



### LEGAL AND POLICY FRAMEWORK

Albania ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in May 1994 and its Optional Protocol in June 2003. In December 2011 Albania signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention CETS N° 210) and ratified it in February 2013.

Post-communist Albania has been prolific in producing legal measures to punish GBV behaviours. Among them, the first important legal measure was Law No. 9669/2006, "On Measures against Violence in Family Relations;" a proposal developed by the civil society and supported by 20.000 signatures. This law has been amended four times so far (law 9914/2008, law 10.329/2010, law 47/2018, law 125/2020). These were crucial amendments. Law 10329 /2010 (1) established a coordinated network of central and local institutions that provide immediate support to victims of domestic violence<sup>1</sup>; (2) set up the National Centre for Victims of Violence; (3) sought to increase the number of reports made to police and the number of court protection orders for victims. (4) sought to ensure capacity building of professionals dealing with victims of domestic violence. Law No. 47/2018 followed recommendations of the CEDAW Committee (2016) and GREVIO (2017). It strengthened safeguards and procedural measures for a more effective response to domestic violence and protection of victims (including children) through the issuance of the Precautionary Emergency Protection Order, preceded by a risk assessment, for each case handled. Police officers now must perform risk assessments after identification of the victim, report the domestic violence cases and issue preliminary protective orders. These preliminary protective orders allow the police to remove the perpetrator of violence from the residence before the court has issued an actual protection order. It also ordered Courts to create a database of special domestic violence cases. Additionally, for the first time, protection was provided to women and girls in intimate relationships without having formal ties with the perpetrators, such as marriage or cohabitation. Law 125/2020 laid down the measures for immediate removal of the perpetrator from the joint residence through Emergency Protection

Order (EPO) issued by Police, or through Emergency Protection Order/Protection Order (PO) issued by the Court within the time limit specified in these orders, specific rehabilitation programs for perpetrators, creation of an EPO/PO register, etc.

The second important one was Law No.9970/2008 "On Gender Equality in Society." It legally grounded the CEDAW Convention in Albania. Another important one was Law No. 23/2012. It amended the Criminal Code regarding beating, threatening, injuring the spouse, former spouse, cohabitant or ex cohabitant, or close sex or close marriage relations to the offender. Law No. 143/2013 is also worth mentioning. It gave victims of GBV or trafficking the right to receive legal assistance. This was reinforced by Law No. 111/2017 that guarantees free legal aid for victims of domestic violence and of sexual abuse<sup>2</sup>. Finally, Law No. 35/2020 amended the Criminal Code once again including the criminalization of psychological violence, protection of persons in a relationship or former intimate relationship with the perpetrator of the criminal offense, etc., thus, harmonizing the content of this article with Article 3 of the Istanbul Convention and amendments to the law on domestic violence. The law further provides for toughening the sentences for certain actors of such criminal offenses. It is worth noting that in Albania rape, including spousal rape, is a crime. Yet, "the government did not enforce the law effectively. Authorities did not disaggregate data on prosecutions for spousal rape. The concept of spousal rape was not well understood, and authorities often did not consider it a crime."<sup>3</sup> Among the several recommendations made by the Grevio Report<sup>4</sup> there are specific important ones regarding rape, asking Albania to amend its definition to bring it in line with the Convention (see Page 74). According to the US Report the same is true for sexual harassment "The law prohibits sexual harassment, but officials rarely enforced it."<sup>5</sup>

Women's CSOs from Albania have confirmed the extant gap between the text of the law and the reality of its enforcement and have pointed that as a consequence, the true reach of the law in key aspects of the phenomenon of GBV is limited. As a result, both the preventative measures are not solid deterrents of criminal conducts and the punishing side lags too.

