

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 an initiative to develop the National Strategy on Gender Equality and Domestic Violence along with an Action Plan, as indication of the political commitment of the Government of Albania to provide for the movement and achievement of gender equality with an instrument of policies synchronised with civil society initiatives.

A fundamental civil right and a value shared by the European Union member countries, gender equality is a crucial stipulation 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 have achieved high levels of education and have made progress in the labour market and public life. However, gender inequality is still a matter of concern in Albanian society. Due to the absence of suitable working hours, social services, 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

Albanian society has currently seen increased domestic violence perpetrated against women, children and the elderly. Studies show that violence unfolds in all forms: psychological violence, a form of domestic violence that occurs most frequently; economic violence that occurs primarily in urban areas; physical violence that occurs in rural areas and sexual violence that is not widely reported. Age groups 18-23 and 37-45 are subjected to greater domestic violence, with disabled women, migrant women, Roma women and rural women, being at a higher risk.

Developing a National Strategy on Gender Equality and Domestic Violence was directed by the need to upgrade 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, both revealing their own peculiarities. The main objectives contained in the Strategy are identified on the basis of current realities in the country

and the problems which are of the greatest concern to Albanian society. For them to be identified, the situation in 12 Prefectures across the country were 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. During the course of this process, working groups comprised of representatives of central and local institutions and civil society, as well as gender issue experts, devised 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 in these discussions.

The National Strategy on Gender Equality and Domestic Violence has an Action Plan attached to it that is broken down into goals, implementation measures, 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,” that is being amended, make up an important basis of policies and legislation conducive to progress towards gender equality and violence-free families.

I would like to take this opportunity to acknowledge the contribution made by the international organisations, including the UN system organisations (UNFPA, UNIFEM, UNICEF and UNDP) and the OSCE who 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 played and the significant and professional work she contributed in 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 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

<p>GROUPS INVOLVED IN DEVELOPING THE NATIONAL STRATEGY ON GENDER EQUALITY AND DOMESTIC VIOLENCE</p>
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Mrs. Marieta Zaçe – Deputy Minister of Labour, Social Affairs and Equal Opportunities, led the efforts for developing the National Strategy for Gender Equality and Domestic Violence.

Directorate for Equal Opportunity Policies

Ms. Rajna Kovaçi – Director
Ms. Valbona Jaupllari – staff
Ms. Irena Benussi – staff
Ms. Brunilda Dervishaj – staff
Ms. Arta Sakja – Coordinator for Gender Equality
Ms. Lulieta Dauti – Financial officer
Ms. Aida Orgocka – Expert
Ms. Mirela Muça – Expert

Working Group – Gender Equality

Gender equality in decision-making

Ms. Lajla Pernaska, Ms. Jeta Katro, Ms. Yllka Selimi, Mr. Petro Koçi, Ms. Albana Imami, Ms. Mangalina Cane, Ms. Natasha Llanaj

Women’s rights, legislation and institutional mechanism

Ms. Kledia Mazniku, Ms. Brunilda Dervishaj, Ms. Rezana Balla, Ms. Ermira Deçka, Ms. Vitore Tusha, Ms. Alma Mehmeti, Mr. Ervin Pupe

Women’s economic empowerment

Ms. Arjana Misha, Ms. Merita Gjashta, Ms. Alketa Grepcka, Ms. Rajmonda Prifti, Ms. Neriana Zaimi, Ms. Ahmedie Daci

Social care

Ms. Meri Pone, Ms. Merita Xhumari, Ms. Valbona Jaupllari, Ms. Irena Benussi, Ms. Lantona Sado, Ms. Mira Trebicka, Ms. Dajana Berisha

Education and elimination of gender discrepancies

Ms. Antonieta Luli, Ms. Xhuli Jaho, Ms. Englantina Gjermani, Ms. Saemira Pino, Ms. Eljona Kulluri, Ms. Lavdie Ruci, Ms. Migena Reçi

Health care

Mr. Naim Lusha, Ms. Nedime Ceka, Ms. Majlinda Murati, Ms. Elizana Petrela, Ms. Arjana Malltezi, Ms. Violeta Dhamo

Women and the media

Ms. Majlinda Bregu, Ms. Rajna Kovaçi, Ms. Alma Lahe, Ms. Antoneta Malja, Mr. Demir Gjergji, Ms. Elsa Xhai, Ms. Valdete Andoni

Strategy Consultant

Ms. Monika Kocaqi
Ms. Orgesta Muço

Centre of Gender Alliance for Development

Ms. Englantina Gjermani – Manager of the Centre of Gender Alliance for Development
Ms. Blerta Picari – Coordinator for domestic violence

Working group – Prevention of Domestic Violence

Ms. Arta Mandro, Ms. Aida Orgocka, Ms. Anxhela Gramo, Ms. Zhulieta Demi, Ms.

Arta Sakja, Ms. Mirela Muça, Ms. Emira Shkurti, Ms. Daklea Shtylla, Ms. Natasha Shehu

Other Collaborators

Centre for Women and Girls – Kombinat, *Gruaja Kryefamiljare* (Female Household Head) Association, Albanian Helsinki Committee – Tirana; Centre for Children’s Rights in Albania, Centre for Legal Initiative; Initiative for Women’s Rights, *Në dobi të gruas shqiptare* (In the Service of the Albanian Woman) Association, Centre for Multi-disciplinary Training on the Problem of Children’s Ill-treatment, the Shelter for Raped Women, the Counselling Centres for Women – Tirana, Elbasan, and Kukës; Association of Women with Social Problems – Durrës; Me Woman – Pogradec, Woman’s Forum – Elbasan; Centre for Population and Development, and *Përthyerja (Refraction)* Association, and Medica.

ABBREVIATIONS

ACER	Albanian Centre for Economic Research
CC	Civil Code of the Republic of Albania
CCoRA	Criminal Code of the Republic of Albania
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CLCI	Centre for Legal and Civil Initiatives
CPCoRA	Civil Procedure Code of the Republic of Albania
CrPCoRA	Criminal Procedure Code of the Republic of Albania
DEO	Department for Equal Opportunities
EC	European Council
ECHR	European Convention on Human Rights
EU	European Union
FC	Family Code
GP	General Prosecutor's Office
HCJ	Higher Council of Justice
HII	Health Insurance Institute
INSTAT	Institute for Statistics
ILO	International Labour Organisation
LG	Local government
MFA	Ministry of Foreign Affairs
MoES	Ministry of Education and Science
MoF	Ministry of Finances
MoH	Ministry of Health
MoEI	Ministry of Integration
MoI	Ministry of Interior
MoJ	Ministry of Justice
MOLSAEO	Ministry of Labour, Social Affairs and Equal Opportunities
MS	School of Magistrate
NASW	National Association of Social Workers
NCA	National Chamber of Advocates
NCEE	National Education and Evaluation Centre
NCQSAHI	National Centre for the Quality, Security and Accreditation of the Health Institutions
NETC	National Education Training Centre
NGEC	National Gender Equality Council
NPO	Non-profit organization
NSE	The National Service for Employment
NSDI	National Strategy for Development and Integration
NSSSED	National Strategy for Socio-Economic Development
OSCE	Organisation for Security and Co-operation in Europe
PS	Police School
RoA	Republic of Albania
RED	Regional Education Directorate
SAA	Stabilisation and Association Agreement
SK	Schools
STD's	Sexually Transmitted Diseases
TIMS	Total Information and Management System
ToT	Training of Trainers
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNDP	United Nations Development Programme

UNO

United Nations Organisation

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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 or failure to properly address these issues, would result in having approximately 50 percent 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, that is apparent in all aspects of social life in Albania, is not made the focus of social policies it will undercut Albania's efforts to achieve sustainable development. The reason behind this being, the country's full human potential will not be drawn upon and not all social groups will enjoy the achievements. Hence, gender mainstreaming should be part and parcel of all social, economic and political policies in Albania, so as to ensure achievement of sustainable development with full use of the country's human potential and guaranteeing enjoyment of these achievements by all social groups.

This is the basis for understanding why gender issues are becoming more and more important for Albanian society. Following 2000, the current century has seen major institutional and structural developments concerning women's advancement. Further emancipation in Albanian society has 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 increasing involvement of civil society.

Priority has been given to developing different sectoral and cross-sectoral strategies 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, failure to devise 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 review, this instrument was designed to respond to the dynamics of the evolution of ideas. It accommodates interests and new approaches to determine 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 inter-related and inclusive process that involved different governmental institutions at a central and local level, civil society, non-profit organisations, interest groups, representatives of political forces at home, representatives in the academic field and international partners. This document was drafted with the **participation of all actors and stakeholders concerned with gender equality issues**. This broad participation was intended to produce a well-founded instrument, and to ensure that the plan of action and intervention complies with the real needs and capacities of the country's

institutions. In addition, the said Strategy was designed to enhance cooperation among different governmental actors (at central and local levels), 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.

Strategy aims:

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

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

- 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'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 baseline indicators to measure and evaluate the progress or review actions in accordance with 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 more often than not, women do not enjoy the same rights as men. This inequality is tangible in many sectors. Therefore, while drafting this document, the working groups identified the following aspects to focus upon:

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;
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 efforts 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 section) aim at:

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

CHAPTER ONE: CURRENT SITUATION

Gender equality is a corner-stone in the process for 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 Albanian society overall, first must 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 and men. The profound social and economic transformation that took place following the 1990's, brought about obvious changes to the economic structure and living standard that resulted in a disproportionate gender balance in Albanian society. During this transition period, Albania did take important positive steps towards building a democratic society, although 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 51 percent of the population¹. During the transition years, dynamic demographic indicators were registered due to the population's young age, urbanisation processes, migratory movements, immigration and other economic factors. Hence, the relationship between the rural and urban population changed within a short period of time. In fact, the urban population rose to 46 percent from 36 percent at the beginning of the 1990's. This increase in urban population is attributed to the uncontrolled shift of the rural population toward 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 percent of the population, are estimated to have immigrated abroad. A comprehensive analysis of population age groups 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. Efforts to improve the standard of living have caused the Albanian family to change both its location 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 per 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's rights grew due to their poor level of representation in the decision-making process, as well as the fact that Albanian society has not yet succeeded in paying appropriate attention to eliminating the transmission of gender-based stereotypes in men's education, regarding the position they should enjoy both inside the family and in public life. Albanian women's low participation in decision-making, with only seven percent of parliamentary seats, only

¹ INSTAT 2006, *Females and Males 2005*.

² INSTAT 2006, *Females and Males 2005*.

11 women holding leadership positions³ at the central government level, and with them accounting for only two percent of local government leaders, is quite a significant obstacle in carrying out reforms and pursuing policies driven by women, children and family's needs. Even though the number of women employed within the public administration is rather encouraging, men still occupy the largest number of leadership positions.

The number of women holding leadership positions in political parties is also low. This situation is not relevant to their lack of interest to be involved in politics, neither is it an indication of women's inabilities in this regard. It concerns the difficulties that 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 priorities which would allow an increased number of 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'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's participation in political activities. Albanian political parties are still lacking in specific gender equality policies which clearly identify women's needs and priorities concerning political participation. This also accounts for the reason why these parties had refrained from incorporating serious statements on gender equality into their 2005 electoral campaign manifestos or into their current platforms, even though they claim they hold gender equality as an important issue. Irrespective of the continuous efforts women's political organisations have put forth to enhancing women's participation in politics, and consequently in decision-making, it must be stated that their number in the Parliament and Government are still quite low. It has been noted that women are indeed active participants in electoral campaigns. They are great promoters of the manifestos of the political parties they represent, perform great roles as commissioners, and provide very important support during campaigns. However, their representation and active role has not been appreciated by political forces in fielding them as candidates in parliamentary elections, and in particular, local government elections. Even though a quota has been introduced in terms of women's representation in party leadership structures, no quota is in place concerning elected 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 quota accounts for one of the causes why women are under represented in the Parliament and in local government leadership. This low level of representation is again indicative of the traditionalism permeating an already known fact, male-domination in politics in Albania.

