

NATIONAL REPORT ALBANIA 2016

DETAILS REPORT WRITING ORGANISATION

Country: Albania

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1. ORGANISATIONS/PROGRAMMES

WHAT TYPE OF ACTIVITIES RELATED TO DOMESTIC VIOLENCE PREVENTION HAS YOUR ORGANISATION CARRIED OUT DURING THE LAST THREE YEARS?

In Albania, as in the rest of the world, women and girls are the main victims of gender-based violence at home, at work, and in public spaces. Albanian women's rights advocates and government institutions have made efforts to prevent and combat gender-based violence through raising awareness among women and girls about their rights, establishing sound legal frameworks for the punishment of perpetrators and victim support, and setting up services for victims of domestic violence. The importance of working with men and boys has long been understood by those who work to address gender-based violence. However, it is only in recent years that women's rights groups in Albania have undertaken initiatives to engage men and boys in efforts to prevent this violence, to address its root causes, and

to support victims. This new approach builds upon best international practices for engaging men and boys in addressing gender-based violence. It reflects an improved legal framework for administering justice vis-à-vis perpetrators of gender-based violence, and takes into consideration the gender dynamics of Albanian society.

Our organisations, CLWG and WTW, along with our partner organisations CLMB and ZDB, established the first centres for perpetrator counselling in Albania. During the last three years our work has mainly focused on:

- 1) *Prevention and early intervention* – ensuring that individual attitudes and behaviours within the community reflect that family and domestic violence in any form is not acceptable.
- 2) *Safety for victims* - adult and child victims are kept free from harm through timely and accessible services including accommodation and counselling.
- 3) *Accountability for perpetrators* - perpetrators are held accountable for their actions and are actively supported to cease their violent behaviour. The latest programmes call for a proper commitment from perpetrators as it has been found that there can be no prevention without engaging perpetrators in the programme.
- 4) Offices providing services to perpetrators have opened in Tirana and Shkodra, filling an institutional gap and providing a mechanism for fulfilling perpetrators' rights to psychosocial rehabilitation.
- 5) *Awareness Raising* – our organisations have come to understand the importance of awareness-raising in prevention work, and the importance of approaching gender violence as a men's issue. Through working with men and boys, we can end violence against women. Most men respect women and do not agree with violence against women. They need education and support to be able to mobilise for change.

WHAT WOULD YOU DEFINE AS THE BIGGEST OBSTACLES/CHALLENGES REGARDING VIOLENCE PREVENTION TO YOUR ORGANISATION/S? PLEASE FOCUS ON THE LAST THREE YEARS.

In recent years the Albanian Government has made visible progress in implementing measures against gender-based violence and domestic violence. In December 2006, the Albanian Parliament approved the law “On measures against violence in family relations.” This law was drafted by Albanian civil society and involved the collection of 20,000 signatures. In the time since the law was passed, legislation has been amended, services have been created for victims/survivors of violence, and institutional structures have been established, based on the philosophy of coordinating community responses to violence at central and local levels.

However, despite the progress that has been made at the level of legislation and policy, significant loopholes remain in the implementation of these measures, and a number of improvements are necessary. Measures need to be taken to strengthen the rule of law, to improve access to services for victims/survivors of violence, and to strengthen and intensify measures for the prevention of violence through awareness-raising, education, and social inclusion.

- 1) Violence prevention programmes are currently undertaken by civil society organisations only. Local governments have minimal financial and professional resources to undertake initiatives that would meet the needs of victims.
- 2) Services for victims of domestic violence are generally offered in isolation. The low level of awareness regarding perpetrator treatment means that perpetrators remain invisible to public services.
- 3) The legal framework for responses to domestic violence needs to be improved.
- 4) Institutionalised multi-agency responses to domestic violence have not yet been established in many municipalities.

2. COUNTRY

PLEASE GIVE AN OVERVIEW OF GENERAL SITUATION IN YOUR COUNTRY REGARDING WORK WITH PERPETRATORS.

In Albania, violence against women is a widespread phenomenon. This violence is a legacy of Albania's patriarchal culture, and is reinforced by present economic, social and political underdevelopment. This violence is deeply rooted in patriarchal traditions and customs that have long shaped Albanian society. This is evident in the persistence of strict attitudes towards gender roles and identities, patriarchal authority, respect for codes of honour and shame, and the control of several generations in the family. These attitudes are connected to poverty, inequality in employment and education, and migration trends. It is one of the least visible but most prevalent forms of violence, and an insidious violation of human rights.