## FACTS

The Albanian Institute of Statistics (INSTAT) published information based on a survey carried out in 2018: "More than half of Albanian women and girls aged 15-74 years old have experienced one or more of the five different types of violence (intimate partner violence, dating violence, non-partner violence, sexual harassment and/or stalking), during their lifetime."<sup>6</sup> 1 in 2 women or 52.9% have been at least once a victim of GBV, 47% of women have experienced violence from their intimate partner, 18% of women were victims of sexual harassment, 1 in 5 women experienced physical and/or sexual violence, and 18.2% had experienced non-partner violence."<sup>7</sup>

According to the European Commission, "In 2021, the police identified and treated 5.312 cases of violence and other crimes committed in domestic relations, a 13% increase against 2020. Among them, 3.266 cases of domestic violence were handled with a request for a protection order and 1.630 cases were referred to prosecution offices. In both instances, a slight increase on the 2020 figures was recorded. 638 perpetrators of domestic violence were arrested and 123 detained. Domestic violence increased during the lockdown period. Eighteen women and girls were murdered within family relationships in 2021, compared with six in the previous year."<sup>8</sup>

According to the Albanian Directorate of Police, in 2018 there were 37 reports of victims of physical or sexual harassment. 15 of them by underaged victims and 22 by adults.<sup>9</sup>

According to the Albanian Government, "The National Counselling Line for Women and Girls 116-117 is a 24/7 service that operates pursuant to Istanbul Convention standards. In 2020 it received 5597 phone calls and conducted 650 face-to-face counselling sessions, while it also has provided legal assistance and support during the court procedures for 750 cases."<sup>10</sup> In the same report, the government informs that in 2020 the LILIUM rape centre has treated 24 cases (10 girls 7-12 years of age, 11 girls 13 to 18 years of age, 2 women 19-25 years of age and one woman 26-46 years of age.

In the case of Albania, there is a clear consensus (even the government itself agrees as stated in the 2021 document in response to Grevio cited above), that official data does not reflect reality.



The 2019 OSCE-led Survey on the Well-being and Safety of Women for Albania concluded (1) Cultural norms and attitudes in Albania support women's obedience to men, and sexual violence in intimate partner relationships is widely accepted. (2) Violence against women is under-reported, and women are not consistently accessing services or receiving protection. (3) There are gaps in the legislation, the implementation thereof and data collection. The magnitude of their findings cannot be overstated and are worth citing "88% think that violence against women is common and 53% think that it is very common." "Only 3 % of women who have experienced violence at the hands of their current partner reported what they considered their most serious incident to the police." "Few women have actually accessed those services – just 1% of those who have experienced physical and/or sexual violence contacted a women's shelter or a victim support organization following the most serious incident." "53% of women who have been sexually harassed talked to no one about their experiences; most women say that they were able to deal with it themselves." "97% of those who experienced current partner violence did not report it to the police, and the same is true for 84% of the most serious incidents of previous partner violence. This may be linked to the belief, held by 48% of women, that domestic violence is "a private matter" that should be kept within the family."<sup>11</sup>

## WOMEN'S CSOs LANDSCAPE - Challenges and Needs

Lack of information and awareness on facing violence legally, fear, shame, and stigmatization prevent an unknown number of women in Albania to speak up on violence against them and receive support. Such a deeply seated cultural norms oblivious to criminal nature of GBV has several consequences starting with the underreporting of cases, the fact that legal changes result not from societal demands and the fact that the law does not truly work to deter perpetrators and hence to prevent GBV. There is no way to know the extent to which the measures in place are working or not either. Hence, Albanian women's CSOs are the ones that attend women, victim/survivors of violence with their multiple services often on a voluntary basis. They depend almost entirely on donors and their sustainability remains a challenge. The fact that many GBV victims cope in silence and do not resort to the existing infrastructure masks the GBV infrastructural deficits and the lack of adequate training of those in charge of managing cases of GBV.

For a few years now, the women's and feminist movement in the country is growing stronger, engaging in spontaneous and organized protests, using artistic expressions, joining in small group thematic gatherings and mainstream media interventions to make their voices heard.

### Direct Victim Support Activities

Shelters have restrictive application criteria; accommodation is only temporary, and they have limited bed availability: the Women and Girls' Centre has ten beds while the National Centre for the Treatment of DV Victims at Kamëz has 18-20 beds. Emergency centres (including medium- and long-term victim accommodation) are not available or do not meet the required standards in all municipalities. Crisis management, accommodation, and first response services in the first 72 hours from a sexual violence assault are provided at the Liliu Centre (2018), the only one of its kind in the country.