Regardless of this reality the 2005 elections registered new positive experiences, given that for the first time in Albanian parliamentary life, a woman was elected to the post of The Speaker of Parliament, a political party led by a woman took part in the

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

political race, and a woman filed as an independent to run in the elections.

Representation of women in the civil society. Non-profit organisations (NPO's), known as the most active part of civil society, have played an important role in democratic developments even though they have had to function frequently in a conservative society, in a society where anarchy and chaos has ruled over a long period, in a society that has repeatedly threatened their activities and even their existence. Yet, in the absence of a consulting process between the state and the NPO's, they have indeed made their contribution impacting on political decisions.

There are 614 registered associations⁴ in Albania, of which 112 or 18.24 percent are run by women. This shows that Albanian 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, 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 rid stereotypes of male dominance. As a result of their limited opportunity to participate in decision-making bodies, women have through other alternatives, succeeded in climbing to leadership positions particularly in the non-governmental sector. In this sector they have found more freedom to actively engage for the benefit of 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's and children's rights, social and health care, economic development (mainly small business) and to combat against trafficking of human beings. As early as 2000, a national movement for women's political empowerment began and has been consolidated over time. Such movements have succeeded in impacting on the political and social climate in the country in favour of gender balance. The media, a very important factor, started to focus on gender equality-related problems. In particular, women's participation in politics with progress culminating in the 2005 general election campaign with domestic media covering a number of programmes and debates. Improvement in their organisation is also an important element to the evolution of women's NPO's. Following 1997, these NPO's developed into organised networks and coalitions sharing programmes and activities, and creating better coordination among 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 every day life show that women's participation in respect to 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 due to fewer opportunities for employment and for ensuring economic independence. Poor and unemployed women in rural areas do enjoy some rights in decision-making concerning important issues inside the family. In the vast majority of cases when decision-making relates to the spending of money, the final decision is made by men in the family. They decide on the number of children, their education, the migration or immigration of the family or any of its members, as well as on child marriages when the latter is arranged through matchmaking. Women have

⁴ Data provided by the MOLSAEO.

more of an informing or advisory role about the need to purchase a particular food, or they may 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, retaining their job and their remuneration. Employment of Albanian 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 the possibilities for borrowing money. Women have started their businesses mainly in economic activities such as: trade, wholesale, shops and various services: dentistry, notaries, advocacy, hair-dressing, agricultural businesses, industry, dairy production, textiles, book publishing, tailoring and handicrafts. According to statistics published by INSTAT, women make up 17 percent of private business leaders. The largest registered number of businesses run by women are concentrated in Tirana (31 percent), Durrës (8.7 percent), and Elbasan (6.2 percent). Eighty-five percent of these businesses run by women are located in urban areas and 15 percent of them in rural areas.

If greater facilities for women were provided in receiving agricultural loans, this would assist in increasing the number of women farmers. Two studies conducted by ACER (Albanian Centre for Economic Research) have found that 78 percent of loan applications are filed by male household heads, with five to seven percent of women farmers borrowing money from relatives.

Women are growing ever poorer than men. The deep-rooted economic reform carried out during the transition period featured the close-down of unproductive state-owned companies on a large scale leaving the Albanian society unprepared. Following the nineties, unemployment rose drastically. Despite improvements in the following years, unemployment and poverty threatened a large number of Albanian households. Unemployment and poverty specifically impact negatively on Albanian women's social status. The data on poverty in Albania is indicative of the feminisation of poverty and women's increased proportion in the poor group. While the absolute poverty indicator⁶ posted a 27 percent⁷ drop in 2002 from 2005, the reduction in poverty for women population groups was not the same. Geographically speaking, poverty was reduced at lower rates among population groups in rural areas, where many factors shape poverty and where women's economic and social inferiority is highly influential.

In Albania, the gender-based discriminatory culture does not merely concern the violation of women's rights. Gender inequality is a serious obstacle to speeding up poverty reduction. Women have traditionally borne the burden of the welling-being of the family, even though they are less able than men to control the resources and means required for the above-mentioned responsibilities. 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 subject to violence, abuse or arbitrary actions inside the family and poor representation in public leadership and political structures, all have an impact on the deepening and

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

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

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

feminisation of prolonged poverty in Albania.

The number of women participating in the labour market posted a significant drop during the transition years. In 2005, women accounted for 46.8 percent of the active workforce.⁸ Women in Albania have less access to new jobs than men, and subsequently they reveal a higher unemployment rate. Even though 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 percent of the employees, with men accounting for the other 44 percent. The inequality is quite evident in the private sector where a very small number of women, only 17 percent, succeed to the management level. Similarly, women-running non-agricultural businesses are low, with only 2 percent in the transport sector, and 25 percent in the services sector.

Studies have found that women account for 53 percent of the economically inactive population¹⁰. This means out of 100 economically active women, around 53 of them are inactive, with this indicator being twice as low, or only 31 percent, for men. All 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 shows 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 the employment rate being 60 percent for males and 38.8 percent for females. The unemployment rate registered at a national level was 14.1 percent, with men and women accounting for 12.1 percent and 17.2 percent of the unemployed respectively. These figures show in percentage terms, females register a higher unemployment rate than males. The data on those employed in the public sector show that 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, (ie: lawmakers, senior officials and managers and policy makers), with employed 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. Therefore, females make up 43 percent of employees in central government institutions and 30 percent of employees in 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 does not represent the reality about their engagement in work, as these figures fail to take into account their reproductive role in the family, care for children and other family members, as well as housekeeping and cooking. These activities are necessary for the continuation of life, and are 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

⁸ INSTAT 2006, *Females and Males 2005*.

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

¹⁰ INSTAT 2006, *Females and Males 2005*.

against in relation to remuneration. Women run more risk of losing their job, or are less favoured candidates to be employed or have their jobs retained for them, especially during the pregnancy period. Women's low remuneration level is also attributed to their limited participation in private self-employed activities, which yield higher income than the public sector. Low access to property (only eight percent of women are legal property owners¹¹), as well as the absence of favourable policies promoting women's private ventures, have led to a low number of women at the head of small, medium, or large sized businesses. In 2005, only 17 percent of non-agricultural businesses were run by women managers. Offering equal opportunities for paid employment, impacts positively toward lifting households out of poverty and advancing women's social status within the family. On the basis of an analysis of factors contributing to the size of income, including age group, education level and gender, the latter was found to play the most important part. Women are significantly less favoured than men, with their average salary being 35 percent lower than that received by men for jobs requiring the same education level.¹² Likewise, a more detailed analysis by sector in the economy shows that a man's monthly net pay is¹³ significantly higher than a woman's in all sectors and the difference is more pronounced in 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. Girls are reported to account for 48 percent of the students in nine-year schools (elementary schools). In secondary schools, girls account for around 45 percent of students, as compared to 55 percent of boys. The number of females enrolled in universities is higher than that of males, accounting for 58.2 percent of total students.

However, whereas girls enrolled in schools is considerable overall, the phenomenon we often come across did not include concrete drop-out or hidden drop-out levels. In this aspect, an estimate of female drop-outs, both in absolute numbers and in percentage, yield the following picture (during the academic year 2005-2006, around 1.1 percent of nearly 217,950 girls enrolled in nine-year education dropped out). Several factors driving girls to drop out of school include deteriorating or non-existent infrastructure which makes the trip to school unsafe, the lack of sanitary environs (toilets), and the lack of drinking water. While non-profit and community-based organisations have determined a high number of girls run the risk of being illiterate, differences in the treatment offered to boys and girls are also noticed in the way certain subjects are organised (for instance, physical education and housekeeping, in the course of which boys and girls separate reinforcing gender roles). Another real challenge to school attendance concerns the 'informal' costs of education, representing a financial burden on poor households, especially in rural and poorer areas of the country. This also may be blamed for the decline in children's attendance at 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.

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

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

¹³ INSTAT – LSMS 2005.

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 text-books; 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. The treatment in nine-year education is insignificant. In secondary schools, the gender component is introduced in social studies as knowledge about 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 faculties train students as gender issue specialists who are employed within the public sector and civil society. Overall, the school textbooks reviewed, reveal improvements designed to eliminate stereotypes and introduce gender inequalities both in the psychology underlying the selected material and the tasks to be discharged by the teaching staff. Nevertheless, gender perspective in teacher's textbooks is virtually non-existent. Moreover, at the initial stage of their training as teachers, they are given insufficient skills to deal with the gender component, whereas teacher's on-the-job training is focused overall 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's numbers are considerable in the pre-school, nine-year (elementary) and secondary system. The number of females enrolled in nine-year (elementary) education continues to grow both in urban and rural areas. In the academic year 2005-2006, they accounted for 66 percent of total students. Whereas the percentage of females in secondary education is higher overall than that of males; in rural areas, females account for only 43 percent of teaching staff. The number of women employed at all levels of undergraduate education, including both at an administration and teaching staff level, is low – 49 percent, as compared to men at 51 percent. The percentage of men and women employed with the education directorates and education offices is 59 percent and 41 percent respectively. Ninety-two percent of the directors are men, as compared to only eight percent of female, and 83 percent of the directors of the Regional Education Offices are men, as compared to 17 percent 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 percent versus 52 percent at the specialists level and 40 percent versus 60 percent at the support staff level).

1.1.4. Current situation surrounding social protection

The political and economic reforms in the 1990's 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 disabled people, and (4) social services. Assessment of an individual's (men and women) vulnerability and social problems often signifies definition of their scale of social exclusion from 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 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 had been employed and humanitarian aid and employment services are offered by the NPO's. The following figures for the first trimester of 2007 show: the number of unemployed women amount to 7,688; around 1,141 women receive unemployment benefits; approximately 5,598 women receive financial assistance, and the number of households with female household heads is 5,844.¹⁴

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 1990's, 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 and the Albanian household has to cope with new social problems. Hence, women as single parents are a new phenomenon following in the aftermath of immigration abroad. Female heads of households are faced with extremely difficult challenges, including unemployment and lack of a child care system. Juggling household head and only caregiver responsibilities is difficult, and requires setting up of social protection schemes.

The following reasons contribute to the social disadvantage that groups of 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 responsibilities, women take on part-time jobs which do not call for mobility or long hours and do not require advanced professional knowledge. Hence, they receive low salaries, do not have job security, have no social or health insurance, are overburdened (paid work on the labour market and unpaid work at home), and are psychologically burned out, consequently this is reflected toward their children and families.

1.1.5. Current situation surrounding health care and services

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

One of the major concerns is the scarce availability of background data grouped by gender on which to build upon and mainstream gender equality issues into health care. Hence for this situation to be introduced, use has been made of the limited reports submitted by different community-based or non-profit organisations, but the

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

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.

information collected was not done on a systematic basis.

Gender issues in the health sector. In handling gender discrepancies and issues, the emphasis overall is laid on the biological differences between men and women. However, it is very important to understand that in their everyday life, women and men perform different activities. They are part of different realities of life and have different needs and exercise different responsibilities. In terms of health care, for the afore-mentioned reasons, women and 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's and men's health in different ways. It is important to point out that an individual's quality of life should be viewed both from the perspective of biological differences and the different roles society has assigned. On the other hand, these inequalities are also inter-woven with the effects of other forms of social division, including social class, ethnic group or location. Drawing on this, we can say that there is a significant difference in how women and men from different social groups are affected by health care issues. For individual needs to be met, dynamic, contemporary and appropriate 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 avoids and eliminates the disadvantages in health care for women and men. Over the last 15 years, the health sector has been faced with challenges to provide suitable services to males and females. While greater emphasis is put 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, including malnutrition, anaemia and other diseases. Even less is known about the male and female perspective roles concerning health care at the community level, their perceptions of the most common health issues and who has the say in the family about 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 treatment boys and girls receive. A UNDP-led study of reproductive health conducted in 2001, found that Albania registered among the lowest in the gender-related development index, as compared to East European countries.