Albania lacks a functional and well-coordinated system for violence-prevention and treatment, and has few concrete re-integration opportunities for victims of domestic violence, exacerbating gender inequality. This situation has a serious impact on the health and wellbeing of those affected by domestic violence, and presents significant economic costs for communities. Intimate partner violence is the leading contributor to death, disability and illness for women aged 15 to 44 years (State Police Data, 2016).

Violence against women is prevalent and serious, but it is also preventable. A number of factors are known to contribute to violence against women and/or affect women's vulnerability to such violence. CLWG case documentation shows that the most significant determinants of violence against women are a) the unequal distribution of power and resources between men and women and b) an adherence to rigidly defined gender roles.

Organisations providing support services for victims of domestic violence identified the need for work with perpetrators at a time when there was no specific legal framework in this respect. The legal framework for protection from, and prevention of, domestic violence was formalised early on, with the establishment of legal mechanisms and structures for victims and perpetrators of criminal offences (art.7/4/c of the law no. 9669 dated 18 December, 2006, “On measures towards domestic violence”). However, services dedicated to perpetrators were only introduced in practice in 2012.

PLEASE GIVE AN OVERVIEW OF YOUR COUNTRY’S CRIMINAL AND CIVIL RESPONSE TO DOMESTIC VIOLENCE, ESPECIALLY ANY CHANGES WITHIN THE LAST 3 YEARS? (I.E. WHAT ARE THE MOST IMPORTANT LEGAL AND POLICY MEASURES AND HOW HAVE THEY BEEN IMPLEMENTED?)

On 18 December, 2006, the Albanian Parliament approved law no. 9669 “On measures towards domestic violence”. This law aimed to prevent and reduce domestic violence in all its forms, and ensure protection for victims of domestic violence and their family members through appropriate legal measures. The law has the following principal objectives:

- 1) The establishment of a coordinated network of authorities responsible for providing protection, support and rehabilitation for victims, as well as measures for the prevention of domestic violence
- 2) The establishment of frameworks and guidance for relevant authorities who are involved in supporting victims and preventing domestic violence at central and local levels
- 3) The reinforcement of a judicial system that is empowered to take precautions against domestic violence
- 4) The implementation of efficient services for victims of domestic violence offered free of charge by the courts and other agencies, in accordance with the law

This legislation defines violence as “each activity or inactivity of a person towards another, bringing as a consequence the infringement of physical, moral, psychological, sexual, social

and economic integrity”. Domestic violence is defined as “any violating act exercised towards persons who are, or have been, in a family relationship”. According to the law, those defined as family members include

- a. A spouse, common-law partner, ex-spouse, or ex-common-law partner;
- b. Direct relationship like brothers and sisters - law no. 9669 also includes adopting parents, and adopted children;
- c. The spouse or common-law partner of persons specified under “b”;
- d. Relatives of a spouse or common-law partner, including their parents, and any adopted children;
- e. The brothers and sisters of a spouse if they have lived together for at least the last three months;
- f. The children of a spouse or common-law partner.

Protection measures under this legislation include court-issued protective orders and immediate protective orders (that can be issued temporarily). Once the request for a protective order has been submitted by the police or the prosecutor’s office, a victim’s request to withdraw the suit or to cancel the case does not impact on the legal process. The law defines the violated woman as a “witness obligated to testify,” because she is the principal witness.

Failure to execute a protective order or an immediate protective order constitutes a criminal offence, as per article 320 of the criminal code. Consequently, its perpetrator may be arrested without warrant. Following recommendations, certain amendments have been made to the criminal code of Albania through law no. 23/2012, “On some supplements and variations on the law no. 7895 dated 27/01/1995”.

The Albanian criminal code pays special attention to the protection of individual freedoms and human rights.

- Most of its measures ensure protection from actions that violate the physical, mental and sexual integrity of an individual, and, whether directly or otherwise, ensure that women receive special protection from domestic violence and violence in general.
- Domestic violence is treated as a specific criminal offence, fulfilling international standards and the recommendations of the CEDAW Committee.
- Severing of the punishment's measure
- Harsher sanctions against perpetrators have been introduced. The definition of marital rape as a criminal offence has provided another opportunity for addressing current societal taboos, and the perceptions of such crimes.

Albania's judicial system provides a highly efficient mechanism for protecting and ensuring the rights and fundamental freedoms of the individual, and is thus a means for preventing violence and offering protection for victims. According to Law no. 9669, victims have the opportunity to be present in a trial setting, with their notification. Even in cases in which victims do not wish to be present, the procedure related to the examination of the protection order continues in court. NGOs have reported that, in cases of domestic violence, police tend to routinely initiate a petition for a protection order, even in cases where a criminal prosecution might be more appropriate.

