Secretariat, Committee for Equal Opportunities

Aim 5

Goal 5.1

5.1.1

Improving the at-risk women' and young women's social situation through their increased access to

Extending support to poor households, and to individuals and groups in need, with a view to reducing poverty by providing cash

Improving evaluation criteria intended for households below the absolute poverty line by reviewing the financial assistance scheme, extending priority treatment to

MOLSAEO, State Social Service

2008-2009

No costs incurred.

Application of this policy should be concurrent with the Strategy for Social Services, and what it provides for

Upgraded gender-oriented policies and programmes.

Number of households benefiting from this

NGEC, Technical Secretariat, Committee for Equal Opportunities

quality social services.

payments and social services, giving priority to households with female heads of households, mothers of many children and orphaned children.

households with female heads of households, mothers of many children, Roma households, Egyptian households, and households with orphaned children.

concerning these categories.

policy. Friendly environment for women and young women experiencing social problems.

5.1.2

Training the staff of local government (the newly created structures at a region, municipality and commune level), which is in charge of assistance and social service programmes designed for women and young women in need.

MOLSAEO, State Social Service, MoI, Faculty of Sociology and Social Work, Non-profit organisations, Donors

2008-2010

It should be calculated.

Training of local government staff should also be coordinated with the local government decentralisation policy.

Number of persons trained.

Number of training sessions held.

Training outputs reflected in the performance.

NGEC, Technical Secretariat, Committee for Equal Opportunities

Goal 5.2

5.2.1

Ensuring nation-wide distribution of community-based services for women and young women with social problems.

Expanding, through piloting in three areas, the community-based service network intended for women and young women in need, and particularly, the Roma and Egyptian

MoI, MOLSAEO, Non-profit organisations, Donors

2009

It should be calculated.

Number of new services installed in 3 areas.

Number of women and young women in need, who benefit from

NGEC, Technical Secretariat, Committee for Equal Opportunities

women and young women, as well as guaranteeing sustainability of these services.

these services.

Periodic statistical information.

5.2.2

Increasing the access of the women and young women in need to information on the legal basis, instruments ensuring social protection, as well as public and private institutions offering these services.

MOLSAEO, State Social Service, MoF /Social Insurance Institute, Faculty of Sociology, Non-profit organisations

2008-2010

It should be calculated.

Low access to information technology.

Lack of information infrastructure in Albania's remote areas (rural/mountainous).

Number of persons retrieving information.

Number of awareness-raising publications.

Number of trained persons.

NGEC, Technical Secretariat, Committee for Equal Opportunities

Aim 6

Goal 6.1

6.1.1

Improving population's health by ensuring upgraded response by the health system to the special health needs of women and young women and men and young men.

Developing and upgrading health policies and programmes so that they address gender differences, and meet the health needs of women and young women and men and young men.

Reviewing the Health Insurance Scheme, focussing on:
 1. Groups of diagnoses directly affecting reproductive health.
 2. Husband's or wife's right to subsidised medicines, even if they are not employed (if one of them is insured).

Health Insurance Institute (HII), Public Health Institute, MoH, Central government, Local government, Patients' Associations, Health non-profit organisations

2010

No costs incurred.

Delays in approving the reviewed scheme.

Reviewed Health Insurance Scheme.

Incorporation of groups of diagnoses.

List of subsidised medications.

MoH, NGEC, Technical Secretariat, Committee for Equal Opportunities

STRATEGIC AIMS

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER

IMPLEMENTATION

SOURCES/ BUDGET

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND

STRATEGIC	SPECIFIC	ACTIONS TO BE	RESPONSIBLE	IMPLEMENTA	SOURCES/	ASSUMPTIONS/	MONITORING	MONITORING
		6.1.2						EVALUATION MECHANISMS
		Ensuring free vaccination against Human Papilloma Virus (HPV), as a very efficient approach to reducing cervical cancer among women.	MoH, Public Health Institute, Private operators, Associations, Health Insurance Institute	2010	It should be calculated.	This vaccination should be preceded by an awareness-raising campaign, and young women's instruction on reproductive health care.	Number of females vaccinated.	MoH, Public Health Institute, NGECC, Technical Secretariat, Committee for Equal Opportunities
	Goal 6.2	6.2.1						
	Enhancing knowledge and understanding of females' and males' health, as well as of their health needs.	Collecting and reporting, on a yearly basis, on sex aggregated data so as to follow up on females' and males' health indicators.	MoH, Public Health Institute, INSTAT	2008 and on	It should be calculated.	Lack of a shared pattern for collecting sex aggregated data may lead to difficulty in their processing.	Available data and reports.	NGECC, Technical Secretariat, Committee for Equal Opportunities
		6.2.2						
		Initiating a campaign for the education of population about fertility, and women' and men's shared responsibilities for a good family health.	Public Health Institute Non-profit organisations	2007-2010	10,000	Insufficient resources may lead to limiting the intervention areas.	Number and contents of awareness-raising messages. Number of broadcasts. Other means employed for conducting the campaign.	NGECC, Technical Secretariat, Committee for Equal Opportunities, MoH

AIMS	GOALS	UNDERTAKEN	AND PARTNER INSTITUTIONS	TION TIMESCALE	BUDGET 000/LEKĚ	DIFFICULTIES	INDICATORS	AND EVALUATION MECHANISMS
		6.2.3						
		Developing curricula on nutrition, hygiene and family planning for young men and young women.	MoES, MoH, Experts, Donors, Non-profit organisations	2007-2010	It should be calculated.	Care should be taken that all communities are involved.	Curricula developed. Number of students involved.	NGEC, Technical Secretariat, Committee for Equal Opportunities
	Goal 6.3	6.3.1						
	Providing support to and guaranteeing women' and young women's, as well as men' and young men's full and equal access to all the levels of health care, and ensuring provision of effective health services to them.	Collecting sex aggregated data on the use of public and private health services.	MoH, Public Health Institute, INSTAT, National and international organisations operating in the area of health	2007-2008	It should be calculated.	Lack of a previous database.	Sex-aggregated database.	NGEC, Technical Secretariat, Committee for Equal Opportunities
		6.3.2						
		Ensuring easy accessibility of health centres or clinics for women and young women, and adjusting their timetables with the	Local government, Public Health Directorates in the Districts	2008-2010			Adjusted timetables of clinics and health centres.	MoH, NGEC, Technical Secretariat, Committee for Equal Opportunities

women' and young women's working hours.

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		6.3.3						
		Introducing an emergency transportation system particularly for women and young women, and engaging the community in developing efficient ways for taking women and young women to hospital.	Local government, Health centres	2008-2010	It should be calculated.	Insufficient resources may lead to limiting the intervention areas.	Transportation system introduced in 24 Municipalities.	MoH, NGEC, Technical Secretariat, Committee for Equal Opportunities
		6.3.4						
		Allocating sufficient resources for the training of staff at all the levels of the system offering health services.	MoH and subordinate institutions, Non-profit organisations	2008-2010			Human and financial resources allocated for training.	NGEC, Technical Secretariat, Committee for Equal Opportunities
		6.3.5						
		Incorporating gender perspective into the curriculum of the Faculty of	MoES, Faculty of Medicine, Higher	2008 and on			Upgraded curriculum.	NGEC, Technical Secretariat, Committee

		Medicine and the Higher Nursing School.	Nursing School, Experts					for Equal Opportunities
	Goal 6.4	6.4.1						
	Providing support to extending effective health services to women and young women and men and young men, and promoting good health by undertaking preventive measures, and reducing the risk factors for women' and young women's health.	Conducting annual check-up campaigns (Pap test and mammography) with regard to the necessary examinations that help improve women' and young women's quality of life.	MoH, National Institution of Health Insurance, Private services, Donors, Experts	In the course of 2007	It should be calculated.	Inadequate resources may lead to limiting the intervention areas.	Number of check-ups carried out. Number of intervention areas.	NGEC, Technical Secretariat, Committee for Equal Opportunities
Aim 7	Goal 7.1	7.1.1						
Upgrading the role of media in creating a new, modern approach to gender equality in society, and women' and young women's increased	Raising awareness and quality of public information about doing away with gender-based stereotypes, and the importance of achieving	Raising awareness about reduction of sexist language in the media, and promoting use of a language reflecting the gender equality principles.	Journalists' Associations, Written and electronic media, Institute of Free Media, MOLSAEO, Faculty of Social Sciences, Faculty of Journalism,	2007 and on	It should be calculated.		Guidelines completed. Reduction in commercials treating women and young women as objects of sex. Public information	NGEC, Technical Secretariat, Committee for Equal Opportunities

number in the media.	gender equality in society, through various policies and products in the media.		Non-profit organisations				campaigns about gender-specific problems and issues in Albania.	
							Footage and space in the electronic and written media.	
							Television spots.	
							Setting up and operation of the media monitoring units.	
STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
<u>Aim 8.1</u>	Goal 8.1.1	8.1.1.1						
Raising society's awareness against domestic violence, and about the measures to help victims through a change in approaches.	Setting up structures providing information on domestic violence.	Setting up and reinforcing offices for communication with citizens, at a local level.	MoI, MOLSAEO, Non-profit organisations, Media	2007-2010	No costs incurred	Failure to grasp the importance of communication with citizens.	Efficient public information offices.	MoI, MOLSAEO, Non-profit organisations
		8.1.1.2						
				2008-2009	5		Arguments	

Evaluating the violence-related situation for women/ children at a community level.	MOLSAEO, Non-profit organisations, Faculty of Social Sciences				for the policy-makers at a central and local level, to embark on concrete and efficient actions against domestic violence.	MOLSAEO
8.1.1.3						
Developing and implementing an informative strategy for doing away with the taboos.	Non-profit organisations, Media, Faculty of Social Sciences	2010	1.6		Information of the public	Non-profit organisations, MOLSAEO
8.1.1.4						
Conducting studies designed to measure the incidence and prevalence of the phenomenon of domestic violence against children, women/ young women and the elderly, with a view to identifying specific groups of consequences to health.	MoH, MOLSAEO, Faculty of Social Sciences, Public Health Institute, Non-profit organisations, Donors	2008 - 2012		Difficulty for the elderly to report violence.	Publication of findings from study/studies.	Quantitative evaluation of the cases involving victims of domestic violence.

<u>Aim 8.1.2</u>	Goal 8.1.2.1	8.1.2.1.1						
STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
Educating children, young people and the society overall, that domestic violence is unacceptable, and empowering them to make well-informed choices.	Upgrading school curriculum.	Setting up a scientific group to review the curriculum.	MoES, National Centre of Education and Evaluation	2008	8	In low numbers.	Shortage of technology.	MoES, Institute of Curricula and Strategies, Domestic violence experts
		8.1.2.1.2						
		Setting the standards for each and every level of schooling and education for similar courses.	MoES, Institute of Curricula and Strategies	2008-2010	No costs incurred.			MoES
		8.1.2.1.3						
		Setting specific targets for the social and civic education studies	Institute of Curricula and Standarts, National Education Training	2008-2010	No costs incurred.		Reviewing the curriculum in line with the National Strategy for	MoES

Centre,
MoES,
Publishing
houses

the
Development
of Pre-
university
Education

Goal 8.1.2.2

8.1.2.2.1

Reviewing the teaching plans, textbooks and extracurricular and out-of-school literature.

Reviewing the curricula on approaching domestic violence according to education cycles and classes.

MoES.
Non-profit organisations,
MOLSAEO

2008-2009

No costs incurred

Lack of domestic violence experts.

MoES

Absence of cooperation.