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

In terms of family planning, decisions on family size should jointly be taken by consort, 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 percent versus 89 percent). 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 to a study conducted in 2002, “withdrawal” remains the main means of contraception in rural and urban areas (in urban areas, 88 percent females versus 92 percent males; in rural areas, 93 percent females versus 99 percent 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 family planning services and extending these services to rural areas, the number of users of modern contraception methods rose to 22 percent in 2005,¹⁷ from eight percent in 2002. Likewise, the number of public health centres offering family planning services has tripled as compared to five years ago. These centres provide contraception methods free of charge.

Gender issues in accessing health information. Information on male and female health care may be obtained at public services built by the Ministry of Health, donors and international organisations (including UNFPA, USAID, UNICEF and different non-profit organisations) on the basis of issues which are of concern at the moment and depending upon 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 student’s 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 and evolution of the population’s behaviours, for example, the tendency to have sexual intercourse at a younger age, and the use of drugs.

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

¹⁷ A study by INSTAT and UNICEF MICS, 2005.

This Strategy underscores that 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 opportunities than men to see the doctor because of the great burden they carry at home. However, the role of men as the main wage-earners in the family puts them under much pressure to admit they are sick, given that there would be considerable economic and social consequences for the family. In addition to these factors, women from remote or rural areas are prevented access to necessary services due to the distance from hospitals or health centres, the lack of financial resources for transportation, being forbidden to move around unaccompanied, and the quality of care offered in a number of health centres. More often than not they rely on local knowledge passed on through generations, and in cases of home delivery particularly in remote areas, these are frequently not reported. Women in rural and remote areas have difficulties 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 enhance the quality of these services offered by Health Centres. Reproductive health services and mother and child health services will be a 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 problems that are of concern to 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 occurs that coverage of real events are impacted by prejudices and stereotypes and stories are covered in a negative light. More often than not, a female is seen only as a victim and rarely is she portrayed as an individual contributing to the development of society, not merely because of the female percentage in the total population, but because of the values they cherish.

Traditional women-related stereotypes are quite evident in the media. The latter describes the female segment of society as economically and emotionally dependent, weak and professionally incapable, and on the one hand, as dedicated wives and mothers devoted to their family. The media tends to pick out males, especially from the areas of politics, economics and sports, when they need persons to provide comments and to speak their mind, or when they need to quote to resources. While the professional women's voice is rarely heard or quoted within the media.

Coverage of gender roles. Monitoring of visual national and local media over a number of months in 2006 found that: *TVSH* allocates seven percent of television time to women and their problems, *TV Klan* 10 percent, *Top Channel* five percent, *News 24* 4 percent, *TV Koha* five percent, and *TV Alsat* 5 percent. Overall, visual media allocate 7.8 percent 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 – female politicians or analyst opinions of women’s participation in politics contributed to an extent of only six to seven percent of reports in this column; Economy – female economist voices contribute to an extent of only one to two percent of reports in this feature dominated almost entirely by men; Social – women’s problems take up 10-12 percent only of the reports in this column, with 80 percent of the reports basically featuring females as victims of domestic violence, criminal acts and prostitution; Culture-Sport – this is the most “balanced” column in terms of the space devoted to women, which account for 20-25 percent of the reports in this column. However in this column, media’s attention is largely focused on erotic gossip concerning females from the world of art, culture and sport, with 90 percent of the features dealing with their outer appearance and female sexuality, nudism, or seduction; Opinions-Interviews – female opinion-makers contribute to eight to ten percent of the reports in this feature, with two to three percent of these opinions or interviews focussing 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 gender roles, but also the fact that Albanian reality is reflected in the very structure and function of the media. Hence, male journalists visibly out number female journalists and the higher up the media management hierarchy you go, the greater this ratio.

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

Female journalists are assigned with coverage of social, environment and education topical themes. Recent times have 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 the male journalist’s domain, is still low.

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

A journalist's 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 percent of journalists do not have work contracts. In April 2006, the Journalist's Union of Albania stated that this number rose to 90 percent.

It appears that field journalists are most discriminated against and most vulnerable. It goes without saying that these journalists, who are not able to protect and stand up for their own 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 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. Albanian society has regarded it as a private issue, with little or no focus by different non-profit organisations toward preventing it.

While not quite systematic, different studies have shown that domestic violence is present in Albanian society. Domestic violence crosses all lines of age, gender, ethnic group, religion, economic status, disability or geography. However, most of its reported victims include women. One third of Albanian 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 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. 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. Children are also becoming victims of violence. A 2006 UNICEF-sponsored study shows that one in five children have experienced dizziness, one in fourteen children have experienced fainting, and one in four children have experienced bruising and bleeding due to beating.¹⁹

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

¹⁹ Tamo & Karaj, 2006

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. The few existing studies on the incidence and degree of the spread of domestic violence have been conducted by the NPO's. There is no database or information centre for the public at large or the victims. In addition, the media rarely goes beyond the sensation element of domestic violence in trying to help alleviate 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 generation's 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 necessary knowledge, skills and behaviours to their students so that they can discern violence and know what to do. More than at any other level of education, pre-school domestic violence in the education system is mostly handled through encouraging positive relationships, respecting other peoples feelings and ideas, practising group decision-making, arranging meetings with parents, local government authorities and teachers, 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 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, specialized services offered to the child are not clear. Neither are the psychologist and social worker very much involved in education activities and the ethos of education.

Extra-curricular activities are carried out based on 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 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 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. Education activities are not built upon integration programmes intended for child victims of domestic violence and abuse. Education plans are lacking in goals evaluated by a psychologist or social worker.

The biggest challenge in this area is the textbooks used in our schools written by independent authors who are lacking in the necessary training, allowing them to focus only 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 to 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. 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 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 understanding and tolerance. In secondary school, domestic violence is addressed as part of the knowledge on family, not as part of groups on 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 their family and resolve issues within this important social grouping. There is a need to introduce additional reference literature on domestic violence issues across the entire 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 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 on 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 it 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 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. Alternative services provided by various associations are not coordinated and are not distributed effectively according to the important areas. Shortage of funding is often what 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 school administrations do not give priority to domestic violence in education activities and services which schools offer. School annual work plans do not include domestic violence as it is not seen as a priority. Neither is it regarded as a perfunctory task for teachers who dedicate only two hours to this theme 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 student 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 within the necessary legislation regulating the management of funding and the community's participation in developing policies for improving their services. 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 within 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 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 the hospital or health centre, while only identifying injuries needing treatment 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 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, or to record this information in patient records. As a result, medical professionals treat the “physical symptom”, while the violence generating such symptom remains always “untreated” and consequently, not addressed. Only 13 percent of health service providers report that they record violence-related cases and only four percent of them report that they record both the case and the cause of violence. 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 in the

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

absence 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 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), that was carried out in the districts of Dibra, Shkodra, Pogradec, Tirana and Vlora, health care providers were not clear about the approach to be taken to gender-based violence. Asked to fill out a questionnaire, 37 percent 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 patient) 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 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, and reporting victims is not laid down as an obligation for medical professionals. Furthermore, the "competent authorities" are not specified clearly.

Initiatives Undertaken in the Area of Justice and Protection and Problems Surrounding Them

The legal system and the justice system 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 the household's stability. Safety of all 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 justice system allowing for the hurdles, (non)coordination, structures and mentalities within them, exercise a direct or indirect impact on numerous victim and abusers lives. Achievement of the standards of impartiality, independence and professionalism in the Albanian justice system, 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 justice system shows that the rating of Albanian public trust in this system is low.”²¹ Hence reforms of the justice system, and the legal system 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 generates domestic violence because of lack of legislation or approaches adopted by the justice system, 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 another or driving them to commit suicide, has indeed become a matter of concern²² for society as a whole and particularly for law enforcement bodies.

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, include the 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 (as well as 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 from household member neglect.
- It is short of certain provisions/punishments prohibiting 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 elderly household members from violence, abuse and neglect.

Criminal Procedure Code

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

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

- The Criminal Procedure Code relates to 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 an important matter for the State to be (largely) involved, but is a private issue among parties.
- The Criminal Procedure Code does not abide by the policy of non-termination of the case where the 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 continue with legal proceedings of cases involving domestic violence, even if the victim withdraws.
- Provisions regulating and coordinating the filing of a civil lawsuit inside the criminal process should be reviewed and better explained.

Civil Code

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

Family Code

- Article 62 of the Family Code provides for the removal of a violent husband from the home, implying violence being administered by one spouse against the other and not violence against 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 divorce due to violence.
- There are no special arrangements in place with regard to effects which domestic violence may have on exercising parental responsibility, on leaving a child under the custody of one parent to be raised and educated and the right to visiting or housing.

Summary of the Main Findings from an Analysis of the Justice System

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 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 importance.

²³ Law No. 8436, dated 28 December 1998, "On the organisation of the judicial power in the Republic of Albania."

- 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 function of judicial power and their rights. 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. Also there are no simple or easily understood documents available to facilitate citizen access to the justice system.
- The judiciary does not possess 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 non-existent:
 - 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 until 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.
 - Number of trained administrative staff.
- Lack of statistics 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 court decisions is superficial, devoid of clear-cut analyses on the facts of and the causes for, domestic violence. Pronounced conspiring characterises criminal, 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 opinions both in the eyes of the public and interested parties and in particular to abusers, that domestic violence is intolerable and liable for punishment by the justice system.
- The history of criminal cases has demonstrated that penalties have not always been indicative of the gravity of the case and that the facilitating or aggravating circumstances have not been applied correctly. **Failure to punish abusers causes victims overall, and those in rural areas in particular, to move away from the justice system.**
- Even though battering, wounding and other forms of physical and psychic violence in principle are criminal offences and are liable to punishment, it is noted that in judicial practice and that of law professionals, they are not handled with due seriousness if they involve household members.
- The judicial practice has seen very few cases involving child abuse by parents given that children find it difficult to report their parent as an abuser. On the other hand, there is still limited specialised knowledge of the trial approach and the techniques of questioning minors subjected to domestic violence, which takes into account their age and physiological peculiarities.
- Even in the case of violent children there has been misuse of 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 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 insufficient overall. Trials still happen under inappropriate conditions. Protective infrastructure is not in place or protective measures are not guaranteed for 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 which 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 justice system is closely related to the level of cooperation between the judiciary and the other structures designated to enforce decisions and legislation, including the public prosecutor's office, police, judiciary police and bailiff's office.

Ministry of Justice

The Ministry of Justice should start to play a serious role in aligning 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 that is involved in and coordinates, activities in defence of juvenile rights and legitimate interests in the area of justice for juvenile legal education and prevention of breaches of law. This renders shaping of policies designed for preventing criminal acts among these age groups and protecting juvenile 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-expert enhanced performance to provide skilled opinions 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). Currently the victims of domestic violence need authorisation by the police or the public prosecutor's office for forensic medical expertise to be carried out, with prolonged procedures 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 victim's access to the justice system is not comparable to European standards, the High Council of Justice should give consideration to evaluating judiciary professional skills. It should collect data and consider also criteria related to ethics, sensibility, the speed with which a judge addresses domestic violence issues, and the method by which they use. The Council should orientate these issues and decisions to be conducted by the Inspectorate of the High Council of Justice and it should recommend the judge's information along 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 open for as long as domestic violence remains a very serious issue, with approaches adopted by the still fragile justice system. The School should focus its attention on hosting regional conferences and meetings, also bearing in mind specific features of different regions in Albania, on staging mock trials, on conducting studies, on preparing training modules, and on developing questionnaires testing the knowledge, sensitivity, needs and tendencies of the justice system. The hosting of multi-disciplinary sessions with other players of the justice system in attendance is also important. For the first time in the academic year 2003-2004, the School of Magistrate introduced elements of domestic violence and gender equality into the curriculum of basic formation. In adopting the basic curriculum and subsequent formation, the Steering Council of the School should put emphasis on mainstreaming topical themes on domestic violence into it so as to ensure its continuity.

Public prosecutor's office

Public prosecutor offices at the national level do not have a register of specialised public prosecutors capable of tackling particular aspects of legal proceedings against criminal offences of domestic violence, nor handling of 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 possibly resulting in death. Proposed sentences for perpetrators are weak and do not fit the crime. Reporting, as compared to the actual 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 begin following the 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 the public about its activity, the public prosecutor's office is not allowed to reveal data which affects the investigation process, encroach on a person's dignity or private life, or infringe upon juvenile 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 on how to proceed with cases where the victim is not present (is deceased), or does not want to file a complaint.

