



Shadow Report on Albania's Compliance with and Implementation of the Convention on the Elimination of All Forms of Discrimination against Women

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and

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The Human Rights in Democracy Centre (HRDC) is a non-profit and non-religious organization whose mission is to work for the protection and promotion of fundamental human rights and freedoms in Albania and to raise awareness in the Albanian society on the state of human rights, with a special focus on the most vulnerable groups in society. To that end the Center monitors the implementation of laws and makes recommendations to improve legislation in the field of human rights, with a special focus on gender equality, domestic violence and gender-based violence. The HRDC seeks to prevent domestic violence and offer support services to victims/survivors, and to build the capacity of those institutions responsible for implementing laws, policies and programs that prevent domestic violence and offer support services to victims/survivors.

During the reporting period, the HRDC has made recommendations regarding the implementation and modification of a number of laws including Law No. 9669/2006 "On Measures Against Domestic Violence"; Law No. 10221/2010 "On Protection from Discrimination"; Law No. 111/2017 "On legal aid guaranteed by the state" and Law No. 22/2018 "On Social Housing". The HRDC has recently made recommendations to amend the Decision of the Council of Ministers no. 334/2011 regarding the functioning of the Coordinated Referral Mechanism, to adapt it to the latest amendments to the State legislation against domestic violence and international standards adopted by Albania. Since 2015 the Center has monitored the decisions of the Tirana Judicial District Court in its issuance of Immediate Protection Orders / Protection Orders.

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

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Introduction

Albania ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1993 and its Additional Protocol in 2003. Albanian laws make clear that the State has the responsibility to promote, protect, respect, and fulfill a wide range of rights within the framework of prevention and elimination of discrimination against women and institutionalize systems to improve the position of women in all areas of life. General Recommendation No. 35, recognizes that gender-based violence is one of the main obstacles in achieving real equality between men and women and ensuring the effective realization of women's rights in all areas of life.

Periodic reporting by States is an important mechanism to record the progress States have made in implementing the Convention and identifying the most problematic areas that require intervention.

This Shadow Report prepared by the Human Rights in Democracy Centre (HRDC) and The Advocates for Human Rights is focused on the following issues: access to justice and legal aid (execution of judgments on women's rights) as embodied in Article 2 of the Convention, gender-based violence (legal aid, execution of court decisions; functioning of coordinated referral mechanisms and specialized support services (Article 5 of the Convention), and the situation of Egyptian women and women in prison (Article 15 of the Convention). This Shadow Report contains information and analysis derived from HRDC's direct work with impacted communities.

ACCESS TO JUSTICE AND LEGAL AID

CEDAW, Article 2(c)

1. States Parties condemn discrimination against women in all its forms, agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women and, to this end, undertake:
 - (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
 - (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
 - (c) To establish legal protection of the rights of women on an equal basis with men and to ensure, through competent national tribunals and other public institutions, the effective protection of women against any act of discrimination.

Concluding Observations, paragraph 10

2. Protection from gender-based discrimination is supported by Law 10 221, dated on 4.02.2010 "On Protection from Discrimination," as amended by Law No. 124 dated 15.10.2020,¹ offers additional protection in the fields of education, work, goods, and service. These include:
 - a) New classifications for the protection of individuals, including citizenship, sex characteristics, living with HIV/AIDS, and appearance.²
 - b) New forms of discrimination in multiple forms of discrimination, cross-sectoral discrimination, hate speech, segregation, and sexual harassment. The legal changes define "severe forms of discrimination," "sexual harassment,"³ and segregation.⁴
 - c) Charging the Commission for Protection from Discrimination (hereinafter, CPD) as the institution responsible for monitoring the implementation of the law "on gender equality in society."
 - d) Recognizing the role of NGOs in filing complaints to the CPD or filing a lawsuit before the court, on behalf of victims. NGOs are not required to present the victim in procedures before the CPD.
 - e) Recognizing the right of the CPD to file lawsuits in court, on behalf of victims.
 - f) Recognizing the right of the CPD to make a request to the Constitutional Court when, during its normal course of activities, the CPD finds the law or normative act violates the fundamental rights and freedoms of individuals.
 - g) Where the CPD's decision results in a penalty, that decision is transformed into an executive title to be executed by the Bailiff's Office, after the expiration of the 45-day period of communicating the decision imposing the sanction with a fine.