STRATEGIC AIMS

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER INSTITUTIONS

IMPLEMENTATION TIMESCALE

SOURCES/ BUDGET 000/LEKË

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND EVALUATION MECHANISMS

8.1.2.2.3

Making sure that specific subject themes on domestic violence are incorporated into textbooks.

MoES,
Non-profit organisations,
MOLSAEO

2009-2010

3

Developing policies on domestic violence.

MoES

8.1.2.2.4

Introducing the module-based system in secondary schools.

Institute of Curricula and Strategies

2008-2009

No costs incurred.

Behaviours and approaches towards victims of violence.

MoES

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.1.2.2.5 Incorporating given subject themes on domestic violence into the extra-curricular literature.	Institute of Curricula and Strategies, Publishing houses	2008-2010	3		Raising public awareness.	MoES
		8.1.2.2.6 Compiling textbooks and support literature.	Institute of Curricula and Strategies, National Education Training Centre	2008-2009	120		Training domestic violence experts.	
		8.1.2.2.7 Ensuring training for domestic violence experts in higher schools.	MoES, Regional Education Directorates, Universities	2008-2010	No costs incurred			
Aim 8.1.3	Goal 8.1.3.1	8.1.3.1.1						
Building the human capacities for addressing domestic	Establishing a pool of national trainers.	Setting up a national nucleus trained in addressing problems and	MoES, MOLSAEO, MoH	2007-2008	8,000		Quantity and quality of the capacities built.	MoES, MOLSAEO

violence.

domestic violence.

8.1.3.1.2

Introducing a vertical training system.

MoES,
National Education Training Centre

2008-2009

144,000

Upgrading effectiveness of communication and service.

MOLSAEO

8.1.3.1.3

Planning out training on an on-going basis.

MoES,
National Education Training Centre

2008-2010

Included in the above cost.

Following up on issues by the local government, Regional Education Directorates,

MoES,
MOLSAEO

STRATEGIC AIMS

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER INSTITUTIONS

IMPLEMENTATION TIMESCALE

SOURCES/ BUDGET 000/LEKË

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND EVALUATION MECHANISMS

8.1.3.1.4

Training the administration of all the central departments.

MoES,
MOLSAEO,
Local government,
Non-profit organisations,
MoI

2008-2009

48,000

MoI,
MOLSAEO

8.1.3.1.5

Training teachers

MoES

2008-2010

1,440,000

MoES,

at all levels.

MoTCYS

8.1.3.1.6

Training the local government administration.

MoES,
MoI,
Local government,
MoH,
MOLSAEO

2008-2010

440,000

Non-profit organisations

8.1.3.1.7

Forecasting training for parents, children and voluntary groups.

MoES

2008-2010

No costs incurred.

MOLSAEO

STRATEGIC AIMS

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER INSTITUTIONS

IMPLEMENTATION TIMESCALE

SOURCES/ BUDGET 000/LEKË

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND EVALUATION MECHANISMS

Goal 8.1.3.2

8.1.3.2.1

Setting up and training of multi-disciplinary teams so as to guarantee the quality of service towards victims of violence and

Hosting awareness-raising and training campaigns for the health care providers at all the levels of this service, including family doctors and medical physicians,

MoH,
Non-profit organisations,
MOLSAEO

2008 – 2010

5,000

1. Undertaking awareness-raising campaigns, and conducting 2 training sessions in 4 areas in the

Reviewing evaluation reports by hosts & donors.

individuals who abuse.

basically, paediatricians and psychiatrists.

North, 4 in Central Albania and 4 in Southern Albania.

8.1.3.2.2

Initiating long- and short-term training sessions, as well as supervision of health services offered by the medical staff of the health care centres at the communes and municipalities. (Identifying, addressing light cases, and referring severe cases).

MoH, Non-profit organisations, MOLSAEO

2008 – 2010

32,000

Identifying and approving by the MoH of a considerable number of health centres to benefit from the training sessions.

Increasing data on the number of cases identified and handled by the staff of the health care centres.

(4 areas – 2 different urban areas, and 2 different rural areas).

STRATEGIC AIMS

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER INSTITUTIONS

IMPLEMENTATION TIMESCALE

SOURCES/ BUDGET 000/LEKË

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND EVALUATION MECHANISMS

8.1.3.2.3

Involving other (non-medical) experts, social workers and psychologists in the primary health care services and emergency services at hospitals.

MoH, MoF, Non-profit organisations

2008 - 2010

80,000

Shortage of adequate funding so as to ensure a considerable number of multi-disciplinary teams in Albania.

Putting 4 multi-disciplinary teams in place in Albania to approach victims and individuals who abuse

Quantitative and qualitative evaluation of patients who have benefited from the teams established.

(2010).
Evaluating medical records and documentation used by them.

8.1.3.2.4

Incorporating information on forensic medical expertise, as well as medical and psychiatric reports, or some other report required by the patient, into the routine practice with the victims of domestic violence.

MoH,
MOLSAEO,
MoJ,
Non-profit organisations,

2008-2010

No costs incurred.

Lack of accountability on the part of the medical staff, and indifference towards the provision of this information.

Increase in the number of leaves for medical and psychiatric reasons, registered also by the Court.

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
	Goal 8.1.3.3	8.1.3.3.1						
	Systems designed for reporting violence and protecting the victim.	Ensuring media coverage of domestic violence consequences.	MOLSAEO, Media, Local government	2009-2010	5,000			MoES, Local government
		8.1.3.3.2						

		Setting up the information system designed for raising the awareness of the victims of domestic violence, and reporting.	Regional Education Directorates, Education Offices	2009-2010	10,000				MoI, MOLSAEO
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8.1.3.3.3

		Making use of the telephone line, e-mail, Internet home page, and literature in the school, neighbourhood, or city library.	MoES	2008-2010	No costs incurred.				
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STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
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8.1.3.3.4

		Developing codes of cooperation among the police, school and the local government.	Regional Education Directorates, Schools and Kindergarden (SK)	2008-2010	No costs incurred.			
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Aim 8.2	Goal 8.2.1	8.2.1.1						
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The legal landscape and justice structures – guarantors for prevention of and protection from domestic violence.	Upgrading legal framework on domestic violence.	Preparing subordinate legal acts pursuant to Law no. 9669, dated 18.12.2006.	MOLSAEO, MoI, MoJ, MoH	September – December 2007	No costs incurred.	Delays conditioned by failure to set up structures.	Secondary legislation completed.	MOLSAEO, Civil society, Parliament, Donors
		8.2.1.2						
		Setting up structures as provided for in the Law, and their training.	MOLSAEO, MoI, MoJ, School of Magistrates, Police School, National Chamber of Advocates	September 2007 and on	144	Delays caused through failure to ensure coordination, and through other governmental priorities.	Structures established and trained.	MOLSAEO, Civil society, Donors
STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.2.1.3						
		Conducting an awareness-raising campaign about this Law, and the relevant international acts, and procedures.	MOLSAEO, MoI	January- March 2008	Other costs included.		Number of publications, activities and means of information made available to	MOLSAEO, Civil society, Surveying

8.2.1.4

Aligning the laws in force providing for comprehensive protection from domestic violence. Reviewing, preparing and ensuring adoption of amendments and additions to the Civil Code, Family Code, Criminal Code, Criminal Procedure Code, Civil Procedure Code, and other laws in tune with international standards (EC, EU, UNO), and domestic legislation.

April-December 2008

500

8.2.1.4.a

Setting up a working group constituted of experts and representatives of the non-profit

MoJ, MOLSAEO

First half of 2008

No costs incurred.

Failure to ensure coordination between MOLSAEO and MoJ, and

A package of draft amendments submitted to the Parliament.

MOLSAEO, Civil society, Parliament

organisations with a view to identifying the needs for change, and preparing the changes and the relevant report.

delays caused by the experts' group.

8.2.1.4.b

Preparing subordinate legal acts for enforcing these changes.

MOLSAEO, MoJ, MoI, MoH

2009

No costs incurred.

Delays through failure to achieve Objective 8.2.1.4 a.

Subordinate legal acts adopted.

MOLSAEO, Civil society, Parliament

Goal 8.2.2

8.2.2.1

Upgrading policies addressing access to the legal system and the system of justice.

Building up the information system concerning domestic violence victims' rights, and procedural guarantees that the system of justice offers them.

MOLSAEO, MoJ

March 2008

10 Part of the other estimated costs.

Difficulties surrounding public servants' mindset regarding citizen-focussed services, and their right to receiving information.

A more informed public with regard to their rights.

Surveying, Civil society, Donors, Parliament

8.2.2.1.a

Preparing leaflets outlining the procedural rights, and their displaying in courthouses and

MoJ, MoI, MOLSAEO

March 2008

5

Failure by responsible structures to give priority to them.

Number of informative materials, number of informed

Surveying, Civil society, Donors, Parliament

police stations in a way that they are readily accessible by the public.

citizens, number of units where they are distributed.

8.2.2.1.b

Preparing guides on the types, operation of and access to support services extended to victims, and perpetrators' rehabilitation, and their displaying in courthouses and police stations in a way that they are readily accessible by the public.

MOLSAEO, MoI, MoH

March 2008

5 Engaging two experts.

Failure by responsible structures to give priority to them.

Lack of coordination among structures concerning preparation of guides.

Number of informative materials, number of informed citizens, number of units where they are distributed.

Surveying, Civil society, Donors, Parliament

STRATEGIC AIMS

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER INSTITUTIONS

IMPLEMENTATION TIMESCALE

SOURCES/ BUDGET 000/LEKË

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND EVALUATION MECHANISMS

8.2.2.1.c

Preparing models of typical documents (write for petition of legal rights). Preparing leaflets for efficient (legal) complaints'

MoJ, National Chamber of Advocates

March–May 2008

5 Engaging two experts.

Failure by responsible structures to give priority to them. Lack of coordination among structures

Number of informative materials, number of informed citizens, number of units where

Surveying, Civil society, Donors, Parliament

procedures, means of guarantee, means of protection, specific legal rights, and the rehabilitation programmes.

concerning preparation of guides.

they are distributed.

8.2.2.3

Developing communication and quick-response procedures and protocols in crisis-related situations, with coordination among all the actors in the system of justice being ensured.

2008

No costs incurred.

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.2.2.3.a						
		Preparing handbooks on procedures.	MoJ, MOLSAEO, MoI, MoH	2008	5 (Engaging two experts.)	Failure to establish the coordinating structure at MOLSAEO in time.	Handbooks on procedures finished and distributed.	Council of Ministers, Parliament, Civil society, Donors

8.2.2.3.b

Developing and ensuring adoption of protocols on coordination, cooperation and communication among the services offered within and outside the system of justice.

MoJ,
MOLSAEO,
MoI,
MoH

2008

No costs incurred.

Failure to establish the coordinating/ guiding structure at MOLSAEO in time.

Lack of coordination among structures.

Shortage of consolidated services.

Number of protocols concluded among structures.

Number of administrative units covered.

Council of Ministers, Parliament, Civil society, Donors

8.2.2.4

Promoting and focusing research work on domestic violence issues with a view to developing adequate policies and legislation.

Other costs included.

STRATEGIC AIMS

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER INSTITUTIONS

IMPLEMENTATION TIMESCALE

SOURCES/ BUDGET 000/LEKĚ

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND EVALUATION MECHANISMS

8.2.2.4.a

Planning out research work on

MoES,
Faculty of

December 2009

Other costs included.