The number of DV victims receiving Legal Aid compared to the total of domestic violence incidents, identified by the police, remains low. Legal Aid access of victims from remote areas remains a problem. Victims/survivors of GBV and/or DV lack information on documentation required and eligibility criteria for social housing. Not all municipalities have in place a social housing programme for DV victims.

The main priority identified by women's CSOs is **to counsel and provide psychological and medical help**

**for women** victims of GBV. Mental health support through the public health system is rarely offered, although efforts for improvements have been made in the last years. Furthermore, in Albania 'everybody knows everybody' and although the Albanian health system foresees that when a doctor identifies signs of domestic violence in one of its patients they should notify the authorities, they often don't, due to fear of intimidation.

Another immediate need identified is **to offer group support activities to women** victims/survivors of GBV, offering safe spaces for women to get together and raise awareness about the dynamics of GBV, women's rights and to empower women to speak up against it.

### Indirect Victim Support Activities

The absolute priority is to foster **activities that tackle gender stereotypes** and the normalization of violence in intimate partner relationships and families. Patriarchal stereotypes of gender roles, homophobic attitudes and GBV are widespread in Albania and women's CSOs are at the forefront in raising awareness about gender dynamics and how they shape and justify the normalization of all forms of violence at all levels of society.

The implementation of adopted laws and by-laws is another top priority. Given that women's rights claims have grown stronger in recent years it is crucial to support this movement with applied **research and analysis that can inform decision making at national levels.**

Due to the deep-seated cultural patterns that accept violence as part of life, it is also a priority to study the links between culture and violence. Irrespective of the fact of underreporting, it is important to stay on top and **analyse and monitor ongoing trends and needs that are required to prevent GBV.**

### Community Building and Outreach Activities

There is a need to help the recent activation of the women's and feminist movement in Albania to take off and consolidate to offer a different point of reflection for Albanian society. The government is very controlling of CSOs through funding (EU funding, for example, comes to the CSOs through the government which centralizes its disbursement) and any criticism towards the Government results in not receiving any such funding. In this context, it is crucial to ensure a stream of funding that guarantees freedom of action that escapes from and helps to break the current dynamic of government domination of the CSOs landscape so to diminish the current reluctance to collaborate between CSOs.

To help to change mentality, the second priority is to offer **gender sensitive education and training of professionals** that are involved in the management of cases of GBV but also in all other professions. The local media that could play an important role in challenging social norms and behaviours that condone violence against women reinforces cultural and social norms about gender and directly or indirectly shift blame from male perpetrators of violence and assigns responsibility for violence to women or offers excuses for men's violence in its reporting.

## CSO Competency Building

For women's CSOs a main priority is to acquire sound **technical solvency** and strengthen their capacities in the fields of **project writing, monitoring, evaluation and report writing**. To ensure the successful implementation of projects women CSOs also need to count on **helpdesk support** during the implementation phase.

Furthermore, **fundraising training sessions** are key to be able to access and ensure funding from multiple donors.

To be able to respond and to adapt to rapid changes to the woman and feminist landscape, it is crucial that women CSOs receive **coaching in strategic thinking and leadership**.

Given the reluctance of public authorities to consult with civil society regarding GBV there is a need to receive **training in advocacy and lobbying** so to increase the effectiveness in having the voices of women's CSOs heard.

For many women's CSOs it is key to **build knowledge and gender expertise**. Given that Albania aspires to become a member of the EU, to receive training on EU values and to start using this language is strategically important to help to change the current mentality.

*“Only 3 % of women who have experienced violence at the hands of their current partner reported what they considered their most serious incident to the police.”*

<sup>1</sup> This was further developed through secondary legislation, including the Council of Ministers' Decision (DCM) No.334/2011 on the establishment and functioning of the Coordinated Referral Mechanism against domestic violence at local level, which is the centerpiece of the country's coordinated multi-agency response to domestic violence.

<sup>2</sup> In addition, victims of domestic and other forms of violence and human trafficking are entitled to a number of benefits, such as specialized services and sheltering, as foreseen in the Law 121/2016 on Social Care Services; priority for social housing based on the Law 22/2018 on Social Housing; and economic assistance based on the Law 57/ 2019 Law on Social Assistance.