Judicial Police

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

- The organisation of the judicial police structure is complex, with the connections between the judicial police and other structures of police being unclear. The operational performance of the police still calls for more discretion (the public prosecutor's approval of investigative actions concerning domestic violence situations should be clearer). A sector tasked with domestic violence issues is not in place.
- Police bodies are not clear about their obligations in supporting and protecting victims of domestic violence. Training of police on human rights, Code of Conduct, professional performance and domestic violence is not yet carried out in compliance to an appropriate standard nor to an 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, the 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 a 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 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 although its enforcement encounters 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 legal aid is generally offered to those persons who have limited alternatives 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 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 conceding legal defence, lack of professionalism, failure to show for judicial hearings and procrastination of the process, are minimised or eliminated.

Better coordination between the courts and the public prosecutor’s office (the latter assigns a non-profit defence lawyer) and the local chambers of advocates in the districts is required to enhance the quality of representation and defence of the victims of domestic violence. This calls for developing a roster of non-profit advocate lawyers who have a professional background in domestic violence issues and make those names available to the court and public prosecutor’s office.

Due to the importance and difficulty of domestic violence issues, they call for *extremely professional, experienced defence lawyers*. So far, little attention has been devoted to this aspect of a defence lawyer’s training. Defence lawyers in different districts reveal different levels 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 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 appointed defence lawyers are asked to provide answers to questions about specific aspects relating to the defence of victims of domestic violence, including that of 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 justice system. 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. Coordination of training sessions is recommended on best practices with defence lawyers from non-profit organisations involved in providing legal defence.

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 regional level twelve Police Directorates are in place.

- Professionally speaking, the police are still falling short in their role in preventing domestic violence and in identifying, registering, following up on and settling, different disputes associated with or followed by domestic violence. No reviews of the responsibilities the police may bear and the preventive role they 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 levels of the police, is a matter of urgency.
- Police service standards offered by the relevant structures are still unsatisfactory. The methods by which police intend to keep violent individuals and households threatened by violence under control are not clear.
- No handbooks are available, outlining in a simple and efficient manner, the procedural actions police should undertake upon receiving information about a violent act within the family, and protocols regulating immediate communication between the police and the public prosecutor's office nor other multi-disciplinary services designated for the defence of the victim. There are no agreements of cooperation for this purpose among police structures, the non-profit organisations, health service, education or the media.
- Tasks of a preventive nature which the criminal police inspector and the inspector in charge of a given area should carry out following the report of a criminal act to the public prosecutor's office, with a view to possibly preventing intensification of the conflict, triggering another criminal offence, are not clear.
- There is still no obvious 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 manner. Disciplinary measures should also relate to cases of neglect regarding domestic violence. Re-victimisation by the police results in irreparable damage.
- Indicators show that recruitment of female employees and social works in the structures of the police stations appear to be still limited in providing professional support to violated persons.
- No periodic identification or statistics on domestic violence cases reported to the police have been produced so far. Nevertheless, thanks to foreign aid provided to police structures, the TIMS automated registration system to which all police employees will have unlimited access, and public prosecutors and judges will have limited access to, is under construction. The TIMS reporting system will also contain data on domestic violence. Hence, police officer training on the system's 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 complimentary (free) services for authenticating legal acts in favour of low income victims of domestic violence are provided for. Public notary training on the 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 domestic violence cases, as well as on how examinations are conducted and recorded. Experts should also be in possession of the tool kit necessary for examining domestic violence cases. Instructions on how to record

statistics should be developed and agreements of cooperation with other services offered to victims should be concluded.

Faculties of Law, Post-graduate schools

The increase in the number of Faculties of Law, calls immediately for the unification of the standard of knowledge offered in several courses and at several levels in all public and privately run faculties, allowing students to gain essential knowledge on the meaning of domestic violence, the forms in which it unfolds and the legal approach to violent behaviours. Not all Faculties boast such legal clinics (where they do exist, they are not in use) that stimulate training of theoretical and practically responsive student teams. The domestic violence issue and the way it is addressed by the justice system are not yet incorporated into the curriculum of 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.

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 Similarly, the CEDAW

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>

contains recommendations for “shelters” designed for women and children subjected to domestic violence to be established and training of the necessary staff 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 to date include contributions to written and electronic media reporting 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 service 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 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.

Services offered by the psychologist/social worker is the most specialised service providing assistance to children subjected to domestic violence, and is still at the project level. Psychologist 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 is less effectual for children. Under the said project, this duty is focussed on promoting physical and mental development and assisting in enhancement of the quality of the teaching and learning processes. Under this recommendation, a psychologist’s duty is separate and specified, and it was advised social workers 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. Health and social services have not developed treatment programs for children subjected to domestic violence nor as a goal of their performance.

Even though much improvement has taken place in the majority of kindergartens and schools, recreational environments; including relaxation rooms, a dining annex, an arts area, a hand games area, and information and communication environments have been provided for children subjected to domestic violence. The existing environments including library, activity rooms, gyms and computer rooms, are of little use to these children. The buildings do not offer a high degree of security and the fencing and communication systems are inefficient. In certain areas, the large number of students in a class is of great concern to these children.

According to the 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 nationals are equal before the law (Article 18 of the Constitution of the Republic of Albania) as subjects of the law, men and women are *de jure* treated as equals, are on an equal footing with one another and have equal obligations. Equality pervades the Constitution and other laws. The draft law “On gender equality” completes the legal landscape on gender equality in education, employment and decision-making. It allows the preparation 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 men and women. 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 keep their own family name and their birthright.
- *Criminal Code* and *Criminal Procedure Code* defend men and women to the fullest extent and hold them indiscriminately liable for having committed criminal offences.
- *Family Code* adopted in 2003, recognises equal rights for men and women, who after the age 18 are free to marry, to follow the same procedure for dissolving a marriage, to have equal rights and obligations within a marriage, in the family and for raising and taking care of children.
- *Labour Code* recognises equal rights for 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, 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 toward use of concepts through a gender perspective, in compliance with international standards. Correct use of the term allows lawmakers to develop legislation in defence of men and women, while focusing on the social aspect rather than on the biological aspect.

Albania was a member state of the United Nations Organisation as early as 1955. It has ratified a large number of Conventions on Human Rights. In relation to 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. Due to its importance, this Convention is also known 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 came into force as an important step toward completing the legal framework in the domestic violence area. This law covers two main aspects: First, it sanctions the state-run bodies which have the obligation and power to deal with domestic violence. Second, the new Law allows the courts to issue writs in favour of a 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 WHICH 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 women’s advancement and the achievement of gender equality caused these issues to be incorporated into its policies as important priorities, with emphasis placed upon the strengthening of governmental mechanisms. 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 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 opportunity policies focused on a 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 opportunity policies and the implementation of these studies in the process of the development policies.

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

- Drafting the necessary legal acts which will assist in achieving 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 non-profit organisations active in equal opportunity areas.
- Coordinating work on developing national equal opportunity programmes designed for population pools falling within the scope of the Directorate for Equal Opportunity Policies.

Establishment and empowerment of a contact point network at the Ministry and Prefecture levels, has allowed the mainstreaming of gender policies into Government 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 was 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 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 of higher education within or outside of the country.²⁶

The mechanism at the 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 a status similar to that of a central state administration that reports to the Minister. Its highest decision-making body is the 13 person Tripartite Administrative Council headed by the Minister. Two members of this Council are women. Also pursuant to Law No. 8872, dated 29 March 2002, "On education and vocational

²⁶ Source: MOLSAEO.

training in the Republic of Albania,” the National Education and Vocational Training Council was created in November 2003. Social dialogue in Albania takes place between partners at a national level and representatives of the Government on important issues relative to the latter’s policies or interventions. At the national level, 85 percent of employees in the public sector and 22 percent of employees in the private sector work on the basis of collective contracts. Tripartite consultation councils which carry out consultations on the sustainability of 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 which address domestic violence

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

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
- 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 every police directorate (Article 7/1/a)
- Setting up special structures and appointing the persons responsible for enforcement of this Law (may also be at the level of a small unit) (Article 8/1)
- Training police to be effective in 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 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
- 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, police should check immediately and reflect their findings in a report, and initiate main 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 removal of their personal belongings (Article 10/1/f)
- Seize any weapons found during investigation (Article 10/1/g)
- Remove/suspend the perpetrator's permit to use such weapons (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
- Immediately execute court decisions and ensure their on-going implementation
- 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 victims and perpetrators
- Referring, orienting and accompanying 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 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/orienting the victim with other services (Article 7/2/d), as well as accompanying or offering transport to them (Article 8/3/b and c)
- Bringing 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 all relevant background material
- Supervising enforcement of legislation
- Carrying out examinations and providing the victim with a copy
- Appearing in court in an expert capacity

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 required actions

The tasks with regard to legal defence include:

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

All afore-mentioned bodies are duty bound to accept any and all cases and to address them on the basis of the peculiarities of each. They are also obliged to execute the court's decision, to register and enter everything into the records, and to cooperate with other structures. Failure to fulfil these obligations will hold them responsible before the law both under 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 environment
- 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 society. Interventions in and strategies on poverty reduction and observation of the rights of poor categories are successful if they: (a) recognise women as a group who are not offered equal opportunities to exercise their rights and enjoy achievement of an equal status with men; (b) ensure 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 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 to education, health services for women, 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. As well, for this vision to be achieved, numerous interventions, strategies and "pro gender" policies assuring positive changes in the 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 foundation for advancing gender equality and to minimise the phenomenon of domestic violence in the future on the basis of international recommendations and instruments, while referring to concrete conditions in Albania.

2.2 STRATEGIC PRIORITIES

Several *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's equal access to quality education.
5. Improving the social situation of women at risk by enhancing their access to quality social services.
6. Improving population health by boosting the health system's response to specific health needs of men and women.

7. Ensuring the media's upgraded role in introducing a new, modern approach to gender equality in the society. Ensuring women have a significant presence in the media.
8. Raising awareness of the phenomenon of violence, legal and administrative protection, and support for individuals affected by domestic violence as well as for the abusers.

2.3 STRATEGIC AIMS

The strategic aims contained in this document have been developed following an analysis of the strategic priorities. For every area, the strategic aims have been further elaborated and formulated into specific objectives and concrete actions which must be undertaken. For actions on aims and indicators on monitoring and evaluating achievement, please refer to the Action Plan.

CHAPTER THREE: POLICIES

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

Even though *de jure*, men and women enjoy equal rights, and while the main difficulty is observation and implementation of these rights in everyday life (*de facto*), there is always room to further upgrade those legal and institutional mechanisms ensuring gender equality in Albania so suitable conditions are created to make this equality a reality. Hence, keeping in mind the areas covered by the present Strategy and relevant legislation with regard to the upgrading of legal and institutional mechanisms intended to achieve gender equality in 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 about 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 respect, taking into account 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 in political decision-making.
2. Raising Albanian society's awareness of women's active participation in politics.

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

Tithe Albanian legislation took into account 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.

²⁷ UNDP, Human Development Report, Albania.

Basically there is no data available to the public or private sector on women's discrimination relating to pregnancy or motherhood. In the private sector however, it is thought that women are subjected to discrimination on the above-mentioned grounds. Typically, a woman will not be employed if she is pregnant nor if she has small children. The courts have not registered any reports of such cases. One explanation may be that women do not know about the legislation which protects them or that women are not confident they may be granted their rights and refrain from reporting.

Recommendations:

1. Increasing the number of projects or programmes promoting women's vocational training and employment, and extending these projects to rural areas.
2. Ensuring increased numbers of entrepreneurial women by allowing them 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 the Government of Albania relies to reduce poverty, including the Millennium Development Goals and the National Strategy for Development and Integration (NSDI). Poverty impacts on 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 the household's well-being). Young women are particularly vulnerable due to economic reasons (they are mainly involved in supporting their families) and because of social and cultural attitudes, investment in young women's education is not a priority.