In some domestic violence cases, judges have complied with the dispositions of the civil procedure code that relate to the notification of relevant parties, and have thus treated domestic violence offences as civil cases. This has resulted in some victims being dismissed because they have been absent from court without explanation, despite receiving notice from the court. Some courts have suspended these cases, failing to take into consideration the specificity of the law on domestic violence. This represents a misunderstanding of Law no. 9669. Cases presented by the police station and prosecution office have to proceed. The non-appearance of the victim does not constitute a barrier for the examination of the case presented to the court. Decisions to suspend such cases, due to the victim's

nonappearance in court, are thus based on the civil procedure code, not the specific law on domestic violence.

PLEASE TELL US ABOUT THE PROGRESS YOUR COUNTRY HAS MADE IN RELATION TO ISTANBUL CONVENTION.

The Council of Europe has approved the Convention for Preventing and Combatting Violence Against Women and Domestic Violence. Albania, as a member state of the Council of Europe, was the second country to ratify this convention, under law no.104/2012.¹ This convention is a legal instrument that assists in protecting the rights of women and children and preventing violence committed against them. The purpose of the convention is to protect women and children from all forms of violence as well as prevent, prosecute, and eliminate violence against women and domestic violence. The convention includes a focus on the elimination of all forms of discrimination against women and the promotion of the essential equality of men and women. In addition, the convention addresses the need for effective cooperation between organisations and law enforcement agencies in order to develop an integrated approach towards eliminating violence against women and domestic violence.

As part of the development of an integrated, preventive approach to domestic violence, a Memorandum of Understanding on consolidating the services of the CLWG as a national hotline was finalised in November, 2016. Mobile telecommunication companies have agreed to provide free-of-charge tariffs for incoming calls to the assigned numbers. This service is part of the Albanian Government's obligations upon its ratification of the Istanbul Convention.

¹ Explanatory report

The CLWG has participated in the drafting and commenting process for the new strategy on gender equality. During this process the CLWG has been able to attend various meetings, and articulate pressing issues such as the importance of a consolidated system of referrals, a rehabilitative approach towards victims and perpetrators, and a system of prevention that includes multi-level educational, social and community approaches.

Several awareness-raising campaigns have been organised, in close cooperation with the Ministry of Social Welfare and Youth, and with the support and participation of civil society organisations and international organisations. These include the campaign of 16 days of activism against gender-based violence under the motto “boys and men are part of the solution – show you are against violence”; the “He for She” campaign aimed at encouraging the implementation of specific components of the National Action Plan for Men and Boys; and the UN UNITE orange campaign.

Domestic violence not only affects the person being directly abused, but also has a significant impact on other family members, and children in particular. Its effects are thus passed on to society as a whole, impacting community values. With this in mind, our organisations have facilitated local campaigns aimed at engaging young people in general, highschool students and their teachers, human rights activists and media in speaking about violence against vulnerable family members.

DO YOU KNOW ANY OTHER ORGANISATIONS/PROGRAMMES IN YOUR COUNTRY THAT CARRY OUR DOMESTIC VIOLENCE PERPETRATOR WORK? IF YES, PLEASE, LIST THEM.

Our partner organisation Women to Women (WTW), in Shkodra, has opened an office called ZDB, dedicated to work with perpetrators. WTW has also been engaged in:

- Advocacy services for victims of domestic violence
- Crisis centres/shelters for victims of domestic violence
- Counselling for men who use violence in family relations

- Education and awareness-raising programmes

3. BEST PRACTICES

TELL US ABOUT BEST PRACTICES IN WORK WITH PERPETRATORS IN YOUR COUNTRY.

Work with men who perpetuate domestic violence is still relatively new in Albania, thus it is difficult to discuss best practices. However, based on our experiences, we believe that effective treatment requires a consistent, multi-layered, systemic response. Interventions in education/prevention, responses aimed at enhancing victim safety, and efforts to hold abusers accountable for their violence have proven to be the most effective interventions. The establishment of multi-agency ad-hoc teams, working towards coordinated service delivery, ensure the provision of holistic responses to victims' needs and ensure abusers' accountability.

Our work with perpetrators has three directions:

1) *Prevention work with young boys and communities*

It has been argued that dedicating resources to programmes that target men and boys depletes the scarce resources that are allocated to services for women and girls who are victims of violence. This is a reasonable concern but it is based on an incomplete argument. Experience has demonstrated the benefits of programmes that involve men and boys in challenging gender inequality and working to end violence against women.