Failure to give priority to this

Number of studies,

Field researchers

<p>the causes and effects of violence, and monitoring the effectiveness of measures on an on-going basis.</p>	<p>Law, School of Magistrature, Police School, Faculty of Social Sciences, Faculty of Medicine, Higher Nursing School, Forensic Medicine Institute</p>	<p>component.</p> <p>Lack of coordination among structures.</p>	<p>analyses, and surveys.</p>	<p>and activists, Civil society, Donors, Council of Ministers, Parliament</p>
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8.2.2.4.b

<p>Incorporating the CEDAW and the Convention on the Rights of the Child into the curricula of the Faculties of Law, Police School and School of Magistrature, and into the education programmes designed for judges, public prosecutors and policemen, on an on-going basis.</p>	<p>Faculty of Law, School of Magistrature, Police School</p>	<p>September 2008</p>	<p>2</p>	<p>Lack of awareness among the decision-making structures in these educative institutions, and shortage of funding, could be enlisted as an obstacle.</p>	<p>Educative programmes offer knowledge on gender equality, domestic violence, the CEDAW, the Convention on the Rights of the Child, and other international obligations.</p>	<p>MoES, Donors, Civil society, Students</p>
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8.2.2.4.c

Conducting studies of the system of juvenile criminal justice, and the measures to be undertaken for its upgrading.	MoI, MoJ, School of Magistrature, Police School, Faculty of Law, MOLSAEO	2008	2.5 Parts of estimated costs.	Failure to give priority to this component. Lack of coordination among structures.	Number of studies, analyses, and surveys.	Field researchers and activists, Civil society, Donors, Council of Ministers, Parliament
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8.2.2.4.d

Examining the situation surrounding free legal assistance, and the legal acts and subordinate legal acts in place, providing for its expanding and upgrading.	MoJ, National Chamber of Advocates	June 2008	2.5	Lack of coordination between the two structures.	Report completed.	Civil society, Members of the National Chamber of Advocates, Organisations offering legal assistance
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STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
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8.2.2.4.e

Conducting studies of the situation surrounding victims' re-victimisation by the system of justice, and producing mechanisms for the elimination of this phenomenon.	MoJ, MoI, School of Magistrature, Police School, Faculty of Law, Faculty of Social Sciences, MOLSAEO	December 2009	2.5 Parts of estimated costs.	Failure to give priority to this component. Lack of coordination among structures.	Number of studies, analyses, and surveys.	Field researchers and activists, Civil society, Donors, Council of Ministers, Parliament
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8.2.2.4.f

Promoting and/or providing financial support to studies of specific situations under which violence is administered against the disabled household members, women, young women, the elderly, and children, as well as of the rehabilitation systems designed for perpetrators, and plausible alternative sentences.	MOLSAEO, MoES, MoH, Faculty of Law, Faculty of Medicine, Faculty of Social Sciences	January 2010	2.5 Parts of estimated costs.	Failure to give priority to this component. Lack of coordination among structures.	Number of studies, analyses, and surveys.	Field researchers and activists, Civil society, Donors, Council of Ministers, Parliament
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STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
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8.2.2.5

Incorporating the necessary means of financial support intended for cases involving domestic violence, into the Law “On the budget.”

No costs incurred.

Failure to meet Objective 1.1.1b in time.

Shortage of financial means.

Lack of political consensus regarding giving priority to domestic violence.

Law “On the budget,” accommodating a domestic violence component, adopted.

Parliament, Civil society, MOLSAEO

8.2.2.5.a

Budget earmarked for services (shelters, legal assistance).

MOLSAEO, MoF

2008

Included in other estimated costs.

Failure to meet Objective 1.1.1b in time.

Shortage of financial means.

Lack of political consensus regarding giving priority to domestic violence.

Law “On the budget,” accommodating a domestic violence component, adopted.

Parliament, Civil society, MOLSAEO

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.2.2.5.b						
		Budget earmarked for establishing structures.	MOLSAEO, MoI, MoH, MoF	2008	Included in other estimated costs.	Failure to meet Objective 1.1.1 b in time. Shortage of financial means. Lack of political consensus regarding giving priority to domestic violence.	Law “On the budget,” accommodating a domestic violence component, adopted.	Parliament, Civil society, MOLSAEO
		8.2.2.6.c						
		Budget earmarked for the infrastructure.	MOLSAEO, MoI, MoH, MoF, Court Budget Office	December 2008	Included in other estimated costs.	Failure to meet Objective 1.1.1 b in time. Shortage of financial means. Lack of political consensus	Law “On the budget,” accommodating a domestic violence component, adopted.	Parliament, Civil society, MOLSAEO

regarding giving priority to domestic violence.

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.2.2.6.d						
		Budget earmarked for building capacities.	MOLSAEO, MoI, MoJ, MoH, MoF, School of Magistrature, Police School, Faculty of Law, Faculty of Social Sciences, Faculty of Medicine, Higher Nursing School, Forensic medicine	To be continued	Included in other estimated costs.	Failure to meet Objective 1.1.1 b in time. Shortage of financial means. Lack of political consensus regarding giving priority to domestic violence.	Law “On the budget,” accommodating a domestic violence component, adopted.	Parliament, Civil society, MOLSAEO

	8.2.3	1.3.1						
	Monitoring interventions, measures, and operation of legislation and the system of justice.	Developing and applying policies designed for measuring the outputs, drawing on the unified indicators.	MOLSAEO, MoI, MoJ, MoH	December 2008 and on	No costs incurred.	Delays caused in establishing the guiding structure at MOLSAEO, poor coordination among responsible structures, overlooking the need for on-going monitoring.	A solid, clear, effective and functioning mechanism designed for surveying the enforcement of law, and the operation of the system of justice.	MOLSAEO, MoJ, Council of Ministers, Parliament, Civil society, Donors, Courts
Increasing access to justice through upgrading the services offered by the legal system, and the system of justice with a view to preventing violence, protecting victims, and punishing and rehabilitating abusers.	8.2.4	8.2.4.1						
	Establishing specific structures, in response to the needs of the domestic violence victims.	Identifying the actors in the system of justice, who will be handling cases involving domestic violence. Setting up domestic violence units/ sectors/ sections at the respective institutions.	MOLSAEO, MoI, MoJ, MoH, Heads of courts	2007-2008	1 Estimated for one year.	Lack of experience in this field, failure by the authorities to attach due importance, absence of awareness among leadership.	Each and every institution assigned by Law “On domestic violence,” along with their specialised structures/ units.	Parliament, Council of Ministers, Civil society, MOLSAEO

8.2.4.2

Drawing up experts' lists (for psychological support and legal assistance), and making them available to the court, police, and public prosecutor's office.

MOLSAEO, MoI, MoJ, National Chamber of Advocates

September 2008

No costs incurred.

Lack of coordination among structures.

Each and every institution that has information about the services offered, and the experts offering them.

MOLSAEO, MoI, MoJ, National Chamber of Advocates, Organisations offering services, Experts' Unions

8.2.5

8.2.5.1

Developing and applying agreements of cooperation among the state-run structures, and between the latter and non-profit organisations acting in defence of victims.

Developing a mandatory protocol of action, so that the police and all the services should abide by the same procedure, and develop coordinated mid- and long-term action plans for preventing violence and protecting victims.

2008

No costs incurred.

Failure to establish the coordinating/ guiding structure at MOLSAEO in time.

Lack of coordination among structures. Shortage of consolidated services.

Number of agreements concluded among structures.

Number of administrative units covered.

Council of Ministers, Parliament, Civil society, Donors

STRATEGIC AIMS

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER INSTITUTIONS

IMPLEMENTATION TIMESCALE

SOURCES/ BUDGET 000/LEKË

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND EVALUATION MECHANISMS

8.2.6

Building up specific institutional capacities in response to the needs of the domestic violence victims.

8.2.6.1

Providing specialised training to actors in the system of justice (judges, public prosecutors, police, and advocate lawyers), who will be handling cases involving domestic violence.

MoI,
MoJ,
School of Magistrature,
Police School,
National Chamber of Advocates

2008 and on 40

Failure to effectively plan out coverage of needs.

Shortage of sufficient budgetary funds.

Lack of coordination with donors.

Number of trained employees in each and every sector, as compared to the identified needs.

MOLSAEO,
Civil society,
Donors

8.2.6.1.a

Assessing the needs.

8.2.6.1.b

Identifying experts. ToT

8.2.6.1.c

Preparing modules and agendas.

8.2.6.1.d

Conducting training.

**STRATEGIC
AIMS**

**SPECIFIC
GOALS**

**ACTIONS TO BE
UNDERTAKEN**

**RESPONSIBLE
AND PARTNER**

**IMPLEMENTA
TION**

**SOURCES/
BUDGET**

**ASSUMPTIONS/
DIFFICULTIES**

**MONITORING
INDICATORS**

**MONITORING
AND**

	INSTITUTIONS	TIMESCALE	000/LEKË			EVALUATION MECHANISMS
8.2.6.2						
Training the court administration.	MoJ, School of Magistrature	September 2008	40	Failure to effectively plan out coverage of needs. Shortage of sufficient budgetary funds. Lack of coordination with donors.	Number of trained employees, as compared to the identified needs.	MOLSAEO, Civil society, Donors
8.2.6.3						
Introducing structures in the system of justice to the Strategy on Domestic Violence, to international primary and secondary legislation.	MOLSAEO, MoI, MoJ, General Prosecutor's Office, School of Magistrature, Police School, National Chamber of Advocates	December 2007 and on	Part of training costs.			

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
	8.2.7	8.2.7.1						
	Establishing and reinforcing infrastructure in the system of justice, in response to the needs of the domestic violence victims.	Setting up a reliable judicial environment both for victims and witnesses, advocate lawyers, public prosecutors, and particularly, for judges and the administrative staff.	MoJ, MoI	January 2010	Part of costs for establishing structures.	Lack of coordination among structures.	Installing weapon detecting scanners at each and every courthouse. Operating an alarm/warning system allows police intervention in the event of incidents.	MoI by reporting the number of incidents taken to courts, Civil society, Surveying
		8.2.7.2						
		Modifying the system of payments for services the system of justice offers to victims.	MoJ, MoF	January 2008	No costs incurred.	Bureaucratic delays.	Services with no financial toll on victims.	MOLSAEO, Council of Ministers, Civil society

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKĚ	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.2.7.3						
		Providing the system of justice with a 24-hour telephone line, and ensuring round-the-clock services by judges, public prosecutors and policemen on call.	MoJ, Public Prosecutor's Office, Courts	2008	500	Failure to timely meet objectives for drafting subordinate legal acts.	Services offered by the system of justice ensure citizens round-the-clock telephone access.	MOLSAEO
	8.2.8	8.2.8.1						
	Upgrading the data collection, processing and reporting system.	Preparing unified models for registering domestic violence.	MoI, Public Prosecutor's Office, MoJ, Courts, INSTAT	September 2008	Part of estimated costs.	Failure to meet objectives for drafting subordinate legal acts in time. Extra working time added for different institutions to	Creating a domestic violence database.	INSTAT, MOLSAEO, Council of Ministers

collect these statistics, as well.

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.2.8.2						
		Enriching the <i>database</i> with domestic violence data; collecting the data, and developing unified and standard statistics.	MoI, Public Prosecutor's Office, MoJ, Courts	To be continued	50	Shortcomings of the database at a first stage. Extra work added for the institutions to update database by entering domestic violence statistics, as well.	Annual statistics on domestic violence.	INSTAT, MOLSAEO, Council of Ministers

8.2.8.3

Rendering public the statistics administered by court, police and other services, and scrutinising facts associated with them.

MoI,
Public Prosecutor's Office,
MoJ,
Courts

To be continued

No costs incurred.