¹ "On Protection from Discrimination" 10221, as amended by Law. No. 124, 2020.

² "On Protection from Discrimination" 10221, as amended by Law. No. 124, 2020, Article 1: "This law regulates the implementation and respect of the principle of equality related with age, gender, gender identity, sexual orientation, family or marital condition, civil status, health status, genetic predispositions, restricted ability, economic, education ..."

³ "On Protection from Discrimination" 10221, as amended by Law. No. 124, 2020, Article 3.14: "Sexual harassment is a form of discrimination that happens in cases of unwanted attitude, verbal or not, of sexual nature, which aims or effect infringe of dignity of person and creation of a frightening environment, hostile, contemptuous, humiliating or offensive."

⁴ "On Protection from Discrimination" 10221, as amended by Law. No. 124, 2020, Article 3.16: "Separation" is that form of discrimination, which occurs in cases where a person or group of persons are separated from others without an objective and reasonable justification and this separation is made for at least one of the reasons provided in Article 1 of this law.

Concluding Observations, paragraph 11

3. In Albania, legislation in the fields of gender equality and anti-discrimination, in particular regarding women belonging to marginalized groups, needs to be fully and swiftly implemented.
4. Despite conducting awareness-raising activities with women in general and, in particular, those in the Roma and Egyptian communities or living in rural areas,⁵ gender-based discrimination remains unreported. The 2017-2019 Annual Reports of the Commissioner for Protection against Discrimination (CPD) found that only 25 of 549 registered cases claimed discrimination based on gender. The number of complaints alleging gender discrimination continues to remain relatively low, the majority of whom were made by women. In many cases, the complainants have alleged more than one reason for discrimination in their cases. Discrimination in employment due to pregnancy, childbirth, and health status remains a problem in both public institutions and private entities.⁶

Legal Aid

Concluding Observations, paragraph 13(a),(b)

5. Law No. 9669 (18.12.2006) “On measures against domestic violence” as amended, has mandated the State provide free legal assistance, including free representation in court for victims of domestic violence. In HRDC’s report, “Respect for the Rights of Victims / Survivors of Domestic Violence, in the light of the Decisions of the Tirana Judicial District Court,” HRDC observed problems in the interpretation and execution of the law “On Legal Aid Guaranteed by the State” by the courts, the prosecution body, and the prison system, leading to illegal practices and delays in the adjudication of cases. In reviewing domestic violence cases between 2016 and 2017, the HRDC found that victim/survivors were only represented by attorneys in 43% of the cases, leaving 57% of the victim/survivors unrepresented. Of those cases, 20% were represented by NGOs; 21% by private attorneys, and; only 1% by the lawyers of the National Shelter for the Treatment of Victims of Domestic Violence.⁷ In only one case did the Legal Aid Commission represent the plaintiff for the purpose of changing the protection order.
6. Typically, the Court appoints lawyers in criminal proceedings to defend the accused while victims are more likely to be unrepresented given the lack of free legal aid. The 43 percent of clients who enjoy free representation are less likely to have their cases terminated, inappropriately delayed, or otherwise have ineffective representation. Twenty percent of the cases that are heard or are partially accepted for a hearing are those represented by non-profit organizations offering free legal services. Only 1 percent of cases brought on behalf of juveniles, whether they are victims or perpetrators, receive a court-appointed attorney. In its examination of cases between 2020 and 2021, HRDC found that only 41% of the domestic violence victims filing for a PO/IPO were represented by counsel. Within that number, NGOs represented 60% of the cases, 38% were represented by private attorneys, and 2% by state lawyers, mainly on behalf of minors. The participation of victims in the criminal process is relatively low. Only 52% of the victims participated in the court proceedings, and the rest were absent in the proceedings. Also of grave concern is the fact that only 11% of victims participating in criminal cases were

⁵ During the years 2016-2020 HRDC conducted 90 trainings in suburban areas of the Municipality of Tirana, from which 1262 women / girls have benefited. In the years 2018-2019 HRC conducted 24 trainings with women and girls of the community, in different areas of the Municipality of Kamza. 655 women / girls from the area participated in these trainings. During 2020, the HRC conducted 12 community trainings in Vora, Fushë Krujë, Krujë and Tropojë, in which 125 women / girls participated. In total, HRDC during the period 2016-2020 HRC has conducted 126 trainings, in which 2042 women / girls participated. The purpose of these trainings was to inform women / girls about issues of violence against women and domestic violence as well as the protection mechanisms provided by the legislation in force.