2) *Individual counselling for men who perpetrate violence in the family*

Treatment is focused on behaviour change and based on cognitive behavioural therapy, combined with elements of rational-emotional therapy. The counselling process helps men to find their motivation for change, take accountability for the

violence they have committed, and find alternative behaviours free from violence. Cooperation with women's services and realisation of action protocols have proven to be essential in effectively and safely managing cases.

3) *Systemic cooperation for integrated interventions*

Domestic violence case management requires responses at multiple levels. Such responses must work at the level of individuals and families, but must also involve local/central governments, the justice system, public social/educational services, non-governmental and private sectors, and communities. At the same time, work experience shows that approaches must be long-term, sustainable, integrated, and collaborative. Systemic cooperation in perpetrator treatment is based on the following actions:

- Referral of perpetrators
- Assistance for case management
- Case follow-up
- Joint information for, and education of, public servants

Consultations are ongoing between civil society and public institutions at local and central levels, in order to develop recognition for work with perpetrators of domestic violence and improve legal frameworks.

4. NEEDS AND RECOMMENDATIONS

WHAT HAS TO BE DONE TO PREVENT DOMESTIC VIOLENCE IN YOUR COUNTRY (REGARDING WORK WITH PERPETRATORS)?

- ***Continue integrated approach against domestic violence and discrimination:*** Despite the progress that has been made with regard to legal and institutional frameworks, discrimination against women and domestic violence remain widespread in Albania. The allocation of human, technical and financial resources at national and local levels to support these laws and policies remains insufficient. Lack of funding substantially hampers the effective implementation of relevant policies, and slows the introduction of an integrated approach to prevention. The National Strategy on Gender Equality needs adequate financial and human resources, mechanisms and structures to be properly implemented in practice.
- ***More training and capacity building for law enforcement officials:*** There remains a need for systematic training and capacity-building of the judiciary and the police in order to ensure proper application of relevant legislation and to guarantee adequate support for victims (according to EU directives). For example, NGO's have reported that in cases of domestic violence police tend to routinely initiate a petition for a protection order, even in cases where criminal prosecution might be more appropriate. Additional resources and training for police is also necessary to ensure the enforcement of protection orders. Furthermore, local authorities require further technical and financial support to enable community responses to domestic violence cases, particularly in rural areas.
- ***Victim Support:*** More must be done to protect victims through, for example, the establishment of sufficient public shelters for victims of domestic violence. Victims' access to justice must be improved, in particular through the effective

implementation of laws regarding legal aid. The state must support an effective 24-hour national helpline offering specialised counselling services for victims of domestic violence. State-funding is essential to overcome fundraising issues, and to consolidate services. Further, work must be done to change attitudes towards the victims of sexual crimes, who are still often blamed for "encouraging" such violence, and as a result are often isolated within their local community. Emphasis must be placed on the reintegration of victims of domestic violence in the community. More public resources must be directed towards providing training and employment opportunities for abused women, and facilitating their access to housing.

- ***Establishing a “child witness protection” approach, for the protection of child victims:*** There is an urgent need to address this issue, due to the increased number of domestic violence cases in which children are directly involved.
- ***Working with perpetrators:*** In order to effectively prevent further violence within families, there is an urgent need for properly adapted legislation, which can give a “free hand” to judges, prosecutors and police to refer perpetrators to treatment programmes. So far, this process has been impeded by a lack of understanding around this law, and by a lack of services to which perpetrators can be referred. Based on current practices, there is a need to foster work with perpetrators, that is orientated towards victim safety, within a coordinated community response.
- ***Prevention activities:*** Such activities need to be significantly improved and should include, for example, awareness-raising campaigns, the inclusion of gender perspectives in school curricula, and the increased provision of information about the rights and legal mechanisms encompassed in domestic violence law. Towards this end, enhanced cooperation with the media remains crucial in order to promote responsible and sensitive reporting in this field.

- ***Educating men and boys to take a stand against gender-based violence:*** Raising awareness about gender equality, women's rights, and gender-based violence is only the first step in engaging men and boys in preventing and eliminating gender-based violence. Men and boys can play a key role in achieving this shared societal goal by, firstly, behaving non-violently in their own lives; secondly, by taking action whenever they witness or become aware of cases of violence against women; and, thirdly, by contributing to campaigns, initiatives, and programmes that address gender-based violence.

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