Poor operation of the overall information system managed by structures in the system of justice.

Number of publications on domestic violence statistics.

MOLSAEO,
Civil society,
Donors

8.2.9

8.2.9.1

Enhancing international cooperation in the area of prevention of domestic violence, and protection of domestic violence victims, as well as in area of rehabilitation-focussed policies towards abusers.

Ensuring international cooperation in systematic research, and data collection, examination and dissemination, including the data aggregated by gender and age, and all the other information relative to the nature and consequences of violence against women/young women, and relative to the impact and effectiveness of policies and

MoJ,
MFA,
MOLSAEO

To be continued

10

Lack of coordination with donors.

Number of agreements concluded between state-run and international structures, or those in other countries, and programmes.

MOLSAEO,
Council of Ministers,
Civil society,
Donors

programmes designed to combat this violence.

8.2.9.2

Reporting developments surrounding domestic violence, and violence perpetrated against women/ young women, to international human rights bodies on a regular basis, and the measures undertaken to prevent and combat it.

MFA,
MoJ,
MOLSAEO

To be continued

No costs incurred.

Delays caused by lack of coordination and poor performance by state-run structures.

Number of reports submitted by Albania to international bodies.

Council of Ministers, Parliament, Civil society, International bodies

8.3

8.3.1

Upgrading services, and providing support to all the domestic violence victims.

Setting up the network of vocational services and capacities of providers of services to

Establishing service structures at a local level.

MoI,
Local government,
MOLSAEO

Starting from 396
2008

Shortage of budget.

Failure by local government to grasp the

Number of structures established.

Number of beneficiaries of services.

individuals exposed to domestic violence.

importance of putting the structures in place.

8.3.1.2

Creating a group to identify necessary services and training.

MOLSAEO, State Social Service, Non-profit organisations

2008

No costs incurred.

List of training modules and topical themes.

8.3.1.3

Developing training programmes intended for employees offering support services.

Non-profit organisations, Faculty of Social Sciences, State Social Service

2008-2009

9

Training programmes designed for all actors involved in providing services.

STRATEGIC AIMS

SPECIFIC GOALS

ACTIONS TO BE UNDERTAKEN

RESPONSIBLE AND PARTNER INSTITUTIONS

IMPLEMENTATION TIMESCALE

SOURCES/ BUDGET 000/LEKË

ASSUMPTIONS/ DIFFICULTIES

MONITORING INDICATORS

MONITORING AND EVALUATION MECHANISMS

8.3.1.4

Sustaining the existing programmes with funds and means.	MoI MOLSAEO, Donors, MoF, Non-profit organisations	2008-2010	100	Shortage of funds.	Efficient programmes.
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8.3.1.5

Creating a 3-year-long national programme designed for children subject to domestic violence. Offering support services to children experiencing violence.	Non-profit organisations, State Social Service, Donors	2008	6		
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STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
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		<p>8.3.1.6 Establishing a working group to develop the necessary protocol on recording of cases in the medical registers, reporting, handling and referring of the domestic violence victims. The draft of this protocol is taken up for discussion with the responsible group set up with a view to upgrading the medical legislation to benefit the domestic violence victims, and then, is added up to the other changes that this working group will submit for approval.</p>	MoH, Non-profit organisations, MOLSAEO, MoJ	2009 and on	No costs incurred.	Procrastination / interruption of the process at one of the links of this mechanism.	Publishing and attaching the protocol on handling, recording and referring of the domestic violence cases, to the upgraded medical legislation.	Making all documentation associated with the process for developing the protocol, debate, suggestions, and comments, down to its adoption, available.
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STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKĚ	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
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8.3.1.7

Reviewing and upgrading health staff's duties (medical professional and nurse) towards patients if the latter are domestic violence victims.

MoJ,
MoH,
Non-profit organisations,
Doctor's Order, Medical professional organisations

2008-2010

2,500

The physicians' duties prescribed in the Code of Deontology, include new duties and responsibilities are identified, added, and adopted for the medical professionals in handling the violence victims.

8.3.2

Providing quick and efficient services to in support and defence of the violence victims in the community.

8.3.2.1

Installing toll free telephone lines at a local level for reporting domestic violence.

Local government,
Non-profit organisations,
MoJ

2010

Estimated in other costs.

Toll free telephone lines to the aid of the violence victims.

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKĚ	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.3.2.2						
		Transferring services and funds to the local level.	MoF, MOLSAEO	2007-2010	Estimated in other costs.		Community-based services for the domestic violence victims.	
		8.3.2.3						
		Providing financial facilities to the local government so as to borrow loans for establishing shelters.	MoF	2010	No costs incurred.		Number of shelters established at a community level.	
		8.3.2.5						
		Local staff's training to offer support to violated women and young women.	Faculty of Social Sciences, State Social Service, Non-profit organisations	Starting from 2008	40		Trained local staff. Number of beneficiaries. Improved quality of services.	

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.3.2.6						
		Considering capacities for identifying, referring and handling the violence victims as part of the evaluation standards applicable for medical professionals and health institutions for their individual and institutional accreditation.	MoH, Non-profit organisations, NCQSAHI, Doctor's Order	2008-2010	32,000	Publication of the revised document on the evaluation standards applicable for medical professionals and institutions for their accreditation.		
		8.3.2.7						
		Including social workers and psychologists into the staff of the primary health care centres and emergency services, their training to identify and handle cases in cooperation with the medical staff, and refer serious cases.	MoH, MoF, Non-profit organisations	2009 – 2010	No costs incurred.	Identifying a group of social workers and psychologists, and their training to identify and handle cases in cooperation with the medical staff, and refer serious cases.	Qualitative and quantitative evaluation of patients benefiting from the service provided by social workers/ psychologists as part of primary health care.	

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
	8.3.3	8.3.3.1						
	Improving emergency service in urban and rural areas so as to respond to the domestic violence victims' health needs immediately and qualitatively.	Designating persons in the Health Care Centres and emergency services at hospitals, responsible for handling domestic violence victims.	MoH, Non-profit organisations	2008 – 2010	No costs incurred.	Shortage of financial resources for upgrading the emergency services, and particularly, motivating medical staff to work in rural areas.	Increased number of the emergency service medical staff in Northern Albania and in rural areas.	MoH receives and considers reports reflecting the qualitative and quantitative increase in the required emergency service medical staff in Northern Albania and in rural areas.

STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
		8.3.3.2						
		Developing an intervention plan designed to raise awareness among and instruct the existing emergency service medical staff how to recognise, identify and handle violated	MoH, MOLSAEO, MoJ, MoI, Non-profit organisations, MoF	2007 – 2010	No costs incurred.	Postponing the implementation of the Strategy by the Government.	2. Adoption by the MoH of the intervention plan designed to raise awareness among and instruct emergency	Rendering the awareness-raising plan designed for the emergency service medical staff public and its discussion in public.

individuals.

service
medical staff.

8.3.4

8.3.4.1

Introducing
psycho-social
service into all
schools.

Ensuring
establishment of a
service team at
school.

Local
government,
Regional
Education
Directorates,
Education
Offices

2008-2009

No costs
incurred.

Specialised
psycho-social
service.

Regional
Education
Directorates,
SK,
SHQS

8.3.4.2

Ensuring
establishment of
the database
system.

Regional
Education
Directorates,
SK,
Schools

2008-2009

No costs
incurred.

Introduction of
the psychologist
and the social
worker as part
of a service
system at
schools.

Regional
Education
Directorates,
SK,
Local
government

**STRATEGIC
AIMS**

**SPECIFIC
GOALS**

**ACTIONS TO BE
UNDERTAKEN**

**RESPONSIBLE
AND PARTNER
INSTITUTIONS**

**IMPLEMENT
ATION
TIMESCALE**

**SOURCES/
BUDGET
000/LEKË**

**ASSUMPTIONS/
DIFFICULTIES**

**MONITORING
INDICATORS**

**MONITORING
AND
EVALUATION
MECHANISMS**

8.3.4.3

Working on the basis of individual and group programmes.	Regional Education Directorates, SK	2008-2009	8,000			Creation of basic documentation for reporting domestic violence.	SK, Regional Education Directorates, Local government
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8.3.4.5

Ensuring coordination between psychological service and educative and teaching activities at school.	Regional Education Directorates, Education Offices	2007-2009	No costs incurred.			Installation of the TIK system at school.	Local government, Regional Education Directorates
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8.3.4.6

Ensuring cooperation between the schools and the community with a focus on the psychological integration of child victims of domestic violence.	SK	2009-2010	No costs incurred.			Amended legislation on the division of powers and combination of activities.	MoES, MoI, Parliament
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STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION
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STRATEGIC AIMS	SPECIFIC GOALS	ACTIONS TO BE UNDERTAKEN	RESPONSIBLE AND PARTNER INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION
	Goal 8.3.5	8.3.5.1						
	Creating favourable physical environments.	Creating relaxing environments at a community level for child victims of violence, including day care centres and playgrounds.	SK, Regional Education Directorates, Local government units, MoES	2008-2010		Included in other costs.		
	Goal 8.3.6	8.3.6.1						
	Providing health and social services to abusers.	Conducting studies to collect data on abusers, so as to identify the primary factors impacting on their violent behaviour in the family.	MOLSAEO MoH, Non-profit organisations	2009 - 2012	2,500	Difficulty for abusers to report violence, and overall, collecting accurate and reliable data.	Publication of findings in the study/ studies.	Discussion of outputs and limitations in the study/ studies.
		8.3.6.2 Carrying out rehabilitation programmes designed for abusers in prison.	MoJ Prison Directorate, Non-profit organisations	2008-2010	600		Number of rehabilitated victims.	Number of beneficiaries.

8.3.6.3

Upgrading preventive and treatment services for abusers at primary health care and hospital centres.

MoH,
Non-profit organisations

2008 – 2010

No costs incurred.

Difficulty for abusers to report/admit violence.

Careful selection of the medical staff that may work with and assist this category (someone that may coordinate the assistance with the rest of the medical staff).

Quality evaluation of the number of abusers, who have benefited from these services.

Enhancing cooperation among institutions/mechanisms/actors addressing domestic violence.

8.3.7

Establishing systems for disseminating information among different bodies.

8.3.7.1

Setting up a resource centre.

MoH,
MOLSAEO,
MoJ,
MoI

2008-2010

50

Shortage of funds.

1.1a Structure established.
1.1b Trained staff.
Job descriptions.
1.1c Database set up.
1.1d Number of persons

State Social Service,
MOLSAEO,
MoH,
MoES,
MoJ,
Non-profit organisations,
Local government

8.3.7.2

Establishing registers for recording and documenting violence, and ensuring cooperation with the local government for introducing routine.

Local government, MOLSAEO State Social Service

2008-2010

10

A database on the domestic violence victims put in place at a local level.

employed.
1.1e Training sessions carried out.
1.1f Analyses of the situation surrounding violence administered against trafficked women and young women.