Recommendations:

1. Upgrading school curricula promoting gender equality and enhancing participation in teaching and the planning and management of education.
2. Building capacities of education institutions with a view to mainstreaming gender equality issues and concepts into the planning and monitoring of education.
3. Boosting community and household social and cultural approaches which promote the values and importance of young women's education, including women's roles in and contribution to development.

3.5 SOCIAL PROTECTION

The state of welfare ensures social protection²⁸ for households with many children, Roma and Egyptian households, households with orphaned children, and 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 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 based on the traditional gender-based model encouraging women to stay at home and look after children. Women who were employed, were not heads of households at the moment of creating the family, given that the man was the household head. Consequently they have not had the desire to seek well-paid or full time jobs. Instead they did accept part-time jobs or jobs that were not well paid. 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 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 defined as the “official poverty line,” receive a guaranteed minimum 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 effect in 1993. The financial assistance is designed for Albanian national households, which have insufficient incomes or do not receive any material living incomes from any economic activity, household members working abroad or capital. Improvement in social care calls for the commitment of the Government specifically the Ministry of Labour, Social Affairs and Equal

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 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 implies all 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 emergency or chronic needs.

Community-based social services include all 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 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 non-profit organisations, trade-unions, religious groups, social, cultural and sports clubs, professional associations, academia, political institutions, consumer organisations, the media, citizen groups and religious institutions.

Opportunities and the State Social Service, supported by donors and the commitment of 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, mothers of many children and orphaned children.
2. Ensuring nation-wide distribution of community-based services for women with social problems.

3.6 HEALTH CARE

In the area of health care, the Strategy on Gender Equality addresses women's needs relating both to reproductive health and other general health needs. It also focuses on the improvement of more general conditions leading to different health needs among females and males. Given that women and 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. When discussing health care, the following factors or differences should be taken into account:

1. *Diseases or health conditions from which women suffer relating to their gender.* These basically relate to the female reproductive system. Their incidence could be an important indicator of the females' health in a given community. In many cases, complications may be attributed to inappropriate health care, use of traditional treatment practices or as a result of violence.
2. *Diseases or conditions from which both females and males suffer, but which have a greater incidence in one group.* Under these circumstances, women or men could be at greater risk because of their biological differences, combined with unequal power relationships and unequal access to health care. These situations may grow more serious if 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 genders but one is impacted more negatively or exposed to a greater risk than the other.*
4. *Diseases or conditions from which both genders suffer, but one is less able to be protected against or cured.*

Failure to take these factors into consideration may lead to a situation where the health services system discriminates against women or men. Under 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:

“State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care, in order to ensure, on the 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 they address gender differences and female and male health needs.
2. Enhancing knowledge and understanding of female and male health and their needs.
3. Providing support to and guaranteeing women and 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 men, and promoting good health by undertaking preventive measures and reducing risk factors surrounding women's health issues.

3.7 ELIMINATION OF GENDER-BASED STEREOTYPING IN THE MASS MEDIA

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

An important issue of the development policies and a response to the women's continuous marginalisation, gender mainstreaming calls for a number of requirements be met both in political and social aspects where the media has an important role to play. The reality in Albanian society speaks of a pronounced lack of gender equality that is not understood and is not accepted. It is a primary task for the media to become agents of change through non-biased coverage of 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 everyone who is affected by domestic violence have access to the necessary information and counselling, and that professionals know how to cope with the early signs of violence. Policies in the area of prevention should be focussed upon:

- a) Preventing domestic violence by changing the society's attitudes, particularly those of young people.
- b) Informing the population and launching awareness-raising campaigns.
- c) Providing quick assistance to all victims of domestic violence so as to prevent repetition of violence.
- d) Counselling and imparting information to all victims on how to access supportive services and legal defence.
- e) Stopping abusers where possible, from repeating violent acts.

Recommendations:

1. Educating children and young people at school in such a way future generations know about healthy relations and are 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 levels of teaching in cities, districts or at the regional level, so as to raise public awareness of and prevent all forms of violence against children.
3. Upgrading the curricula, textbooks and extra-curricular texts in different areas of study.
4. Educating the public at large on the gravity of domestic violence issue and focussing on the abuser.
5. Hosting public campaigns on an ongoing basis. Information on victims should be elaborated upon further so details concerning the support and assistance offered by different bodies are easily accessible to everyone.
6. Ensuring that all professionals and staff, primarily those involved in the health/social services, education and other sectors, receive the appropriate instruction and training to be able to identify victims of violence at an early stage and offer assistance and support.
7. Continuous upgrading of psychological services in urban areas, planning teacher training, psychological service monitoring and evaluation and empowering expert networks at a national level.
8. Developing instructions on best practices, including source materials or handbooks dealing with the education and health sectors with coordination 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 to target abusers aiding them to take responsibility for their actions and on how to 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:

- a) Providing safety to all those affected by domestic violence and holding abusers responsible before the law for their acts.
- b) Ensuring a sustainable and effective response by the police in every domestic violence incident reported.
- c) Extending witness protection procedures to victims of domestic violence where necessary.
- d) Applying punishments and sanctions for domestic violence.
- e) 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.
- f) Ensuring the civil and penal legislations offer maximum protection to all victims so as to avoid repetition of domestic violence.
- g) Raising awareness of the law on domestic violence.

Recommendations:

1. Making sure 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 bolstering the public's trust in services they are offering.
2. Making information on civil and penal legislations and legal proceedings available on a permanent basis.
3. Identifying players in the justice system who will be dealing with cases involving domestic violence. Setting up of units/sectors/sections to cope with domestic violence issues at relevant institutions.
4. Training judiciary staff on domestic violence and putting in place special measures for victims.
5. Making sure that the subject of gender equality and domestic violence is part and parcel of the Police School curriculum on a permanent basis.
6. Joining efforts of different bodies of the judiciary and non-profit organisations in developing a training programme for judges.
7. Making sure that penal and civil courts share the necessary information on a constant basis.
8. Ensuring reviews take place to identify lessons learnt and to upgrade 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:

- a) Providing greater assistance to victims to stay in their homes if possible, as well as shelters and re-accommodation services. Providing upgraded information and counselling.
- b) Providing assistance to victims who have left a violent relationship in rebuilding their life.
- c) Offering support to children and young people affected by domestic violence.
- d) Providing information to everyone affected by domestic violence through different bodies trained in this area.

Recommendations

1. Establishing a 24-hour helpline allowing victims to report and receive immediate appropriate support.
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 establish good practices between institutions and organisations focused on 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

4.1 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.

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.

4.2 MONITORING

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

- National Gender Equality Council that will be set up by decision of Council of Ministers and will be headed by the Minister of Labour, Social Affairs and Equal Opportunities. This Council will be constituted with deputy ministers of the line Ministries, representatives of associations, stakeholders and the academic
- Technical Secretariat for Monitoring of the Strategy on Gender Equality and Domestic Violence at the MOLSAEO, that follows up on the implementation of the Strategy and Action Plan
- Committees for Equal Opportunities at the municipal 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 every body. Start of their operation.	MOLSAEO Directorate for Equal Opportunities
	Goal 1.2	1.2.1	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
	Reviewing legislation from the gender perspective in line with international standards.	<u>Reviewing Law No. 9198, dated 1.07.2004, "On gender equality in the society," with a view to ensuring a more effective protection from violations of gender equality.</u>						

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						
		<u>Completing secondary legislation on gender equality</u> , 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 INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND 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; 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 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

Raising public awareness, especially among women, about the legal rights due to them.	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 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.
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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
	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.	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 number of women involved in political decision-making.	Reviewing the Electoral Law and supporting activities aimed at ensuring an increased number of women in the Parliament or the decision-making structures at a local level.	Political parties, Parliament, Media, Non-profit organisations and networks of women, MOLSAEO	2008-2010	30,000	Postponing of time-limits for adopting amendments to Law. Severe political climate may curb women's initiative to engage in decision-making, irrespective of the quota established.	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

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

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

Goal 2.2	2.2.1	2007 – 2010	10,000	Media Non-profit organisations and networks of women, MOLSAEO	Improved environment for women involved in politics.	NGEC, technical Secretariat, Committee for Equal Opportunities
Raising Albanian society awareness about 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.	2007 – 2010	10,000	Difficulties surrounding mindset, particularly with regard to introduction of new values or forms. Difficulties surrounding application of concepts through lack of respective resources and capacities.	Improved environment for women involved in politics. Manifestation of solidarity values, particularly among the younger generation. New patterns in politics.	NGEC, technical Secretariat, Committee for Equal Opportunities
						Way of communication

with, and
transparency
towards the
public.

Number of
individuals
trained in
developing
policies.

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						
Women's economic empowerment and increased employment opportunities and vocational training.	Ensuring increase in the number of projects or programmes designed to promote women's vocational training and employment, and extending these projects to rural areas.	A cross-country study of the number of women employed in the formal labour market and the number of informally employed women.	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.	Two studies conducted. Publication and distribution of studies. Findings and recommendations for building employment policies and women's economic empowerment.	NGEC, Technical Secretariat, Committee for Equal Opportunities, Non-profit organisations, Private partners interested in the employment area.
		3.1.2						
		Expanding employment service extended to women in need and increasingly incorporate 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 from being employed.	Increased number of skilled and employed 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's employment, overall.	Number of women in need benefiting from part-time employment.	NGEC, Technical Secretariat, Committee for Equal Opportunities, Non-profit organisations, Actors involved in the employment area
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3.1.4

Developing a new information system at a central and local level so as to ensure women's equal approach and 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.	MOLSAEO, National Service for Employment, Banking institutions, Non-profit organisations	2007-2010	It should be calculated.	Difficulties in using different techniques for receiving information (for example the Internet) may interfere with coverage of the whole territory with the relevant information.	Number of trained and informed persons. Web site designed. Number of publications distributed.	NGEC, Technical Secretariat, Committee for Equal Opportunities, Non-profit organisations, Actors involved in the employment area
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3.1.5

Developing salary subsidisation programmes designed for excluded categories of women, female heads of households, trafficked and violated women, women close to retirement age and invalid or disabled women.

2007-2010

Lack of transparency and control may prevent target groups from benefiting realistically.

Number of women in need benefiting from the salary subsidisation programme.

MOLSAEO, Donors, Government, Non-profit organisations, Private operators

NGEC, Technical Secretariat, Committee for Equal Opportunities

Goal 3.2

Ensuring increase in the number of women entrepreneurs by enabling them to have greater access to property, capital and loans.

Supporting initiatives for starting loan programmes intended for women through piloting in two areas, with a view to promoting entrepreneurship.

2007 – 2010

Mentality prevalent in the target areas on women's access to property and loans may check or alienate the intervention focus.

Female entrepreneur success stories in the two piloted areas.

Number of successful activities carried out by women from sub-urban and rural areas who have benefited from loan programmes.

MoE, MOLSAEO, Non-profit organisations, Social State Service, Donors, Loan agencies, Banks

NGEC, Technical Secretariat, Committee for Equal Opportunities
Loan agencies, Banks, Civil society

3.2.2

Promoting development of small businesses managed by 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. 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
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Aim 4	Goal 4.1	4.1.1	Upgrading school curricula designed to promote gender equality and enhancing women's participation in teaching and education planning and management.	MoES, Institute of Curricula, Universities, Chairs	2008-2010	35,000	Lack of interest on the part of certain departments through shortage of information on mainstreaming gender cross-cutting issues into all areas.	Upgraded curricula.	NGEC, Technical Secretariat, Committee 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,	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

as well as teacher training methodology).