⁶ Annual Reports of the Commissioner for Protection against Discrimination, 2016-2020.

⁷ Tirana District Court no.862, 20 October, 2016.

represented by a lawyer. Of those victims with counsel, 44% were represented by a court-appointed state attorney and the remaining 56% by private counsel.

7. In conclusion the HRDC study made clear that “The judicial system as a precursor in protecting the rights of victims of gender-based violence and domestic violence.”
8. Another impediment in the judicial system is the reduced number of available judges that, in turn, delays proceedings, reduces the efficiency of the courts, and otherwise affects due process. The reduction of available judges is in part due to their dismissal by the vetting bodies. It is essential that a system is set up to expedite the appointment of additional judges. The current delay conflicts with Article 6/1 of the ECHR that stipulates:
 9. *“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*
10. The mandate that domestic violence victims are afforded legal representation is found in Law No. 111/2017 (passed 14.12.2017) “On Legal Aid Guaranteed by the State,” which provides that victims of domestic violence are among those who should benefit by such counsel.
11. Free and available legal services is particularly important for those victim/survivors who are seeking immediate protection orders (PO/IPOs).⁸ In these instances, it would be appropriate to have a list of trained lawyers available to the Court to facilitate compliance with the legal time limits of the trial and to simplify the procedure. Currently, individuals do not have adequate information about their rights or the process for obtaining free legal aid, especially women and girls located in rural areas. Because police are often the first point of contact, they also need education and training about victim/survivors’ right to free legal counsel as early as possible.
12. Another aspect of Law No. 111/2017 is that plaintiffs in a divorce case (usually women) are exempted from payment of court fees and court costs if they fall within certain categories based on need. The exemption is granted upon a request that is drafted according to a form developed and approved by the Minister of Justice. This request can be submitted together with the request for secondary legal aid. HRDC reports that there were no instances when victims, especially in cases of divorce, were granted exemptions from court costs when they petitioned the court. Currently, the exemption is a right without meaning in that, in most divorce cases, the plaintiff (usually a woman) pre-pays court costs (court fee, psychologist’s fee), This exemption provision must begin to be applied in practice.⁹

Enforcement of Court Decisions on Women’s Rights

Concluding Observations, paragraph 13(c)

13. A problem identified by the HRDC¹⁰ is the delay in the enforcement of court decisions related to divorce that, in turn, is a result of delays in Appeal Courts. The Bailiff’s Office is responsible for executing both final court decisions as well as some categories of administrative decisions, i.e. execution orders. Under the Code of Civil Procedure, District Court decisions are determined as final once reviewed by the Appeals Court or when the decisions are not appealed. The decisions of the Court of Appeals are considered as final for enforcement purposes even if they are appealed to the High Court. However, the paucity of appellate judges has meant that appeals

⁸ The trial of cases with the object of issuing the immediate protection order is carried out within 48 hours from the registration of the claim for adults and within 24 hours for juveniles.

⁹⁹ The HRCC has made 12 requests for exemption from court costs to the Tirana Judicial District Court, but these requests have not been accepted in any case.

¹⁰ HRDC serves as complaints office where citizens address claimed violations of their rights (individually or in group).

are not held in a timely manner with significant consequences. These consequences include those related to one parent's obligation to pay financial support in favor of the minor child, as well as child visitation arrangements with the other parent. The execution of such decisions in most of the cases is not carried out voluntarily and it is necessary for the Bailiff's Office to intervene through compulsory execution once a decision is deemed final. The HRDC has identified delays of up to one year or more¹¹ independent of the delays because of the pandemic and quarantine (lockdown) where the courts, like other institutions, were closed.