8.3.7.3

Crafting a cooperative instrument (working group) at a central level to look into health, social well-being and gender equality issues, which will facilitate a cross-sectoral national instrument responsible for implementing the Strategy on Gender Equality and Domestic Violence, and planning out the continuum to combat domestic violence.	MoH, MOLSAEO, MoJ, MoI, MoF, Non-profit organisations	2008 - 2010	No costs incurred.	The 5-year-long period may not be enough to <u>definitely</u> succeed in upgrading the existing medical services.	Implementation of the National Strategy on Domestic Violence by 2010.
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8.3.7.4

Evaluating progress of changes expected to be carried out in the health and social service system.	MoH, MOLSAEO, Non-profit organisations	2008-2012	1,000	Non-profit organisations found outside the health area may be taken unprepared in the course of this process.	Publication and distribution of the evaluations of expected changes.
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ANNEX 1

DESCRIPTION OF LEGISLATION

The Constitution of the Republic of Albania does not contain a definition of the gender-based discrimination. However, the Constitution stipulates that, next to it, the most important laws include international agreements ratified by the Parliament of Albania, which have superiority over laws of the country that are not compatible with them. (Article 122 (2) of the Constitution of the Republic of Albania). A member of the UNO since 1955, Albania has ratified a considerable number of Conventions on the Human Rights. On account of the discussion at hand the most important is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1978, ratified by the Parliament of Albania by Law no. 7767, dated 9 November 1993, and the Optional Protocol to this Convention in 2003, by Law no. 9052, dated 17 April 2003. Pursuant to this Protocol, individuals or groups subjected to discrimination relating to the enjoyment of the rights provided for in this Convention, are entitled to filing their complaints with the Committee on the Elimination of Discrimination against Women, in accordance with a given procedure. On account of its importance, this Convention is known as well as the *Women's Constitution*. In line with its obligations, in January 2003, the Albanian State reported to the Committee on the Elimination of Discrimination against Women. At this stage, it is focussed on fulfilling the recommendations made by the Committee on the Elimination of Discrimination against Women, as well as preparing the third periodic official report.

Article 1 of CEDAW prescribes the following definition for gender-based discrimination: “*any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*”

SAA

Articles 77 and 99 of the Stabilisation and Association Agreement (SAA) provide for the obligations Albania has to comply with in offering equal opportunities in terms of employment, working conditions, and particularly, health and safety at work. At the level of social collaboration, with a view to ensuring equal opportunities for women the intention is to bring Albanian legislation into line with the *acquis communautaire*.

In 1995, the Fourth World Conference on Women, which produced the Beijing Declaration and the Platform of Action, identified twelve concrete areas calling for intervention, which obligated 180 countries to develop legislation, platforms and strategies in compliance with the conditions in their relevant countries, and in defence of the women's rights. This Declaration supports the Governments' solemn acts. It also elaborates in detail how the CEDAW may be carried out in practice with a view to

creating the national mechanism.

The United Nations Millennium Declaration, signed in September 2000, calls on the member countries “to promote gender equality and the empowerment of women, as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable.” A decade after the Beijing Declaration, Beijing+10 reviewed and appraised the implementation of the Platform of Action over the ten-year long period. This conference focussed on seven proposed priorities contained in the MDG recommendations on gender equality, including “the elimination of gender inequalities in employment and the elimination of differences in income.”

With regard to gender equality, the ILO (International Labour Organisation) has the mandate to promote equality between men and women in the world of labour. The mandate is supported by the International Labour Conventions, and particularly, the four key Conventions dealing with equality, which specifically highlight gender equality. Albania has ratified and reports to the ILO on the following Conventions: Convention no. 100 on Equal Remuneration, Convention no. 111 on Discrimination, and Convention no. 183 on Maternity Protection. In July 2007, Convention no. 156 on Workers with Family Responsibilities, was ratified.

1.2.1. Legal framework for political rights (and rights in decision-making)

Civil and political rights: Both men and women are *de jure* entitled to enjoying equal civil and political rights. Legally speaking, a woman has the right to freely choosing her place of residence, and having a name and a family name. She is also entitled to enjoying the right of citizenship and to change it.

Political rights: Under the Albanian legislation, men and women alike, who have reached the age of 18 years, have the right to elect and to be elected. (Constitution of the Republic of Albania, Article 45) The right to vote is guaranteed. Historically, suffrage was extended to women for the first time in 1928. In practice, women exercised their right to vote in the first post-war elections in 1945.

Besides the Constitution of the Republic of Albania, the Electoral Code, Law no. 8087, dated 19 June 2003, once again sanctions the principle of non-discrimination to elect and to be elected, and warrants the electors’ right to vote. The women’s movement has focussed on introducing a quota of 30 per cent, representing the most highly discriminated gender, into the Electoral Law, 2000, and later on. However, this has not yet been translated into reality. The majority election system, provided for by the Albanian legislation, doesn’t allow the introduction of quotas. Instead, the largest political parties have sanctioned the quota for women’s participation in the parties’ steering bodies in their statutes.

1.2.2. Legal Framework for the economic rights and employment

Article 18 of the Constitution of the Republic of Albania, stipulates that all nationals are equal before the law, and no one may be unjustly discriminated against on grounds such as gender, race, religious, political, or philosophical beliefs, language, economic condition, education, and social status. Furthermore, the fundamental law of the Albanian State in its Chapter IV on Economic, Social and Cultural Rights and Freedoms, focuses on the right to work: “Everyone has the right to earn the means of living by lawful work that he has chosen or accepted himself. He is free to choose his profession, place of work, as well as his own system of professional qualification.”(Article 49 (1). Equal rights between men and women are also provided for by the Law “On gender equality” (at present, under review). This Law spells out full equality of treatment for both genders in the realm of employment. It also contains specific provisions on sexual harassment at the workplace (Articles 4, 5, 6, 7, and 8).

The rights in the realm of employment. Article 49, point 1, in Chapter IV of the Constitution of the Republic of Albania, states that everyone is free to choose his profession, place of work, and his own system of professional qualification. Article 9 of the Labour Code prohibits all types of discrimination in employment and the choice of profession. The Labour Code prohibits the discrimination based on gender, which encroaches on an individual’s equality in entitlement to employment and training, hiring procedures and work conditions, performance of tasks, remuneration, welfare, termination of contract, as well as participation in trade-unions.

Equal remuneration. Under Article 115, paragraph 3, of the Labour Code, an employer should ensure the application of the principle of equal remuneration for men and women workers for work of equal value. This formulation is in line with all international instruments (ILO, Convention 100 on Equal Remuneration, 1951), to which Albania is a party. Under the Labour Code, for infringement of this principle the employer is obliged to pay to the discriminated employee a compensation including all the advantages an employee of the opposite sex enjoys (Article 115, paragraph 4, of the Labour Code). The Albanian legislation *is not discriminatory* with regard to equal remuneration. It offers equal treatment for men and women alike. Instead, the *de facto* problem concerns women’s low participation in management positions. Even though women are overall educated and trained, the management positions both in the public and private sectors are taken by men who, in consequence, will receive higher remuneration. Instead, women work in sectors where remuneration is lower. They are employed as nurses in the pre-school system, and as teachers in the 9-year and secondary education; and in dressmaking in the private sector, with these jobs being less paid. In Article 4, point ‘d,’ of Law no. 9198, dated 1 July 2004, “On gender equality in society,” stipulates that for an employer to comply with his obligation to ensure that men and women alike enjoy equal rights, he should offer equal remuneration for work of equal value. Under Article 5, point ‘a,’ an employer is involved in a discriminatory gender-based act if he “applies different standards towards recruits in terms of duration and/or pay for work of equal value.” Breaching the provisions of this law, according to the case, renders the wrongdoer liable to disciplinary, administrative or penal responsibilities. If a breach of the law has been committed by a civil servant, the wrongdoer is liable to a fine up to 30,000 lekë.

Working conditions. Articles 39-45, Chapter VIII, of the Labour Code provide for the protection of health. The Labour Code contains special rules for protecting female workers. Under Article 54 (3), a pregnant women whose work process involves standing up for stretched periods of time, should take a 20-minute break every 3 hours. Under Article 55, paragraph 5, a woman is allowed to lift a maximum weight of 20 kg, and a man a maximum weight of 55 kg. Under Article 72, an employer has the obligation to ensure, along with the other hygienic conditions, special rooms for women in the areas where they work. Breaching the above-mentioned provisions entails a fine ranging from 20-50 times as much as the minimum monthly pay established by law.

Protection in cases of dismissal. Article 146, paragraph 2, the Labour Code identifies cases where an employer terminates the contract without valid reasons. With regard to cases involving termination of contract without valid reasons, the court ruling forces the employer to pay the employee a compensation as much as the pays for 1 (one) year, or employer back to work. Such protection is provided for both by the Albanian legislation and the International Conventions ratified by Parliament of Albania. Further to the aforementioned laws, under Article 16 of Law no. 9198, dated 1 July 2004, “On gender equality in society,” complaints against gender-based discrimination may also be filed.

Sexual harassment at workplace. No official statistics exist whether cases involving sexual harassment at workplace have been taken to court, and re resolved. Neither do the women’s associations offering legal assistance to women and young women know of similar cases. Nevertheless, this does not mean that such cases do not exist. In the media, they have occasionally reported the phenomenon, and the way it is handled by public opinion and under legislation. Sexual harassment is picked up in the Labour Code, and Law no. 9198, dated 1 July 2004, “On gender equality in society.”

Working women’s right to be protected during pregnancy. Paid leave for women before and after childbirth:

1. Under Article 54 of the Constitution of the Republic of Albania, children, the young, pregnant women and new mothers have the right to special protection by the State. Pursuant to this provision of the Constitution, the Government promulgates subordinate legal acts for the protection of pregnant women in the realm of employment.
2. Under Law no. 9198, dated 1 July 2004, “On gender equality in society,” “women’s special protection during pregnancy, childbirth and sickness” does not constitute discrimination against, or violation of the equal rights between men and women.
3. A woman is entitled to enjoy the maternity benefits if she has been involved in the social insurance schemes for the last 12 months, and has had an employment contract from the start of the pregnancy to the start of the maternity leave. The period of maternity leave is 365 days, including minimum 35 days before childbirth, and 42 days after childbirth (Article 104 of the Labour Code).
4. Law no. 7703, dated 11 May 1993, “On social insurance in the Republic of

Albania,” further warrants the insured women’s right to benefit in case of pregnancy.

The employer is obliged to retain a woman’s job while she is on maternity leave. Otherwise, it is considered discrimination on grounds of pregnancy, or motherhood (CEDAW). In addition, the employer cannot communicate suspension or dismissal to an employee declaring that she is pregnant.

Special protection. With Decision no. 397, dated 20 May 1996, as amended by Decision no. 185, dated 3 May 2002, the Council of Ministers adopted the decision “For the special protection of pregnant women and motherhood.” Under Article 108 of the Labour Code, pregnant women are not allowed to do night shifts. Under Article 50 (e) of the Criminal Code of the Republic of Albania, it is criminal to put pregnant women in worsened working conditions, and under Article 79 (b) a pregnant woman’s death is punishable by life imprisonment.

Under Chapter IV, Article 15, Law no. 8549, dated 11 November 1999, “On the status of the civil servant,” civil servants are promoted irrespective of gender. This Law lays down the procedures for the promotion through competition.

1.2.3 Legal framework for education and vocational training

The legislation governing education is built on gender equality, as one of the important principles underlying the Constitution of the Republic of Albania, and on the principles of the international agreements and treaties ratified by Albania. This legislation includes Law no. 7952, dated 21 June 1995, “On pre-university education system,” as amended, Law no. 8872, dated 29 March 2002, “On the education and vocational training in the Republic of Albania,” and Law no. 8461, dated 25 February 1999, “On the higher education in the Republic of Albania,” as amended.

Article 3 of Law no. 7952, dated 21 June 1995, “On pre-university education system,” as amended, sanctions gender equality, and equal rights for the nationals in the Republic of Albania to access all the levels of education, irrespective of the social status, nationality, language, sex, religion, race, political beliefs, health, or economic status. Gender equality is taken account of in this Law and the education development programmes, developed in accordance with the tendencies and developments in international education, and national, regional, socio- economic and demographic peculiarities in Albania.