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 in school leaderships through their appointment to leadership positions and other institutional arrangements.	MoES, MoJ, Local government, Education Directorates	2007-2010		Prevailing mentality may be a barrier to achieving this goal in certain areas.	Number of women newly appointed to the leadership of schools in the 12 Prefectures.	NGEC, Technical Secretariat, 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's role in and contribution to development.	Conducting a cross-country study of social and cultural approaches to young women's education and 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							

<p>Undertaking an awareness-raising campaign based on findings of the study on schools, parents and communities, in particular, remote and rural areas, as well as on the importance and benefits of young women's education including continuation of education beyond primary education.</p> <p>4.3.3</p>	<p>MoES, Non-profit organisations and specialised institutes for studies, Media</p>	<p>2007-2010</p>	<p>10,000</p>	<p>Mentality and shortage of information alone are not always to blame for young women's interruption in education. Lack of infrastructure also impacts.</p>	<p>Number of posters, leaflets and round tables in the 12 Prefectures. Increasing number of young women in rural areas who go to school after finishing primary education.</p>	<p>NGEC, Technical Secretariat, Committee for Equal Opportunities</p>
<p>Engaging female and male teachers in the awareness-raising door-to-door campaign in rural and remote areas about women's education.</p>	<p>MoES, Regional Education Directorates, Teaching staff, communities and parents, Teachers' Associations</p>	<p>2007-2010</p>	<p>15,000</p>	<p>Difficult infrastructure in remote areas may be an obstacle to accurate monitoring.</p>	<p>Number of teachers engaged in awareness-raising campaigns in 24 Municipalities. Number of houses and villages visited to that effect.</p>	<p>NGEC, Technical Secretariat, Committee for Equal Opportunities</p>

Aim 5	Goal 5.1	5.1.1	<p>Extending support to poor households and to individuals and groups in need with a view to reducing poverty by providing cash payments and social services, giving priority to households with female heads of households, mothers of many children and orphaned children.</p>	MOLSAEO, State Social Service	2008-2009	No costs incurred.	<p>Application of this policy should be concurrent with the Strategy for Social Services and what it provides for concerning these categories.</p>	<p>Upgraded gender-oriented policies and programmes.</p> <p>Number of households benefiting from this policy.</p> <p>Friendly environment for women experiencing social problems.</p>	NGEC, Technical Secretariat, Committee for Equal Opportunities
		5.1.2	<p>Training staff of local government (the newly created structures at a regional, municipal and commune level), that are in charge of assistance and social service programmes designed for women in need.</p>	MOLSAEO, State Social Service, MoI, Faculty of Sociology and Social Work, Non-profit organisations, Donors	2008-2010	It should be calculated.	<p>Training of local government staff should also be coordinated with the local government decentralisation policy.</p>	<p>Number of persons trained.</p> <p>Number of training sessions held.</p> <p>Training outputs reflected in the performance.</p>	NGEC, Technical Secretariat, Committee for Equal Opportunities

Goal 5.2

5.2.1

Ensuring nation-wide distribution of community-based services for women with social problems.	Expanding through piloting in three areas, the community-based service network intended for women in need in particular the Roma and Egyptian women, as well as guaranteeing sustainability of these services.	MoI, MOLSAEO, Non-profit organisations, Donors	2009	It should be calculated.	Number of new services installed in 3 areas. Number of women in need who benefit from these services. Periodic statistical information.	NGEC, Technical Secretariat, Committee for Equal Opportunities
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5.2.2

Increasing the access of the women in need to information on the legal basis, instruments ensuring social protection, as well as public and private institutions offering these services.	Increasing the access of the 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.	Number of persons retrieving information. Number of awareness-raising publications. Number of trained persons.	NGEC, Technical Secretariat, Committee for Equal Opportunities
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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 men.	Developing and upgrading health policies and programmes so that they address gender differences and meet the health needs of women and men.	<i>Reviewing the Health Insurance Scheme focussing on:</i> 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).	HII, Public Health Institute, MoH, Central government, Local government, Patient 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, NGECC, Technical Secretariat, Committee for Equal Opportunities
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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
	6.1.2	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	Collecting and reporting on a yearly basis, on sex aggregated data to follow-up on female and male 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 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

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
		6.2.3						
		Developing curricula on nutrition, hygiene and family planning for young men and 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						
	Providing support to and guaranteeing women's and men's full and equal access to all levels of health care and ensuring provision of effective health services to them.	6.3.1 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 adjusting their timetables with women's working hours.	Local government, Public Health Directorates in the Districts	2008-2010			Adjusted timetables of clinics and health centres.	MoH, NGECE, 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
	6.3.3	Introducing an emergency transportation system particularly for women and engaging the community in developing efficient ways for transporting 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, NGECC, Technical Secretariat, Committee for Equal Opportunities
	6.3.4							
	6.3.5	Allocating sufficient resources for the training of staff at all 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
	6.4.1	Incorporating gender perspective into the curriculum of the Faculty of Medicine and the Higher Nursing School.	MoES, Faculty of Medicine, Higher Nursing School, Experts	2008 ongoing			Upgraded curriculum.	NGEC, Technical Secretariat, Committee for Equal Opportunities
	Goal 6.4							
		Providing support to extending effective health services to women and	MoH, National Institution of Health Insurance, Private	In the course of 2007	It should be calculated.	Inadequate resources lead to limited intervention areas.	Number of check-ups carried out. Number of intervention	NGEC, Technical Secretariat, Committee for Equal Opportunities

<p>men and promoting good health by undertaking preventive measures, and reducing the risk factors for women's health.</p>	<p>necessary examinations that help improve women's quality of life.</p>	<p>services, Donors, Experts</p>	<p>areas.</p>
<p>Aim 7</p>	<p>Goal 7.1</p>	<p>7.1.1</p>	<p>Upgrading the role of media in creating a new, modern approach to gender equality in society and women's increased number in the media.</p>
<p>Raising awareness and quality of public information about eliminating gender-based stereotypes and the importance of achieving gender equality in society through various policies and products in media.</p>	<p>Raising awareness about reduction of sexist language in the media and promoting use of a language reflecting gender equality principles.</p>	<p>Journalist Associations, Written and electronic media, Institute of Free Media, MOLSAEO, Faculty of Social Sciences, Faculty of Journalism, Non-profit organisations</p>	<p>2007 ongoing It should be calculated.</p>
<p>Guidelines completed. Reduction in commercials treating women as sex objects.</p>	<p>Public information campaigns about gender-specific problems and issues in Albania.</p>	<p>NGEC, Secretariat, Committee for Equal Opportunities</p>	<p>Footage and space in the electronic and written media. Television spots. Setting up and operation of media monitoring units.</p>

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 measures to aid victims through change in approaches.	Setting up structures providing information on domestic violence.	Setting up and reinforcing offices for communication with citizens at a local level.	Mol, MOLSAEO, Non-profit organisations, Media	2007-2010	No costs incurred.	Failure to grasp the importance of communication with citizens.	Efficient public information offices.	Mol, MOLSAEO, Non-profit organisations
		8.1.1.2						
		Evaluating the violence-related situation for women/children at a community level.	MOLSAEO, Non-profit organisations, Faculty of Social Sciences	2008-2009	5		Arguments for 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 eliminating 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 and the elderly, with a view to identifying specific groups of consequences to health.

2008 - 2012

Publication of findings from study/studies.

Difficulty for the elderly to report violence.

Quantitative evaluation of the cases involving victims of domestic violence.

MoH, MOLSAEO, Faculty of Social Sciences, Public Health Institute, Non-profit organisations, Donors

Aim 8.1.2

Educating children, young people and the society overall, that domestic violence is unacceptable and empowering them to make well-informed choices.

8.1.2.1.1

Upgrading school curriculum.

Setting up a scientific group to review the curriculum.

2008

In low numbers.

Shortage of technology.

MoES, National Centre of Education and Evaluation

MoES, Institute of Curricula and Strategies, Domestic violence experts

8

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
	8.1.2.1.2	Setting the standards for 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 social and civic education studies	Institute of Curricula and Standards, National Education Training Centre, MoES, Publishing houses	2008-2010	No costs incurred.		Reviewing the curriculum in line with the National Strategy for Development of Pre-university Education	MoES
	Goal 8.1.2.2	8.1.2.2.1						
	Reviewing the teaching plans, textbooks, extra-curricular 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. Absence of cooperation.	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
	8.1.2.2.3	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
	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.
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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
		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 human capacities for addressing domestic violence.	Establishing a pool of national trainers.	Setting up a national nucleus trained in addressing problems and domestic violence.	MoES, MOLSAEO, MoH	2007-2008	8,000		Quantity and quality of the capacities built.	MoES, MOLSAEO
		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 training on an ongoing basis.	MoES, National Education Training Centre	2008-2010	Included in the above cost.		Following up on issues by 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 central departments.	MoES, MOLSAEO, Local government, Non-profit organisations, Mol	2008-2009	48,000			Mol, MOLSAEO
	8.1.3.1.5							
		Training teachers at all levels.	MoES	2008-2010	1,440,000			MoES, MoTCYS
	8.1.3.1.6							
		Training local government administration.	MoES, Mol, 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

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	Goal 8.1.3.2	8.1.3.2.1						
	Setting up and training of multi-disciplinary teams to guarantee the quality of service toward victims of violence and individuals who abuse.	Hosting awareness-raising and training campaigns for health care providers at all levels of this service, including family doctors, physicians, particularly paediatricians and psychiatrists.	MoH, Non-profit organisations, MOLSAEO	2008 – 2010	5,000		Undertaking awareness-raising campaigns, conducting 2 training sessions in 4 areas in the North, 4 in Central Albania and 4 in Southern Albania.	Reviewing evaluation reports by hosts and donors
		8.1.3.2.2						
		Initiating long and short term training sessions, as well as supervision of health services offered by medical staff of health care centres in communes and municipalities. (Identifying, addressing minor 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 identified and handled by staff of health care centres.	(4 areas; 2 urban and 2 rural)

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 to ensure a significant number of multi-disciplinary teams in Albania.	Putting 4 multi-disciplinary teams in place in Albania to approach victims and individuals who abuse (2010).	Quantitative and qualitative evaluation of patients who have benefited from the teams established. 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 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 toward 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 8.133	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 awareness of victims of domestic violence and reporting.	Regional Education Directorates, Education Offices	2009-2010	10,000			MoI, MOLSAEO
		8.1.3.3.3						
		Making use of telephone line, e-mail, Internet home page and literature in schools, neighbourhoods or city library.	MoES	2008-2010	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
	8.1.3.3.4	Developing codes of cooperation among the police, school and the local government.	Regional Education Directorates, Schools and Kindergarten	2008-2010	No costs incurred.			
Aim 8.2	Goal 8.2.1	8.2.1.1						
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 ongoing	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 citizens.	MOLSAEO, Civil society, Surveying
	8.2.1.4	Aligning laws for comprehensive protection from domestic violence. Review, prepare and ensure adoption of amendments and additions to Civil Code, Family Code, Criminal Code, Criminal Procedure Code, Civil Procedure Code and other laws in line with international standards (EC, EU, UNO) and domestic		April-December 2008	500			

legislation.

8.2.1.4.a

Setting up a working group constituted of experts and representatives of non-profit organisations with a view to identifying the needs for change and preparing the changes and relevant report.	MoJ, MOLSAEO	First half of 2008	No costs incurred.	Failure to ensure coordination between MOLSAEO and MoJ and delays caused by the expert group.	A package of draft amendments submitted to the Parliament.	MOLSAEO, Civil society, Parliament
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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
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Goal 8.2.2

Upgrading policies addressing access to the legal system and justice system.	Building the information system concerning victim rights of domestic and procedural guarantees the justice system offers them.	10	Part of other estimated costs.	Difficulties surrounding public servant mindset regarding citizen-focussed services and their right to receive	A more informed public with regard to their rights.	Surveying, Civil society, Donors, Parliament
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information.

8.2.2.1.a

Preparing leaflets outlining the procedural rights, and their displaying in courthouses and police stations in a way that they are readily accessible by the public.	MoJ, MoI, MOLSAEO	March 2008	5	Failure by responsible structures to give priority to them.	Number of informative materials, number of informed citizens, number of units where they are distributed.	Surveying, Civil society, Donors, Parliament
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8.2.2.1.b

Preparing guides on the types, operation and access to support services extended to victims and perpetrator's rehabilitation and their display in courthouses and police stations in a way 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
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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
	8.2.2.1.c							
		Preparing models of typical documents (writ for petition of legal rights). Preparing leaflets for efficient (legal) complaint procedures, means of guarantee, means of protection, specific legal rights, and rehabilitation programmes.	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 concerning preparation of guides.	Number of informative materials, number of informed citizens, number of units where they are distributed.	Surveying, Civil society, Donors, Parliament
	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 completed 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 services offered within and outside the justice system.	MoJ, MOLSAEO, MoI, MoH	2008	No costs incurred.	Failure to establish 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 on domestic violence issues to developing adequate policies			Other costs included.			

and legislation.