<sup>3</sup> United States Government State Department "2021 Country Reports on Human Rights Practices: Albania" <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/albania> (retrieved March 28, 2023).

<sup>4</sup> <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7> (retrieved March 28, 2023). UN Women also made a point on how the bias of this legislation leads to rape going unreported or unprosecuted. [https://eca.unwomen.org/sites/default/files/Field%20Office%20Albania/Attachments/Publications/2020/12/CGEB%20Albania\\_REPORT\\_1.pdf](https://eca.unwomen.org/sites/default/files/Field%20Office%20Albania/Attachments/Publications/2020/12/CGEB%20Albania_REPORT_1.pdf) (Retrieved March 28, 2023).

<sup>5</sup> <https://rm.coe.int/reports/2021-country-reports-on-human-rights-practices/albania> (retrieved March 28, 2023)

<sup>6</sup> <https://www.instat.gov.al/en/statistical-literacy/violence-against-women-and-girls-in-albania/> (retrieved March 28, 2023)

<sup>7</sup> "ALTERNATIVE REPORT ON THE IMPLEMENTATION OF THE CEDAW CONVENTION IN ALBANIA (PERIOD 2016-2020)," Prepared by Ombudsman of Republic of Albania for the presentation before CEDAW Committee. Retrieved March 28, 2023 from [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2HFIFN%2FALB%2F44251&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2HFIFN%2FALB%2F44251&Lang=en)

<sup>8</sup> European Commission(2022),COMMISSION STAFF WORKING DOCUMENT "Albania 2022 Report" 2022 SWD(2022) 332 final. <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf> (retrieved March 28, 2023)

<sup>9</sup> UN Women (2020) ALBANIA COUNTRY GENDER EQUALITY BRIEF. Retrieved March 28, 2023 from [https://eca.unwomen.org/sites/default/files/Field%20Office%20Albania/Attachments/Publications/2020/12/CGEB%20Albania\\_REPORT\\_1.pdf](https://eca.unwomen.org/sites/default/files/Field%20Office%20Albania/Attachments/Publications/2020/12/CGEB%20Albania_REPORT_1.pdf)

<sup>10</sup> Government of Albania (2021) Report on the Implementation of Recommendations Addressed to Albania by the Committee of The Parties of Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) (June). <https://rm.coe.int/albania-report-on-the-implementation-of-the-recommendations-from-cp-ic/1680a30d7f> (retrieved March 28, 2023)

<sup>11</sup> [https://www.osce.org/files/f/documents/c/8/434849\\_1.pdf](https://www.osce.org/files/f/documents/c/8/434849_1.pdf) (retrieved March 28, 2023).

## ABOUT THE STUDY

This study analyses the women's CSO landscape in Albania, Bosnia-Herzegovina, Croatia, Cyprus, France, Greece, Italy, Kosovo, Montenegro, Serbia and Spain. It identifies the challenges women's CSOs face and their needs to prevent and combat GBV. The study was carried out by INDERA SL at the request of **Calala Women's Fund** jointly with the **Mediterranean Women's Fund (MedWF)** and **Ecumenical Women's Initiative (EWI)**.

### Methodology:

Based on a review of the current initiatives at grass-roots level in the 11 countries and the project portfolio of EU supported initiatives, a model of activities was created comprising the following four areas: 1) Direct Victim Support Activities: services and activities which are provided directly to the victims of GBV; 2) Indirect Victim Support Activities: monitoring, advocacy, and watch dog activities regarding the adoption and implementation of laws and policies to combat and prevent GBV as well as research, awareness raising and preventative activities. 3) Community and Outreach: activities to strengthen stakeholders' collaboration, networking and community building; 4) CSO Competency Building: activities to strengthen women's CSOs structural, technical, financial and operational capacities.

Stakeholder interviews with women's CSOs and experts from the 11 countries, together with desk research provided information and data about legal and policy frameworks, actors, tools and methods in the area of GBV and VAWG to identify needs to support actions with potential in prevention, protection, prosecution, service provisions, partnership building and prevalence.

The data provided in this study was collected in March 2023. More information at: [www.calala.org](http://www.calala.org)