14. The significant shortage of appellate judges is largely due to the current vetting process and the dismissal of a considerable number of judges by the Independent Qualification Commission.¹² Urgent measures must be taken so that court decisions, especially those aimed at dissolving the marriage and its legal consequences, are executed in a short time, without unjustified delays.
15. The HRDC has found a lack of cooperation among various Bailiff's Offices in enforcing court decisions related to divorce matters. In some cases, the Bailiff's Offices do not execute the decisions involving food alimony (food pensions) on the grounds that they cannot find the address of the debtor. In fact, the debtor can be easily identified and traced, even when the debtor is in a district under another bailiff's jurisdiction. Moreover, in some cases they have been enrolled in the KMCAP scheme. The KMCAP is a state scheme that provides payments to individuals with chronic diseases; before anyone can access KMCAP benefits, the applicant must appear before the KMCAP commission for a health evaluation.
16. The HRDC has also found that Bailiffs at times misinterpret the law when it comes to enforcing debts from individuals with disabilities, based on the justification that their only income are disability payments. Nevertheless, respondents with disabilities are still obligated to make payments to feed the children in the family even when the debtor's only source of income is his disability pension. According to Article 529(6) of the Albanian Code of Civil Procedure, the debtor is not excluded from his obligation to pay food alimony on behalf of his minor child. In such cases, the debtor should pay only one-half of the pension.

Burden of proof

Concluding Observations, paragraph 13(d)

17. Law No. 10221/2010 states that where the plaintiff has presented evidence that the court interprets to presume discriminatory behavior, the burden of proof shifts to the defendant who must prove that his behavior does not constitute discrimination.¹³ The changes made through Law 124/2020 also apply to administrative procedures undertaken by the CPD. Two important legal amendments preceded the above amendment:

a) Shifting the burden of proof in cases of discrimination in the field of employment through amendments to the Labor Code,¹⁴ Article 9(10).¹⁵

¹¹ HRDC has found that the Decision of the Tirana District Court dated 28 February 2019, registered in the Tirana Court of Appeals on 6 May 2019, did not set a date for the trial of this case until November 2020.

¹² Out of 31 magistrates of Appeal Court of Tirana, only 13 remained in service.

¹³ Article 36. 6, of Law 10221/2010 stipulates that: "After the plaintiff presents evidence, on which he bases his claim and on the basis of which the court can presume discriminatory behavior, the defendant is obliged to prove that the facts do not constitute discrimination according to this law."

¹⁴ Law no.136/2015, dated 5 December, 2015.

¹⁵ Labor Code, Article 9.10: "In all appeal procedures, which are followed according to point 9 of this article, if the complainant or the plaintiff presents facts from which it can be claimed that he has been discriminated in the exercise of the right to employment and profession, the person against whom the complaint is filed or the respondent is obliged to prove that the principle of equal treatment has not been violated".

b) Shifting the burden of proof in administrative cases, through Article 82(2) of the Code of Administrative Procedures approved by Law No. 44/2015. Article 82(2) places a special burden of proof on cases of discrimination.

18. The 2017 amendments to the Code of Civil Procedure did not include the CPD's recommendation to shift the burden of proof in cases of discrimination beyond those regulated by the Labor Code and the Code of Administrative Procedures.¹⁶ Other cases include those where discrimination exists in the field of goods and services provided by private entities.

GENDER-BASED VIOLENCE AGAINST WOMEN

Access to justice for victims of gender-based violence and domestic violence

19. For a two-year period (from 2020 to 2021), HRDC has monitored the decisions of the Tirana District Court regarding the justice system's response to gender-based violence and domestic violence and the respect of victims' rights in both civil and criminal proceedings.¹⁷ Despite the positive efforts of the courts to respect the rights of victims of violence, there are still a number of problems both in the interpretation of the law and in the approach of judges toward victims of gender-based violence and domestic violence.

20. Between 2017 and 2021 the Tirana District Court issued the same number of IPO/POs, but the ratio of accepted cases and dismissed/refused cases has undergone a significant change. In 2016-2017, 74% of the cases were dismissed/refused and 26% of them were accepted; in 2020-2021 47% were dismissed/refused and 53% of the cases were accepted. This increase in the number of cases accepted was influenced by legislative changes where the court is ordered to issue a protection order even in cases where the parties claim that the conflict has been resolved or should be resolved through reconciliation or mediation.¹⁸ Other findings include that:

- a) There is an increasing trend of criminal prosecution and punishment of perpetrators even in cases where the victim suffered only psychological violence (in 11.5% of cases).
- b) Courts are issuing more IPO/POs in instances when the plaintiff is not present, in about 15% of the decisions. Of these cases, Courts have awarded an order in 27% of cases where the plaintiff has given up and in 73% of them where the plaintiff is absent.
- c) Consistent with the terms of the Istanbul Convention, the amended law no longer requires that the court tries to reconcile the parties.
- d) In about 2% of the cases seeking protection orders, the court has issued orders to both parties. Mutual orders can create problems in execution of the orders and also may result in contradictory measures of protection.
- e) While State domestic violence law requires the appellate court to make its decision within 15 days from the day the appeal is registered, in practice, there are many delays as long as 5 months in the review of the cases. These delays impede victims' access to services because the court decision has not been made final.
- f) The right to free legal aid entitles every plaintiff, regardless of one's economic status, to have one's case heard by the court; yet, only 41% of domestic violence survivor/victims

¹⁶ Code of Administrative Procedures, approved by Law no. 44/2015, in Article 82.2: "In cases when the party presents evidence on which it bases the allegation of discriminatory behavior and on the basis of which it can be presumed that there has been discrimination, the other party and / or the public body is obliged prove that the facts do not constitute discrimination, despite the obligation of the public body to make available to the parties the evidence possessed by it."

¹⁷ Study "The judicial system as a precursor in protecting the rights of victims of gender-based violence and domestic violence", Human Rights in Democracy Center, 2022,

<https://www.hrdc.al/index.php/al/sherbime/studime>

¹⁸ HRDC has given its contribution in DV law amendment in 2018 and 2020 and its bylaws.

applying for IPO/POS are represented by an attorney. Of these cases, 60% are tried by NGOs; 38% by private counsel, and; 2% by state lawyers who primarily represent minor citizens.

- g) The right to a fair trial requires domestic courts to give reasons for their decisions in both civil and criminal cases. The Courts use the Istanbul Convention or other international treaties as a legal basis in less than half (47%) of the decisions.
- h) The Courts have started to issue rehabilitation orders for the perpetrators, but still in a limited number of cases. In 9% of cases, the court issued a drug/alcohol rehabilitation order and, in only 1% of cases, the Courts issued a rehabilitation measure for perpetrators with mental health problems. The Courts have ordered parenting training for perpetrators in only 1.5% of cases. The perpetrator was ordered to leave the home in only 26% of the decisions, although the law stipulates that the Court immediately orders the removal of the perpetrator from the home for a certain period of time when the victim and the perpetrator live in the same place.
- i) The Courts have also imposed measures that are not proscribed in the law and can contradict the intent and meaning of the domestic violence law provisions. These include mandating the perpetrator to pay the plaintiff's rent or to place the perpetrator in "a shelter," at a time when such shelters do not exist.
- j) Judges often do not have up-to-date information about support services for victims or perpetrators with the result that orders for protection do not meet the needs of the victim.
- k) Courts have issued contradictory orders concerning minors that have placed them at greater risk for further violence, such as permitting sleepovers with the abusive parent. Only 57% of abused children have been included in Protection Orders together with their family members who requested IPO/POs. Although the law provides protection for minors who were victims of direct or assisted violence in the 43% for whom orders were not issued, only in 14% of these cases were the children assisted by a psychologist during the judicial process. The study also identified flagrant violations of the law where minor victims of domestic violence were not protected by a lawyer.
- l) In 17% of cases, the court has imposed "house arrest" for the perpetrators that can jeopardize the safety of the victim, especially in cases where the victim and the perpetrator live in the same dwelling.
- m) The court has imposed alternative punishments for perpetrators in 40% of cases that puts the victim at a greater risk of repeated acts of violence and is in contradiction of the intent of state laws to protect the victim. Alternative punishments are those that do not entail imprisonment of the defendant, as defined by Chapter VII of the Criminal Code.
- n) Criminal courts have not ordered drug or alcohol treatment in any cases although 30% of the perpetrators use alcohol or drugs.
- o) The participation of victims in the criminal process is relatively low. Only 52% of the victims participated in court proceedings; the others were not present at the hearings.
- p) Where victims were present, only 11% were represented by counsel. When represented, 44% were represented by court appointed attorneys and 56% by private counsel.
- q) The judges' responses to domestic violence cases suggest a gender bias in favor of the perpetrator. Judges tend to look for all possible reasons to mitigate the perpetrator's responsibility and minimize the gravity of their crimes. Among these rationales are the repentance or remorseful attitude of the perpetrator, the normalization of relations between the victim and perpetrator, where the victim has forgiven the perpetrator or is willing to close the case. The Court also considers other changes of behavior by the parties or the general prevalence of domestic violence in the country or contributing factors like the economic and

social conditions within the country as a reason to mitigate penalties for offenders. Sometimes a court may favor a defendant who enjoys respect in the community based on the personality of the defendant that is presented in writing by the administrator of the administrative units.