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
		8.2.2.4.a						
		Planning research work on causes and effects of violence and monitoring the effectiveness of measures on an ongoing basis.	MoES, Faculty of Law, School of Magistrate, Police School, Faculty of Social Sciences, Faculty of Medicine, Higher Nursing School, Forensic Medicine Institute	December 2009	Other costs included.	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
		8.2.2.4.b						
		Incorporating the CEDAW and convention on the Rights of the Child into the curricula of the Faculties of Law, Police School and School of Magistrate, and	Faculty of Law, School of Magistrate, Police School	September 2008	2	Lack of awareness among decision-making structures in these educative institutions and shortage of	Education programmes offer knowledge on gender equality, domestic violence, the CEDAW,	MoES, Donors, Civil society, Students

into education programmes designed for judges, public prosecutors and policemen on an on-going basis.

8.2.2.4.c

Conducting studies on the system of juvenile criminal justice and the measures to be undertaken for its upgrading.

MoI,
MoJ,
School of Magistrate,
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

funding, Convention on the Rights of the Child and other international obligations.

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

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
		8.2.2.4.e						
		Conducting studies of the situation surrounding re-victimisation by the system of justice and producing mechanisms for the elimination of this phenomenon.	MoJ, MoI, School of Magistrate, 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
		8.2.2.4.f						
		Promoting and/or providing financial support to studies of specific situations under which violence is administered against disabled household members, women, the elderly and children, as well as 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

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	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	Law “On the budget,” accommodating a domestic violence component, adopted.	Parliament, Civil society, MOLSAEO

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
		8.2.2.5.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.	Law "On the budget," accommodating a domestic violence component, adopted.	Parliament, Civil society, MOLSAEO
						Shortage of financial means.		
						Lack of political consensus regarding giving priority to domestic violence.		

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 regarding giving priority to domestic violence.	Law “On the budget,” accommodating a domestic violence component, adopted.	Parliament, Civil society, MOLSAEO
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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
	8.2.2.6.d	Budget earmarked for building capacities.	MOLSAEO, MoI, MoJ, MoH, MoF, School of Magistrate, 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.	MOLSAEO, MoI, MoJ, MoH	December 2008 ongoing	No costs incurred.	Delays caused in establishing the guiding structure at MOLSAEO, poor coordination	A solid, clear, effective and functioning mechanism designed for surveying the enforcement	MOLSAEO, MoJ, Council of Ministers, Parliament, Civil society, Donors,

<p>Increasing access to justice through upgraded services offered by the legal system, and the justice system with a view to preventing violence, protecting victims and punishing and rehabilitating abusers.</p>	<p>8.2.4</p> <p>Establishing specific structures in response to the needs of the domestic violence victims.</p>	<p>8.2.4.1</p> <p>Identifying the actors in the system of justice, who will be handle cases involving domestic violence. Setting up domestic violence units/sectors/ sections at the respective institutions.</p>	<p>MOLSAEO, MoI, MoJ, MoH, Heads of courts</p>	<p>2007-2008</p>	<p>Estimated for one year.</p>	<p>Lack of experience in this field, failure by authorities to attach due importance, absence of awareness among leadership.</p>	<p>Each and every institution assigned by Law “On domestic violence,” along with their specialised structures/ units.</p>	<p>Parliament, Council of Ministers, Civil society, MOLSAEO</p>	<p>Courts</p>	<p>among responsible structures, overlooking the need for ongoing monitoring.</p>	<p>of law and the operation of the system of justice.</p>
<p>8.2.4.2</p>											
<p>Drawing up expert roster (for psychological support and legal assistance) and making them available to the court, police and</p>											
<p>MOLSAEO, MoI, MoJ, National Chamber of Advocates</p>											
<p>September 2008</p>											
<p>No costs incurred.</p>											
<p>Lack of coordination among structures.</p>											
<p>Every institution that has information about the services offered and the experts</p>											
<p>MOLSAEO, MoI, MoJ, National Chamber of Advocates, Organisations offering</p>											

public prosecutor's office.

8.2.5

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

8.2.5.1

Developing a mandatory protocol of action, so the police and all 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

services, Expert Unions offering 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
	8.2.6	8.2.6.1						
	Building specific institutional capacities in response to the needs of domestic violence victims.	Providing specialised training to actors in the justice system (judges, public prosecutors, police and advocate lawyers), who will handle cases involving domestic violence.	MoI, MoJ, School of Magistrate, Police School, National Chamber of Advocates	2008 ongoing	40	Failure to effectively plan out coverage of needs. Shortage of sufficient budgetary funds. Lack of coordination with donors.	Number of trained employees in 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 INSTITUTIONS	IMPLEMENTATION TIMESCALE	SOURCES/ BUDGET 000/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
	8.2.6.2	Training the court administration.	MoJ, School of Magistrate	September 2008	40	Failure to effectively plan out coverage of needs. Shortage of sufficient budgetary funds.	Number of trained employees, as compared to the identified needs.	MOLSAEO, Civil society, Donors
	8.2.6.3	Introducing structures in the justice system to the Strategy on Domestic Violence to international primary and secondary legislation.	MOLSAEO, MoJ, MoJ, General Prosecutor's Office, School of Magistrate, Police School, National Chamber of Advocates	December 2007 ongoing	Part of training costs.	Lack of coordination with donors.		

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	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 administrative staff.	MoJ, MoI	January 2010	Part of costs for establishing structures.	Lack of coordination among structures.	Installing weapon detecting scanners at 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/LEKË	ASSUMPTIONS/ DIFFICULTIES	MONITORING INDICATORS	MONITORING AND EVALUATION MECHANISMS
	8.2.7.3	Providing the justice system with a 24-hour telephone line and ensuring round-the-clock services by judges, public prosecutors and police.	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	Upgrading data collection, processing and reporting system.						
	8.2.8.1	Preparing unified models for registering domestic violence.	MoJ, 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 collect these statistics as well.	Creating a domestic violence database.	INSTAT, MOLSAEO, Council of Ministers

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 institutions to update database by entering domestic violence statistics.	Annual statistics on domestic violence.	INSTAT, MOLSAEO, Council of Ministers
	8.2.8.3	Rendering public 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 justice system.	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 victims, as well as in areas of rehabilitation policies focused toward abusers.	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
		Ensuring international cooperation in systematic research and data collection, examination and dissemination, including the data aggregated by gender and age, and all other information relative to the nature and consequence of violence against women and relative to the impact and effectiveness of policies and programmes designed to combat this violence.						

8.2.9.2	Reporting developments surrounding domestic violence and violence perpetrated against	MFA, MoJ, MOLSAEO	To be continued.	No costs incurred.	Delays caused by lack of coordination and poor performance by state-run	Number of reports submitted by Albania to international bodies.	Council of Ministers, Parliament, Civil society, International bodies
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structures.

women, to international human rights bodies on a regular basis and the measures undertaken to prevent and combat it.

8.3	8.3.1	Setting up a network of vocational services and capacities for providers of services to individuals exposed to domestic violence.					
	8.3.1.1	Establishing service structures at a local level.	Mol, Local government, MOLSAEO	Starting from 2008	396	Shortage of budget. Failure by local government to grasp the importance of putting the structures in place.	Number of structures established. Number of beneficiaries of services.
	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

9

Developing training programmes intended for employees offering support services.

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

2008-2009

Training programmes designed for all actors involved in providing services.

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		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.	
		8.3.1.5						
		Creating a 3-year 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			

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
	8.3.1.6	Establishing a working group to develop the necessary protocol on recording of cases in medical registers, reporting, handling and referring of domestic violence victims. The draft of this protocol is taken for discussion to the responsible group set up with a view to upgrading medical legislation to benefit domestic violence victims, then is added to other changes the working group will submit for approval.	MoH, Non-profit organisations, MOLSAEO, MoJ	2009 ongoing	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 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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	8.3.1.7	Reviewing and upgrading health staff duties (medical professional and nurse) toward patients if the latter are domestic violence victims.	MoJ, MoH, Non-profit organisations, Doctor's Order, Medical professional organisations	2008-2010	2,500		The physician's duties prescribed in the Code of Deontology include new duties and responsibilities identified, added and adopted for the medical professionals in handling violence victims.	
	8.3.2	Providing quick and efficient services to support in defence of 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 aid violence victims.	
	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 aid violence victims.	

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
	8.3.2.2	Transferring services and funds to the local level.	MoF, MOLSAEO	2007-2010	Estimated in other costs.		Community-based services for domestic violence victims.	
	8.3.2.3	Providing financial facilities to the local government 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 training to offer support to violated 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 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 revised document on evaluation standards applicable for medical professionals and institutions for their accreditation.		
	8.3.2.7	Including social workers and psychologists into staff of primary health care centres and emergency services, their training to identify and handle cases in cooperation with 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 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 to respond to domestic violence victim's health needs immediately and qualitatively.	Designating persons in Health Care Centres and emergency services at hospitals responsible for handling domestic violence victims.	MoH, Non-profit organisations	2008 – 2010	No costs incurred.	Increased number of emergency service medical staff in Northern Albania and in rural areas.	MoH receives and considers reports reflecting the qualitative and quantitative increase in 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 existing emergency service medical staff on how to recognise, identify and handle violated individuals.	MoH, MOLSAEO, MoJ, MoI, Non-profit organisations, MoF	2007 – 2010	No costs incurred.	Postponing implementation of the Strategy by Government.	2. Adoption by MoH of the intervention plan designed to raise awareness among and instruct emergency service medical staff.	Rendering the awareness-raising plan designed for the emergency service medical staff public and its discussion in public.
	8.3.4							
	8.3.4.1	Introducing psycho-social service into all schools.	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 psychologists and social workers as part of service system at schools.	Regional Education Directorates, SK, Local government

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
	8.3.4.3	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
	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
	8.3.4.6	Ensuring cooperation between schools and 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, Mol, 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
	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 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 collecting accurate and reliable data.	Publication of findings in studies.	Discussion of outputs and limitations in 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.

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
	8.3.6.3	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 medical staff that may work with and assist this category (someone who may coordinate assistance with the rest of 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	8.3.7.1 Establishing systems for disseminating information among different bodies. 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 employed.	State Social Service, MOLSAEO, MoH, MoES, MoJ, Non-profit organisations, Local government

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

1.1g A database on domestic violence victims put in place at local level.

8.3.7.2

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

Local government, MOLSAEO State Social Service

2008-2010

10

8.3.7.3

Crafting a cooperative instrument (working group) at central level to look into health, social well-being and gender equality issues which will

MoH, MOLSAEO, MoJ, MoI, MoF, Non-profit organisations

2008 - 2010

No costs incurred.

The 5 year-long period may not be enough to definitely succeed in upgrading the existing medical services.

Implementation of the National Strategy on Domestic Violence by 2010.

facilitate a cross-sectoral national instrument responsible for implementing the Strategy on Gender Equality and Domestic Violence and plan the continuum to combat domestic violence.

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 gender, the most important laws include international agreements ratified by the Parliament of Albania 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 Human Rights. Regarding 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 rights provided for in this Convention are entitled to file their complaints with the Committee on the Elimination of Discrimination against Women, in accordance with a given procedure. Due to its importance this Convention is also known as well as the *Women's Constitution*. In January 2003, in line with its obligations, the Albanian State reported to the Committee on the Elimination of Discrimination against Women. At this stage it 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 which Albania needs to comply 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 produced the Beijing Declaration and the Platform of Action, identifying 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, in defence of women's rights. This Declaration supports the Government's 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 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 in four key Conventions dealing with equality, specifically highlighting gender equality. Albania has ratified and reported 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.