Article 1, paragraph 3, Law no. 8872, dated 29 March 2002, “On the education and vocational training in the Republic of Albania,” sanctions the right to lifetime education and vocational training, and provides for the possibility of completing the initial vocational education, and of gaining the necessary vocational knowledge for employment. This Law warrants full equality for treatment of all affected by the operation of this Law, irrespective of gender, in terms of accessing education and

vocational training, and counselling and orientation in education and vocational training.

Already fully amended, **Law no. 8461, dated 25 February 1999, “On the higher education in the Republic of Albania,”** ensures greater development for higher education in Albania, and its compatibility with European legislation. The gender equality principle runs through the contents of this Law. It extends equal treatment to all, irrespective of gender. At the same time, this Law insures lifetime learning, equal opportunities and chances for all, as well as possibilities for free movement, thus providing space for evaluating the studies carried out in the entire European zone.

Article 1, point 3, Law no. 8872, dated 29 March 2002, “On the education and vocational training in the Republic of Albania,” besides other aims, sanctions, as laid down in the Constitution of the Republic of Albania, the right to lifetime education and vocational training, and provides for the possibility of completing the initial vocational education, and of gaining the necessary vocational knowledge for employment. Apart from students and persons above the age of 18 years under point c), this Law benefits *“specific groups seeking out vocational retraining, including disabled individuals, mothers of many children, individuals below the age of 18 years, the long-term unemployed, individuals from households below the poverty line, and every other category to be identified as such by Decision of the Council of Ministers.”*

Directive no. 394, dated 23 February 2004, by the Ministry of Labour and Social Affairs, “For the vocational training system fees,” specifies that the following categories, including the Roma community, and the trafficked women and young women, do not pay any registration fees for the training courses offered by the Public Vocational Training Centres.

1.2.4 Legal framework for social care²⁹

In 2002, **Law no. 8889, dated 25 April 2002, “On several additions and amendments to Law no. 7703, dated 11 May 1995, ‘On the social insurance in the Republic of Albania’,”** was adopted. This Law introduced, firstly, the reduction in the norm of contributions to be paid by employees and employers from 42.5 per cent to 38.5 per cent, starting from 1 July 2002, and secondly, the modification of the retirement age, with it being gradually raised from 55 to 60 for women and from 60 to 65 years for men. Hence, the retirement age still reveals some positive discrimination in favour of women, bearing also in mind the fact that, because of their greater life expectancy than men, they enjoy old-age pension for a longer period of time.

Article 91, point 4, of **Law no. 7703, dated 11 May 1993, “On social insurance in the Republic of Albania,”** stipulates that “Starting from 1 September 2000 and on, irrespective of the location where these studies were carried out and the years when they were carried out, for reasons of retirement beneficial to women the period of full-time higher studies is recognised as a period when insurance has been paid. In this case,

²⁹ For more detailed information, please refer to Annex 2, attached to this Strategy.

contributions are paid out of the state budget upon submission of the retirement application.”

Article 11 of Law no. 8087, dated 13 March 1996, “On the supplementary social insurance for the Forced Armed military in the Republic of Albania, and the military in the Ministry of Public Order and the National Intelligence Service,” provides for the temporary retirement of the permanent active service soldiers entitled to seniority, who are on the reserve list or discharged after 3 July 1991. Until the requirements for old-age pension are met, untimely seniority pension, provided service seniority for military is complied with, benefits women completing 12 years’ service and men completing 15 years’ service, and is payable at the age of 42 for women and at the age of 47 for men.³⁰

With the voluntary insurance provided for by **Regulation no. 35/1, 2005**, the social insurance system responded to the needs of citizens who wanted to join the social insurance scheme while economically not active. As already mentioned, women in this scheme account for a larger part of the economically non-active population. This scheme also created the possibility for a person to be insured with maximum benefits. In this case, too, women, who are less paid in the labour market, have the chance to increase their social benefits by insuring for maximum pensions. A third person may look after voluntary insurance, without them being necessarily present.

1.2.5 Legal framework for health care

Article 55 of the Constitution of the Republic of Albania warrants equal rights to the health care provided by the State. However, the Albanian legislation does not specifically provide for non-discrimination in the health care. The health care legislation dates back to 1963, and does not cover today’s legal climate.

Reference to discrimination is made in **Law no. 8876, dated 4 April 2002**, “**On reproductive health**”. Under the said law, health care is provided to all and is free from gender discrimination. Article 8 warrants individuals’ decision to exercise their reproductive rights in a way that suits their interests, without being discriminated against, coerced, or subjected to violence. This Law also provides for special support to health care services intended for mothers and children (Article 13/2), and regular medical check-ups before and after childbirth, and particularly, mandatory pre- and post-partum check-ups (Article 24/1). This Law is designed to ensure that everybody knows their reproductive rights and reproductive health. This Law, which is built on the Constitution of the Republic of Albania, CEDAW, and the Convention on the Rights of the Child, stipulates that reproductive health is an important part of health, overall. As well as reflecting the health during adolescence and adult life, it affects the base for good health during the reproductive years for women and men, and has important effects on future generations. The said Law also abides by the principle of non-discrimination sanctioned in the Constitution of the Republic of Albania, and important international instruments. Article 37 of this Law, which is about the use of the assisted technological methods for reproduction, prohibits the **selection of the child’s sex**, except for the cases where it is likely that sex-specific diseases are inherited.

³⁰ Legislation on Social Insurance – Social Insurance Institute, p. 52.

Article 1 of Law no. 8045, dated 7 December 1995, “On the pregnancy disruption,” warrants respect for every human being right from the start of their life. This principle is not violated, except for the cases where it is necessary and provided for by law. The underlying principle of this Law concerns the use of family planning methods by all the health centres, as a tool to avoid undesired pregnancy. At all events, the said Law prohibits considering pregnancy disruption as a family planning approach. Under the said Law, “Pregnancy may be disrupted for health reasons within 22 weeks, and for psycho-social reasons within the first 12 weeks.” The said Law does not provide for the consent of the child’s father to abortion as a precondition. For young women below the age of 16 years, the parents’ or legal guardian’s consent is required.

The Law no. 8528, dated 23 September 1999, “On promoting and protecting breastfeeding,” is designed to hinder replacement of breast milk by the formula, to regulate the trade of artificial food for babies, and to promote public awareness of the edge of breastfeeding.

Articles 93, 94 and 95 of the Criminal Code of the Republic of Albania, Law no. 7895, dated 27 January 1995, provide for a penalty of up to five years’ imprisonment for termination of pregnancy without the woman’s consent, for abortion carried out in unauthorised locations and by unauthorised individuals, and for those administering items to the pregnant women with a view to terminating a pregnancy beyond the twelfth week.

The National Strategy for Prevention and Control of the Spread of HIV/AIDS in Albania between 2004 and 2010 is focussed on the danger of contracting HIV/AIDS by women and young women in Albania, and outlines measures for preventing it, for raising awareness of and treating it.

ANNEX 2

REFERENCES TO LEGAL FRAMEWORK FOR SOCIAL PROTECTION³¹

The new Law “**On social assistance and services**” was submitted on the basis of the Decision of Council of Ministers (DCM), **no. 9355, dated 10 March 2005**, which replaced the previous Law no. 7710, dated 18 May 1993, “On social assistance and care,” so as to accommodate the changes in the country and the needs for new social services. The new Law is improved with several subordinate legal acts, including:

- **DCM no. 564**, dated 12 August 2005, “On licensing social care service providers,” which is improved with two directives by the Minister of Labour, Social Affairs and Equal Opportunities;

³¹ For more information please consult the Strategy on People with Disabilities, the National Strategy on Children, and the Strategy on the Roma People.

- **Directive no. 90**, dated 16 January 2006, “On setting up the licensing committee for social care service providers”;
- **Directive no. 90/1**, dated 16 January 2006, “On the procedure for setting up the licensing committee for social care service providers.”

DCM no. 787, dated 14 December 2005, “On determining the criteria, procedures and amount of financial assistance,” and **Directive no. 338/3**, dated 10 March 2006, “On the implementation of DCM no. 787, dated 14 December 2005, ‘On determining the criteria, procedures and amount of financial assistance’.”

DCM no. 786, dated 26 November 2003, “On the commissioning and payment of people with disabilities,” and the **Directive no. 298**, dated 11 February 2004, “On the commissioning and payment of people with disabilities.”

DCM no. 563, dated 12 August 2005, “On determining the Region’s responsibilities in offering social services.”

DCM no. 209, dated 12 April 2006, “On determining the criteria and necessary documentation for the admission of people in social care residential, public and private institutions.”

DCM no. 419, dated 19 June 2003, “On offering health service and medicines to orphans.”

DCM no. 512, dated 31 May 2006, “On the procedures for checking on the financial assistance, and the payment of disability and social service benefits.”

DCM no. 618, dated 7 September 2006, “On determining the criteria, documentation and amount of disability benefit.”

DCM no. 619, dated 7 September 2006, “On several changes to DCM no. 31, dated 20 January 2001, ‘On the invalidity benefits for paraplegics and quadriplegics’,” as amended.

Law no. 8788, dated 7 May 2001, “On the non-profit organisations.”

Directive no. 687, dated 24 March 2006, “On managing the humanitarian aids that residential and day care institutions benefit.”

Strategy on Social Services endorsed by Decision of the Council of Ministers no. 265, dated 28 April 2005. This Strategy arrows social services offered to groups at risk, including the trafficked and abused women, Roma etc.

ANNEX 3

REFERENCES TO LEGISLATIVE FRAMEWORK FOR DOMESTIC VIOLENCE

International instruments supporting schools' performance

I - Domestic legislation

- Constitution of the Republic of Albania
- Law "On pre-university education"
- Criminal Code
- Civil Code
- Family Code

II – United Nations instruments

- Universal Declaration of Human Rights
- Convention on the Rights of the Child
- Convention on the Elimination of All Forms of Discrimination against Women

III –Council of Europe and European Commission instruments

- European Social Charter
- European Convention on Human Rights and Fundamental Freedoms
- European Convention on the Exercise of Children's Rights
- Hague Convention on Protection of Minors and Cooperation in the Area of International Adoption
- European Parliament Resolution on Trafficking in Children and Soldier Children
- European Commission Recommendations on Sexual Abuse of Children
- Special recommendations by the Council of Europe
- Recommendation (85) 4 On Domestic Violence"
- Recommendation (87) 21 On Assistance to Crime Victims and Prevention of Victimization
- Recommendation (91) 11 On Sexual Exploitation
- International Covenant on Economic, Social and Cultural Rights, Article 10.

ANNEX 2

Analysis of the current legislative framework for domestic violence

In this analysis of the current situation surrounding legislation, the principle underlying the hierarchy of norms applicable in the territory of the Republic of Albania, as

determined by its Constitution, will be adhered to.³²

1. Constitution of the Republic of Albania

A gender neutral language is employed in the Constitution, which stipulates that: “No one may be unjustly discriminated against for reasons such as gender, race ...” (Article 18/2). Even though no norm specifically addresses domestic violence, the Constitution of the Republic of Albania states that marriage and family enjoy special protection by the State (Article 53/2). Given that the entire Albanian legal system is built on constitutional arrangements and principles, each and every law, subordinate legal act, court decision, and individuals’ and bodies’ action or omission to act should observe and protect the human rights and fundamental freedoms that are indivisible, inalienable, and **inviolable**, and stand at the basis of the entire juridical order (Article 15/1). “Children, the young, pregnant women and young mothers have the right to special protection by the State. Likewise, every child has the right to be protected from violence, ill treatment, exploitation ...” (Article 54).