- r) Delays in providing victims with copies of court decisions for issuing IPO/PO by the court has led to difficulties and delays in victim's access to services.
- s) In a wrong interpretation of the law "For measures against violence in family relationships," the Court in some cases do not recognize local self-government institutions (municipalities/administrative units) rights as plaintiffs in court proceedings in applications for IPO/POs. Courts have dismissed a trial on the grounds that these entities do not have standing. Where courts have charged court costs to the plaintiff, institutions are often discouraged from filing lawsuits in the future.

Functioning of the Coordinated Referral Mechanism

Concluding Observations, paragraph 14

21. Pursuant to the mandate of the Istanbul Convention that the state is responsible for offering protection against all forms of violence against women, Albania has established policies and protocols to meet this responsibility. In its "Decision of the Council of Ministers No. 334/2011 on the functioning of the Coordinated Referral Mechanism,"¹⁹ the Council of Ministers has stipulated that orders be adopted that are consistent with the recommendations embodied in CEDAW and GREVIO as well as those needs and gaps identified in practice. The Council has reached out to HRDC and other NGOs to solicit their input on effective multidisciplinary programs which encompass comprehensive services to support the needs, including the rehabilitative needs, of survivors of domestic violence. Effective multidisciplinary programs include emergency shelters; a 24-hour phone help line; free counseling services; social housing; economic empowerment and support; services for vulnerable groups such as persons with disabilities and LGBTI persons; and rehabilitation programs for perpetrators. (Although in multidisciplinary programs, including rehabilitative services, such treatments depend mainly on Health and Police Agencies.)
22. This multidisciplinary treatment is essential, particularly because of the large number of IPO/PO cases being handled. Between 2016-2017, the Tirana District Court heard 1,928 lawsuits, and 484 protection orders have been granted. HDRC's experience suggests that the majority of these cases are not handled as multi-disciplinary matters. Typically, a domestic violence case begins with the police who file a petition seeking an immediate order of protection from the Court and does not offer a multi-disciplinary approach. HDRC strongly encourages that a multi-disciplinary approach be used to achieve the support and empowerment of as many women / girls in need of services as possible.
23. In practice, domestic violence victims are not informed in cases where: the perpetrator of the criminal offense is released instead of being ordered to prison; the court assigns an alternative

¹⁹ HRDC has contributed to the amendment of DCM. Our suggestions are: Administrative Units should have dedicated staff for handling DV cases, who should cooperate closely with the Local Coordinator in charge of handling domestic violence cases. (Chapter II, point 3) Involvement in the composition of the Steering Committee of these structures: Responsibilities of authorities in charge of running of rehabilitation programs; Responsible authority to provide free legal aid; Responsible authority from Probation Service (Chapter II, point 6 letters g, h and point 8 letters c); Adapting of responsibilities of local coordinator in accordance with changes occurred in domestic violence legislation (Chapter II, point 31); Monitoring of the implementation of protection measures against violence by local coordinator (Chapter III, point 14); Coordinated Referral Mechanism should also address other forms of violence against women not only to limit its operation to domestic violence (Chapter II, point 25, Chapter III, point 1.1).

punishment; or the perpetrator completes his prison sentence (in some cases even earlier than the stipulated time due to the reduction of the sentence). In all these cases, the victim of domestic violence must be informed in a timely manner to avoid further conflicts, take measures to separate the parties, or find shelter somewhere else. Also, domestic violence victims should be informed when the perpetrator escapes. Policies must be put in place to assure that victims of domestic violence are given early notice if the perpetrator is given early release or a reduction of sentence. According to current legislation, the obligation to notify victims belongs to the police, however, it is not included in amendments to the 2020 Law "On Measures against Violence in Family Relations", seriously endangering the life and safety of the victim. HRDC has addressed this issue to the General Directorate of the State Police and to the General Directorate of Prisons, as well as held meetings with senior officials at these directorates, in order to discuss the steps and procedures necessary to solve this problem.