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 choose her place of residence, and to hold a name and a family name. She is also entitled to enjoy the right of citizenship and to change it.

Political rights: Under Albanian legislation, both men and women who have reached the age of 18 years, have the right to vote and to be elected. (Constitution of the Republic of Albania, Article 45). This right to vote is guaranteed. Historically, suffrage was extended to women for the first time in 1928. In practice, women have exercised their right to vote from 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 elector the right to vote. The women’s movement has focussed on introducing a quota of 30 percent, representing the most highly discriminated gender into Electoral Law, from the year 2000 onwards. However this has not yet been translated into reality. The majority election system provided for by the Albanian legislation, does not 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.

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, religion, political or philosophical beliefs, language, economic condition, education or social status. Furthermore, the fundamental law of the Albanian State in 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” (presently under review). This Law spells out full equality of genders in the realm of employment. It also contains specific provisions on sexual harassment at the workplace (Articles 4, 5, 6, 7, and 8).

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 forms of discrimination in employment and the choice of profession. The Labour Code prohibits discrimination based upon 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, or 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 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 overall are educated and trained, management positions both in the public and private sectors are filled by men who in consequence 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 nine-year and secondary education, dressmaking and in the private sector. In Article 4, point ‘d,’ of Law No. 9198, dated 1 July 2004, “On gender equality in society,” it stipulates that for an employer to comply with his obligation to ensure that both men and women enjoy equal rights, they 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 they “apply different standards toward recruits in terms of duration and/or pay for work of equal value.” Breaching provisions of this law according in this case, renders the offender liable to disciplinary, administrative or penal responsibilities. If a breach of the law has been committed by a civil servant, the offender is liable to a fine up to 30,000 lekë.

Working conditions. Articles 39-45, Chapter VIII, of the Labour Code provides 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

for extended periods of time, should take a twenty minute break every three hours. Under Article 55, paragraph 5, a woman is only 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 other hygienic conditions, special rooms for women in the areas where they work. Breaching the above-mentioned provisions entails a fine ranging from twenty to fifty times 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 one years' salary in compensation, or allow the employee back to work. This protection is provided by Albanian legislation and the International Conventions ratified by Parliament of Albania. Further to the afore-mentioned 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 in the workplace. No official statistics exist whether cases involving sexual harassment in the workplace have been taken to court or re-resolved. Neither do women's associations offering legal assistance 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 in which they are viewed by public opinion and under legislation. Sexual harassment is reflected 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 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 maternity leave. The period of maternity leave is 365 days; including a 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 during 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 suspend or dismiss 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 work night shifts. Under Article 50 (e) of the Criminal Code of the Republic of Albania, it is unlawful to place pregnant women in an unsafe working environment, 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.

LEGAL FRAMEWORK FOR EDUCATION AND VOCATIONAL TRAINING

The legislation governing education is built upon gender equality as one of the important principles underlying the Constitution of the Republic of Albania and 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 nationals in the Republic of Albania to access all levels of education, irrespective of social status, nationality, language, sex, religion, race, political beliefs, health or economic status. Gender equality is taken into account in this Law and in education development programmes developed in accordance with 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 opportunity to complete the initial vocational education and 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.

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 an opportunity 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” as well as other aims, sanctions are laid down in the Constitution of the Republic of Albania, to the right to lifetime education and vocational training and provides for the possibility of completing 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 trafficked women, do not pay any registration fees for training courses offered by 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 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 percent to 38.5 percent, starting from 1 July 2002 and secondly, the modification of 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 reveals some discrimination in favour of women, bearing 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 onwards, irrespective of the location where these studies were carried out or the years when they were carried out, for reasons of retirement benefits to women, the period of full-time higher studies is recognised as a period when insurance has been paid. In this case, contributions are paid out from 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 Armed Forces in the Republic of Albania and the military in the Ministry of Public Order and the National Intelligence Service,” provides for temporary retirement of permanent active service soldiers entitled to seniority, who are on the

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

reserve list or discharged after 3 July 1991. Until the requirements for old age pension are met, early seniority pension provided for military is complied with, benefits for women completing 12 year's service and men completing 15 year's 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 wished 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, women who are paid less 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.

LEGAL FRAMEWORK FOR HEALTH CARE

Article 55 of the Constitution of the Republic of Albania warrants equal rights to health care provided by the State. However, Albanian legislation does not specifically provide for non-discrimination in 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 an individual's 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 in particular, 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, concerns the use of assisted technological methods for reproduction where it prohibits **selection of a child's sex**, except in cases where it is likely that sex-specific diseases are inherited.

Article 1 of Law No. 8045, dated 7 December 1995, "On the pregnancy disruption" warrants respect for every human being the right to life. This principle is not violated, except for in 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 health centres as a tool to avoid undesired pregnancies. The said Law prohibits considering pregnancy disruption as a family planning approach. Under the said Law, "Pregnancy may be disrupted for health

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

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, parent 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 formula to regulate the trade of artificial food for babies and to promote public awareness of the advantages 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 a 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 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,” is improved with two directives by the Minister of Labour, Social Affairs and Equal Opportunities;
- **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 to people with disabilities,” and the **Directive No. 298**, dated 11 February 2004, “On the commissioning and payment to 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 residential social care and 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 procedures for checking on 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.”

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

DCM No. 619, dated 7 September 2006, “On several changes to DCM No. 31, dated 20 January 2001, ‘On invalid 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 humanitarian aid benefit received by residential and day care institutions.”

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 trafficked and abused women, Roma women, etc.

ANNEX 3

REFERENCES TO LEGISLATIVE FRAMEWORK FOR DOMESTIC VIOLENCE

International instruments supporting school 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 Child Soldiers
- 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 Victimisation
- Recommendation (91) 11 On Sexual Exploitation
- International Covenant on Economic, Social and Cultural Rights, Article 10.

ANALYSIS OF THE CURRENT LEGISLATIVE FRAMEWORK FOR DOMESTIC VIOLENCE

In this analysis of the current situation surrounding legislation, the principle underlying 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

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.”

A gender neutral language is employed in the Constitution, that stipulates: “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 families 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 individual and body’s action or omission to act should observe and protect the human rights and fundamental freedoms that are indivisible, inalienable, and **inviolable**, and stand as 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, 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 physical harm or suffering, threats of such acts, coercion and other deprivations of liberty.” The **CEDAW** lays down a comprehensive list of obligations for State Parties so 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

shelters, the development of a state-run mechanism for the systematic collection of data and statistics on domestic violence, the training and sensitisation of structures in the justice system 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 its citizens from domestic violence. The CEDAW requires *all due attention* from the State. 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 use of the tools available to conduct serious investigations of the violations committed within its jurisdiction, to identify the perpetrators, to impose suitable punishment and to ensure appropriate damages for the victims.

The Committee on the Elimination of Discrimination against Women, a competent body founded in 1982, is the 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 at an international level and the leeway to win given justice cases. This Protocol urges 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 and provides them 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. The Committee recommends adoption of a special legislation on domestic violence, including penal sanctions and civil remedies taking into account 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 State Parties.

³⁵ The Optional Protocol establishes two procedures: the communication 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 or 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 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 about its occurrences within 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 addressing this issue, and is recognised as a source of international law. The Declaration outlines specifically the actions a State should take to eliminate violence occurring in private life: develop appropriate penal legislation, develop national plans of action to eliminate violence against women, ensure to the maximum extent feasible in the light of their available resources, that victims of violence have social services, take measures to ensure public officials responsible for enforcing the law receive training to sensitise 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 State Parties will be gauged by international standards which 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 from other effective measures and producing the appropriate mechanisms to ensure protection of all women from domestic violence that 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 State Parties to take all appropriate legislative, administrative, social and educational measures to protect children 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 instances of child maltreatment, and as appropriate, for judicial involvement. The

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 also 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.

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 into an environment that 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 pin-pointing 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

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 persons (Article 5), and the right not to be subjected to torture or inhuman or degrading treatment or punishment (Article 3). The Convention also sanctions the woman’s right 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 State 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, that should be addressed by the Government, the Parliament and 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.”

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 recognition and alignment into the legal framework and into structures of the justice system.⁴²

Joining the European Union is not merely a desire devoid of certain obligations. The process of integration is a pathway that 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 criteria 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, are keen to apply for membership and should bring national legislations into line with European Union standards.

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

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

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 in regard to 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 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 European standards⁴⁴.

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. In 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 had 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 EU citizens and their household member rights 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 in regard to 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 "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 State's responsibility in this respect. 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.

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

Because of this, the definitions employed by these instruments are not known nor 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 justice system to know them are limited because not all have access to Internet*. Updating new legislation is not a smooth process, due to an over abundance for production. The Official Gazette is distributed free of charge to judges and public prosecutors, although this is not the case with advocate lawyers. Official translation and publication of all international instruments into Albanian is not available. Other problems also exist. No electronic format of indexed and updated legislation is in place. Despite all efforts, the Official Publications Centre (and others) have not been able to virtually offer a service to update changes in legislation or index them according to topical themes so 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 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 a situation where a law or specific provisions are lacking, in the case of domestic violence the justice system 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, victim protection, investigation, legal proceedings or 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 this is a specific form of gender-based violence. *It would be advisable that the definition of gender-based violence most commonly appearing in international instruments be used in this context*. It is absolutely incomprehensible the range of domestic violence is limited to only married persons (as is the case with the Family Code). Hence, care should be taken in defining the range of violence and the circle of persons who respond to the problem. Narrow

definitions on the nature of domestic violence are currently in place and they *do not include physical, sexual, psychological or economic violence, which are also not reflected in the law, thus depriving 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 make 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, 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 creates obstacles also in the application aggravating circumstances. Data obtained from a study of 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 a sanction such 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 measures, 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 society, the impact on the victim and abuser and the social message it puts across is more effective.

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 in regard to psychological abuse*. Cases involving psychological abuse are fraught with grave consequences for the child. They include psychological problems and 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 or supplementary punishment concerning the “temporary suspension and removal of parental responsibility” from abusing parents*. Albanian legislation does not provide for specific sanctions designed to protect children from any violence to which they are exposed in course of the conflict and which may seriously damage their self-respect. Child victims should have access to specialised assistance, including rehabilitation, assistance in the care extended to them, and support.

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

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

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 aged. Treatment is offered to them in the overall legislative framework.

- The provisions of the Criminal Procedure Code do not address 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 (the affected plaintiff) only. At the same time, victims have shied away from criminal proceedings against their relatives. An analysis of court decisions indicate the withdrawal of complaint by the affected plaintiff in a large part, 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 non-existent. The burden of proof for 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 by domestic violence specifically. They refrain from addressing the victim's right to compensation because of damage suffered (physical, psychological, moral and social), including trial expenses. Filing a civil lawsuit within the criminal system is rare. The reason behind this is that both the defence lawyers and the victims do not have comprehensive and clear knowledge.

- Under the **Family Code**, *the spouse against whom violence is administered is entitled to ask the court for an immediate ruling to remove the violent spouse from the conjugal home* (Article 62). Hence, it is not about **domestic violence in a broad sense**, i.e. domestic violence affects 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 between 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. Violence is an emergency situation calling for quick response, i.e. perpetrator's immediate removal from home. While offering leeway for protection, in addition to the possibilities which 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 a civil procedural character.

The Family Code *does not provide for quick or simplified procedures if violence is blamed on 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 and domestic violence (this may call for the modification of the provisions on the exercise of parental responsibility and custody).

The shortage of effective legal mechanisms to oppose domestic violence is a serious obstacle in preventing this phenomenon. One 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. Legislative regulations determining the limits of police and public prosecutor's actions will be a better guarantee for victim's rights. What leaves much to be desired in divorce cases and is frequently encountered during the study of court decisions, is that more often than not, the victims and their guardians have poor knowledge of their rights and how to attain them.

The Law **“On Attorneys”** **does not explicitly provide for** free legal aid to victims of domestic violence - which directly affects victim's access to the justice system - thereby creating an absence of qualified legal aid, 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 cases where a defence lawyer is 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.