2. European Conventions on Human Rights

Albania has ratified a considerable number of the international instruments relating to the protection of human rights. Following their publication in the Official Gazette, each and every ratified international agreement becomes part and parcel of the internal juridical system. Under Article 122/2 of the Constitution, “an international agreement that has been ratified by law, has superiority over laws of the country that are not compatible with it.”

a. United Nations Instruments

Domestic violence is addressed in the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), irrespective of the fact that the latter does not address it explicitly. Under the CEDAW, the definition of discrimination includes “gender-based violence, that is, violence that is directed against a woman because she is a woman, or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” The **CEDAW** lays down a whole list of obligations for the States Parties so that they undertake to adopt “all the necessary measures.” This Convention and these measures are further reinforced following adoption of the Optional Protocol to the CEDAW and the General Recommendation no. 19 of the Committee on the Elimination of Discrimination against Women. In its recommendations to Albania, the Committee on the Elimination of Discrimination against Women suggests the reviewing of the penal legislation so as to make domestic violence punishable, the adoption of new specific laws on domestic violence that provide for court orders for protection and legal aid to women, the setting up and operation of an adequate number of

³² Law no. 8417, dated 21 October 1998. Under Article 116 of the Constitution of the Republic of Albania: “Normative acts that are effective in the entire territory of the Republic of Albania are: a) the Constitution; b) ratified international agreements; c) the laws; and d) normative acts of the Council of Ministers.”

shelters, the development of a state-run mechanism for the systematic collection of the data and statistics on domestic violence, the training and sensitisation of the structures in the system of justice on domestic violence issues, and the launching of public awareness-raising and educative campaigns.³³

The difficult political and social conditions or economic crisis which the Albanian State is going through, are not an excuse for failure to fulfil obligations to ensure protection of the victims from domestic violence. The CEDAW requires *all due attention* from the States. The State is duty bound not only to refrain from committing illegal acts encroaching on human rights, but it should also not allow and punish its nationals committing similar violent actions. The State is duty bound to undertake reasonable steps to put an end to violations of human rights, and make use of the tools available to it to conduct serious investigation of the violations committed within its jurisdiction, to identify the perpetrators, to impose suitable punishment on them, and to ensure appropriate damages for the victims.

The Committee on the Elimination of Discrimination against Women, a competent body founded in 1982, is supervision mechanism of the CEDAW (and the Optional Protocol to the CEDAW). The State is duty bound to report to this Committee at least once every four years on the progress made for the application of the said Convention.

Under the **Optional Protocol to the CEDAW**,³⁴ women are offered trade-offs on an international level, and a leeway to win given justice cases. This Protocol urges the Governments to carry out the necessary actions at a national level. By ratifying this document, Albania recognises the Committee on the Elimination of Discrimination against Women the power to receive and consider, within its own jurisdiction, complaints filed by individuals or groups.³⁵ Through reinforcing the principle of accountability for violations, the Optional Protocol has strengthened the CEDAW-related effectiveness as a tool for the protection of women's human rights.

The **General Recommendation no. 19 of the Committee on the Elimination of Discrimination against Women**³⁶ was introduced in order to reinforce the CEDAW obligations in the area of domestic violence, as well. The Committee recommends adoption of a special legislation on domestic violence, including penal sanctions and civil remedies; taking of a series of preventive measures (including public information and education programmes to change attitudes towards the roles and status of men and women), and protective measures (including refuge, counselling, rehabilitation and

³³ The main problematic areas and the Recommendations of the Committee on the Elimination of Discrimination against Women for the Albanian Government upon submission of the combined First and Second Periodical Reports.

<http://daccessdds.un.org/doc/UNDOC/GEN/N03/468/20/PDF/N0346820.pdf?OpenElement>

³⁴ It entered into force on 22 December 2000. As of 3 March 2006, it registers 76 States Parties.

³⁵ The Optional Protocol establishes two procedures: the communications procedure allows women and groups to file complaints against violations of the rights protected by the CEDAW, and the inquiry procedure allows the Committee to initiate, on its own, an investigation where it has received reliable information of serious or systematic violations of human rights within a given jurisdiction.

³⁶ UN Doc. A/47/38 (1992).

support services for women who are victims of violence, and run the risk of violence); reporting on all forms of gender-based violence, including data on the incidence of each form of violence, and on the effects of such violence on women who are victims; constant monitoring of the measures undertaken; and reviewing of the effectiveness of the actual measures so that their modification is carried out where necessary.

The *Declaration on the Elimination of Violence against Women*³⁷ (DEVAW), adopted in 1993, produces a broad definition of violence against women, and informs that it may occur in the family. Even though the Declaration does not have binding power, its norms are of major importance in imposing concrete obligations in the area of the fight against domestic violence. It is universal in the addressing of this issue, and is recognised as a source of international law. The Declaration outlines specifically the actions a State should take to eliminate the violence occurring in the private life: develop appropriate penal legislation; develop national plans of action to eliminate violence against women; work to ensure, to the maximum extent feasible in the light of their available resources, that the victims of violence have social services; take measures to ensure that public officials responsible for enforcing the law receive training to sensitize them to the needs of women; and to include in government budgets adequate resources for their activities related to the elimination of violence against women. The Declaration makes it clear that the actions of the States Parties will be gauged by international standards that clearly articulate strategies on the elimination of domestic violence against women.³⁸

In the area of domestic violence, as a matter of priority, the **Beijing Platform for Action** recommends reviewing of legislation, taking of other effective measures and producing the appropriate mechanisms so as to ensure protection of all women from domestic violence, which should be considered as a criminal offence, punishable by law (Article 69).

The **Convention on the Rights of the Child** (Article 19) outlines the obligation of the States Parties to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. Among these measures the Convention includes effective procedures for prevention, identification, reporting, referral, investigation, treatment and follow-up of

³⁷ A/Res/48/104.

³⁸ The United Nations Commission on Human Rights on the **Resolution on Human Rights 2003/45, Elimination of Violence against Women, and Model legislation on domestic violence** by Special Rapporteur on violence against women. E/CN.4/1996/53/Add.2, 2 February 1996. In her 1996 report, the Special Rapporteur on violence against women included model legislation on domestic violence. The model includes a definition of domestic violence, complaint mechanisms, duties of judicial officers, criminal and civil proceedings, and provisions of emergency and non-emergency services, training of police officials and judicial officers and counsellors. This framework for model legislation outlines important elements, which are integral to comprehensive legislation on domestic violence. The objective of this model legislation is to serve as a drafting guide to legislatures and organisations committed to lobbying their legislatures for comprehensive legislation on domestic violence. This model creates flexible and speedy remedies to discourage domestic violence and protect women where such violence has taken place. This model, likewise, serves to provide explanation and develop a greater understanding of the incidence and causes of domestic violence, and encourage community participation in eradicating domestic violence.

instances of child maltreatment, and, as appropriate, for judicial involvement. The measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation or abuse, torture or any other form of inhuman treatment should be taken in an environment, which fosters the health, self-respect and dignity of the child (Article 39).

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³⁹

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

b. Council of Europe instruments

The Council of Europe human rights documents reflect the principles underpinning the United Nations treaties, as well as other instruments according to which violence against women is a violation of fundamental human rights. These documents include the European Convention on Human Rights,⁴⁰ European Social Charter, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.⁴¹

c. European Union instruments

Even though Albania is not yet a member country of the European Union, its signing of the Stabilisation and Association Agreement generates a number of obligations for recognising and aligning the legal framework and the structures in the system of justice

³⁹ *State Violence in Albania*. Alternative report for the United Nations Committee Against Torture. Tirana and Geneva 2005. Prepared by CRCA, AHRG and CLCI (former Advocacy Centre for Women), pp. 63-95).

⁴⁰ Article 14 of the European Convention stipulates that “the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex ...” The Convention guarantees the right to life (Article 2), the right to liberty and security of person (Article 5), and the right not to be subjected to torture or inhuman or degrading treatment or punishment (Article 3). The Convention, likewise, sanctions the woman’s rights to an effective legal remedy before a national authority if her human rights have been violated (Article 13).

⁴¹ European Convention on Human Rights has a direct effect on internal legislations, and the judiciary should rely on the provisions contained in the European Convention and the Strasbourg Court Jurisprudence.

The Committee of Ministers has adopted a number of recommendations on domestic violence for the States. The 3rd European Ministerial Conference on Equality between Men and Women in 1993 was focussed on the strategies for combating violence against women. The Conference adopted • Declaration on Policies for Combating Violence against Women in a Democratic Europe. A working group was set up to develop a Plan of Action to Combat Violence against Women. The final Report came out in 1998, and includes recommendations to combat violence against women at two levels: both at a national and international level. They include implementation of the reforms of the legislative, the judiciary and the executive. • Recommendation 1450 (2000) urges harmonising national legislations with European law, thus ensuring protection of victims through the system of law. • In Recommendation 1582 (2002), it is recognised that the States Parties “have an obligation to exercise due diligence to prevent, investigate and punish acts of domestic violence, and provide protection to victims.” • Recommendation 1681 (2004) urges a more comprehensive treatment of domestic violence as a national political priority, which should be addressed by the Government, the Parliament and the civil society. The States should take effective measures to prevent and punish such acts perpetrated by private persons, and to protect the victims/survivors. The Recommendation underscores that “acts of domestic violence be made a criminal offence, that victims be afforded better judicial, psychological and financial protection, and that a European year against domestic violence be held to ensure that such violence is no longer a taboo subject.”

with these standards.⁴²

Joining the European Union is not merely a desire, devoid of certain obligations. The process of integration is a pathway, which obligatorily dictates the meeting of international human rights standards. In a Resolution adopted on 2 February 2006 to combat violence against women, the European Parliament calls on the Commission and the Member States **“to establish the necessary means to monitor the activity and progress of the accession to the EU and candidate countries regarding treatment of women in all areas of society, and to make the safety and treatment of women in these countries a criterion for accession”** (paragraph 1/k). At the same time, the European Parliament calls for zero tolerance to all forms of violence against women. Even though the European Union resolutions and other instruments concern the Member States only, European non-member countries, as is the case of Albania that is keen to apply for membership, should bring national legislations into line with the European Union standards.

The European Union has addressed gender equality through a number of directives, resolutions, recommendations and acts issued by the Council of the European Union, European Commission and European Parliament.⁴³

⁴² Treaties and directives are the main resources of the community law.

⁴³ Violence against women is one of the main topical themes the European Union is concerned with. In 1986, the European Parliament adopted the Resolution on violence against women. The Resolution urges the Member States to recognise in their national laws sexual violence within marriage as a crime, and the training of those who come into contact with the victims of domestic violence, and called for providing legal assistance to women. In 1997, the European Commission decided to establish the DAPHNE Project to combat violence against women, and the European Parliament launched a campaign (“Zero tolerance”) not to tolerate violence against women. At the same year, the European Women’s Lobby established the European Centre for Political Action on Violence against Women and the European Union Observatory on Violence against Women. The European Union Presidency has placed the domestic violence issue on its political agenda as early as 1998, and has adopted a number of recommendations basically focussed on domestic violence. Besides, in 1999 the European Campaign to Raise Awareness of Violence against Women was launched. In the European Union Conference on Violence Against Women held in the same year, five expert forums were set up to look into given aspects of domestic violence: the extent, reasons behind and consequences of violence against women; legal possibilities for combating (domestic) violence against women; prevention; help to organisations and cooperation with institutions, European networks; and work with perpetrators. This Conference adopted the Recommendations of the Expert Forums for the Member States. The European Union experts’ meeting on violence against women, held in 1999, developed recommendations for joint models of auxiliary actions to combat violence. They contained programmes for training men exercising violence, legal proceedings against and research on violence. They pointed out that domestic violence is a crime, and it is subjected to criminal proceedings, where men-focussed training programmes cannot offer a trade-off. The proposal forwarded by the European Parliament and the Directive of the Council regarding the EU citizens’ and their household members’ right to moving and living freely within the territory of the member countries, which provides the explanation that the article on “divorce or nullity of marriage shall not result in loss of the right to residence for the EU citizen’s household members who are not citizens of a EU Member State,” should have been extended to the situation surrounding domestic violence. The Social and Economic Committee recommended that this formulation makes a more explicit reference, hence to “violence psychological or physical in nature, and gender-based at home or in the family.”

Reviewing the implementation by the EU Member States, the European Union Council has prepared a report on the domestic violence issue. The report incorporates the draft of the Council’s conclusions with regard to the domestic violence indicators and the list of indicators prepared by the Danish Presidency for measuring the compatibility of the provisions on domestic violence of the Member States with the Beijing Platform for Action.

At the outset of 2006, the European Parliament formulated its zero-tolerance policy as regards all forms of violence against women. By way of its Resolution on the fight against men’s violence against women, adopted on 2 February 2006, the European Parliament calls on the Member States to take appropriate measures to ensure prevention and punishment of violence in their national legislations, and better protection of and support for victims and those who are at risk of becoming victims of violence. Besides, the Parliament calls on the Commission and the Member States

Albania's National Plan for the approximation of the national legislation to the EU legislation and the implementation of the SAA provides for a number of legislative measures as regards respect for human rights. This means that an entire legislative framework will be subjected to a process of analysis so as to be brought into line with the EU standards. In this context, the working groups set up at the Ministry of Justice should also be focused on aligning the legislation on the protection from violence with the European standards⁴⁴.

Whereas the *Conventions* on human rights in general, and particularly, those on the women's and children's rights, already *ratified* by Albania, are in large numbers, and under the Constitution of the Republic of Albania, are considered part and parcel of the domestic legislation, and binding, *the judges, public prosecutors and advocate lawyers have limited knowledge of them and their application*. These instruments are unknown to the victims of domestic violence. *This leads to failure for them to be directly applied by the system of justice, and for them to be placed at the service of the victims and those looking to have an access to justice (monitoring of the court decisions has found that, overall, reference to these Conventions amounts to almost zero sum)*.

Because of this, the definitions employed by these instruments are not known and applied. Even though the home page of the Albanian Ministry of Foreign Affairs contains a detailed list of the ratified International Conventions (adopted by the UN and Council of Europe) and their relevant Protocols, *the possibilities for the players in the system of justice to know them are limited because not all of them have access to Internet*. *Updating on the new legislation is not a smooth running process, also on account of an evidently abundant productivity*. The Official Gazette is distributed free of charge to the judges and public prosecutors, though this is not the case with the advocate lawyers. Besides, the official translation and publication of all the international instruments into Albanian is not available. And that is not all. No electronic format of indexed and updated legislation is in place. Despite all its efforts, the Official Publications Centre (and others) has not been able to virtually offer such a service, which updates changes in legislation, being indexed according to topical themes, so that they may be easily used by those concerned. Occasionally, translations of the texts of Conventions leave much to be desired, and lead to confusion in terms of terminology.

3. Laws in force

Despite frequent reforms in the Albanian legislation, *no regulation or specific law yet*

“to establish the necessary means to monitor the activity and progress of the accession and candidate countries regarding treatment of women in all areas of society, and to make the safety and treatment of women in these countries a criterion for accession” (paragraph 1/k). All these activities at the level of the European Union are indicative of the approach to the importance of combating domestic violence and the States' responsibility in this aspect. See:http://europa.int.eu/comm/employment_social/equ_opp/colognerec_en.html;
<http://presidency.finland.fi/netcomm/news/showarticle1871.html>

⁴⁴ See the National Plan for the approximation of the national legislation to the European Union legislation, and the implementation of the SAA. Republic of Albania. Council of Ministers. Tirana 2005. pp. 89-109.

provides for the singular punishment of domestic violence. This does not mean that provisions punishing violence and violent acts, overall, are not in place. However, in the situation where there a law or specific provisions are lacking, in the case of domestic violence the system of justice reacts by resorting to those provisions and means prescribing the punishment of violent actions, overall. This is neither effective nor fair. Current laws provide for several legal sanctions for the purpose of guaranteeing protection from violence, in general. However, *these norms are very limited, incomprehensive and inefficient in ensuring prevention, victims' protection, investigation, legal proceedings and punishment of domestic violence perpetrators. The current legislation is lacking in a definition of domestic violence, and an adequate definition of the circle of persons who, in this context, will be considered household members.*

The definition of domestic violence should render it clear that this is a specific form of gender-based violence. *It would be advisable that the definition of gender-based violence, most commonly appearing in the international instruments, be used in this context.* It is absolutely incomprehensive if the range of domestic violence is limited to married persons only (as is the case with the Family Code). Hence, care should be made that the range of violence and the circle of persons respond to the range of the problem. Narrow definitions of the nature of domestic violence are produced, and they *do not include physical or sexual, psychological and economic violence, which is not reflected in the law, thus depriving the victims of the appropriate protection.*

An analysis of the legal framework reveals that:

◆ Domestic violence is not provided for as a separate criminal offence in the **Criminal Code**. The Criminal Code does not draw a distinction between the acts perpetrated by a household member and those committed by other persons. This leads to the victim and abuser being handled in a non-specific context, which is dictated by the relationship between them. The said legislation does not provide for an adequate definition of the circle of persons considered as household members, and this raises obstacles also in the application of the aggravating circumstances. The data obtained from a study of the court decisions highlight the fact that sexual violence is a phenomenon widespread within the family.⁴⁵ However, the Criminal Code *does not contain a specific provision sanctioning punishment of sexual violence within a marriage.* The criminal sanctions on safety and supplementary punishments do not include such a sanction as: “the temporary going away from the conjugal home and the temporary suspension/removal of parental responsibility.” Perpetrators of criminal contraventions relating to forms of domestic violence are currently liable to a fine only. For preventive effects, imposing a sentence of imprisonment (for a term ranging from several days to several months) would be advisable. International experience has shown that imprisonment is a more effective deterrent than punishment by a fine. A penalty is an indicator of how important protection of a given relationship is to the State and the society. Because the impact on the victim and abuser, and the social message put across is more effective.

⁴⁵ CLCI, *For as Effective an Enforcement of Legislation as Possible...*, p. 32.

With reference to *child physical ill treatment*, it is found that the Criminal Code *does not provide for specific criminal offences, including abuse of rehabilitation and discipline tools, and children's ill treatment.*⁴⁶ *The Criminal Code contains no specific norms as regards psychological abuse.* And cases involving psychological abuse are fraught with grave consequences for the children. They include psychological disturbances and the forms of infantile depression. *No norm in the Criminal Code refers to assisted violence*, which implies any act of physical, verbal, psychological, sexual and economic violence administered against subjects who are immediate points of reference for children in the presence of children. *The Criminal Code and the Criminal Procedure Code do not contain alternatives to the measure of detention and supplementary punishment concerning the "temporary suspension and removal of parental responsibility" from abusing parents.* The Albanian legislation does not provide for specific sanctions designed to protect children from any violence to which they are exposed in the course of the conflict, and which may seriously damage their self-respect. Victims' children should have access to specialised assistance, including rehabilitation, assistance in the care extended to them, and support.

Violence to the elderly materialises as violation of the right to care and assistance, and as physical violence, psychological violence and economic violence. Overall, the provisions of the Albanian criminal legislation do not contain specific references to the protection of the third age. Treatment is offered to them in the overall legislative framework.

◆ The provisions of the Criminal Procedure Code do not provide for addressing domestic violence specifically. Hence, it is evident that the criminal procedure legislation does not allow third parties to initiate criminal proceedings, recognising this as a right of the victim's (the affected plaintiff) only. At the same time, the latter (victims) have in some way pulled away from the criminal proceedings against their relatives. An analysis of the court decisions blames the withdrawal of complaint by the affected plaintiff in terminating the largest part of cases built around charges for battering and light wound (CLCI, For as Effective an Enforcement of Legislation as Possible..., pp. 18-40).

Reporting of violence administered by parents or other household members against children, as well as reporting of violence administered against the elderly, is almost inexistent. The burden of proof for the exercise of domestic violence is the same as the burden of proof required to prove commission of all other criminal offences. No attenuating circumstances are provided for in the submission of evidence.

◆ The provisions on compensation contained in the Civil Code are not enforced in an effective way. Neither do they provide for addressing cases involving damage caused through domestic violence specifically. They refrain from addressing the victims' right to the compensation due to them because of the damage suffered (physical, psychological, moral and social), including trial expenses, as well. Filing a civil lawsuit within the criminal process is rare. The reason behind this is that both the defence

⁴⁶ These parts have been extracted from the legislations of other countries, eg. Articles 571-572 of the Italian Criminal Code.

lawyers and the victims, in the first place, do not have comprehensive and clear knowledge.

◆ Under the **Family Code**, *the spouse against whom violence is administered is entitled to asking the court for an immediate ruling to send the violent spouse away from the conjugal home* (Article 62). Hence, it is not about **domestic violence in a broad sense**, i.e. domestic violence affecting those who share a family life and are called household members. Here, there is talk of violence perpetrated against spouses. This context does not apply to the case of cohabitation and the complexity of individuals and family relations. *The Family Code does not fully address the application of the protection measures in cases involving domestic violence.* Protection is difficult to be provided with the abuser remaining within the family environment. Whereas violence is an emergency situation calling for quick response, i.e. perpetrator's immediate removal from home. While offering a leeway for protection in one more case, besides the possibilities that the criminal legislation offers, Article 62 refrains from providing answers to a number of questions, including: How long will the sanction last? Under what conditions will the trial take place? What protection will there be in place during this time so that the sanction has an effect on the victim of violence and the other household members? This demonstrates that the provision needs to accommodate arrangements of the civil procedural character.

The Family Code does not provide for quick or simplified procedures if violence is blamed for the divorce. In the meantime, the victim's life may be at risk. The same conclusion could also be reached with reference to the provisions on the consequences of divorce on children when domestic violence is blamed for the divorce (this may call for the modification of the provisions on the exercise of the parental responsibility and custody).

The shortage of the effective legal mechanisms so as to oppose domestic violence is a serious obstacle to preventing the phenomenon. One single article in the Family Code is not enough. Introduction of clear-cut procedural regulations, and expansion of the limit of power, particularly of the police, would facilitate the collection of evidence. The existence of legislative regulations determining the limits of the police officers' and public prosecutor's action, will be a better guarantee for the victims' rights. What leaves much to be desired, and is frequently encountered during the study of court decisions in cases of divorce, is that, more often than not, the victims and their guardians have poor knowledge these rights and how to claim them.

The **Law "On Attorneys"** **does not explicitly provide for** free legal aid to the victims of domestic violence - which directly affects victims' access to the justice system-, thereby creating an absence of qualified legal aid for these cases, given the very specific character of these situations. The *ex officio* protection of the victims of domestic violence, either in the criminal process, or in the civil process, is not prescribed. Even though Article 11/b provides for free legal aid if the person who is being protected or represented, has no financial means, the provision relates this to the cases where a defence lawyer is basically designated by the court, or the public prosecutor's office. Hence, the provision may not provide for that service that should be guaranteed to the victims of domestic violence, irrespective of their economic status.