24. HRDC finds that it is difficult for a local coordinator at municipal level to manage cases and coordinate services at the same time, especially in large municipalities where the number of incidences of violence/reports is higher. In large municipalities, a combination of the vast number of the reported cases and the complexity of the treatment of separate cases, makes it especially difficult for local coordinators to manage cases. The lack of a local coordinator in some local units or the allocation of this responsibility to employees who carry out other duties makes it difficult to provide adequate or consistent treatment. Amendments to the Law "On Measures Against Domestic Violence" should establish that the local coordinator possesses the ability to monitor and execute protection orders and other powers²⁰.
25. Some of the responsible institutions included in the "Coordinated Referral Mechanism" (hereinafter Referral Mechanism or CRM) are not active and not fulfilling their responsibilities, thus failing to address the needs of the victims whose cases they are handling.
26. During 2018 - 2019, HRDC conducted a series of trainings with police officers at the Tirana police stations. Before the training, the officers were unaware of the recent changes in their legal obligations in coordinating their work with a local coordinator. This is a legal obligation related to managing domestic violence cases including conducting risk assessment, addressing instances of mutual arrest, and monitoring and executing PO/IPOs. Despite these changes²¹ having been made in the law, there is little implementation of this practice. Given that the police are usually the first point of contact, (in 99% of reported cases), police must play a more active role not only in referring cases to the CRM, but, further, being an active part of the CRM. Only in this way can victims get support free-of-charge which is an important precondition for providing the victim with protection orders and access to support services.
27. HRDC appreciates the work being done by the Coordinated Referral Mechanism²² in some municipalities of the country, especially in those municipalities where HRDC has given and

²⁰ "On Measures against Domestic Violence," 9669, as amended by Law no. 47, 2018.

²¹ "For procedures and model of risk assessment for cases of DV," Common guideline of Minister of Interior and minister of Health and Social Protection no.866, 20 December, 2018; "For procedures and model of Preliminary Measures of immediate Order, UPM," Common guideline of Minister of Interior and minister of Health and Social Protection no. 912 dated on 27 December, 2018.

²² HRDC is a member of the RM at the Municipality of Tirana since 2017. HRDC has assisted since 2012 and onwards the establishment and strengthening of the RM in the Municipality of Tropoja has given its contribution to the reactivation of the RM at the Municipality of Kamza in 2018, establishment and functioning of the RM at the Municipality of Vora since 2020, as well as since November 2020 is supporting the functioning of the RM at the Municipality of Kruja.

continues to give its contribution. The HRDC encourages the advancement of the ongoing efforts to strengthen these mechanisms.

28. It is necessary to improve the institutional cooperation among all members of the Referral Mechanism. Each institution should be obligated to report to the local coordinator what commitments they made and were able to fulfill to address the needs of domestic violence cases and other forms of gender-based violence cases.
29. A Framework Law should be established as soon as possible to facilitate the effective implementation by the Referral Mechanism. The Law must include all forms of gender-based violence. The purpose of the Coordinated Referral Mechanism should be articulated to manage all forms of violence against women encompassed in CEDAW.

CEDAW, Articles 5(a), (b)

30. States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men and women.
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children with the understanding that the interest of the children is the primary consideration in all cases.

Concluding Observations, paragraph 19(a)

31. Albanian women face structural challenges and discrimination in many aspects of life such as education, employment and access to goods and services. Women face unequal access to household goods and childcare that impede their ability to be employed. Although significant progress has been made, women are still under-represented in the public sector, especially in local government, whether in political positions or in public administration. Women are also under-represented in local trade companies or agencies. This unequal access and under-representation amounts to structural discrimination of women. Legal and institutional action that establish gender quotas to guarantee the representation of women in the local public administration are not respected²³. Just as imperative as the legal changes are the development of public awareness campaigns to promote and develop gender equality.

Specialized support services

Concluding Observations, paragraph 23.

32. Despite awareness-raising activities, gender-based discrimination in Roma and Egyptian communities, is vastly unreported.
33. While international standards make clear the importance of support services for women/girls and other family members who face violence, in practice, Albanian victims have not had adequate services despite the efforts of local coordinators and CRM members. The number of women / girls involved in support programs has been low in proportion to their needs as a result of limited services, inadequate procedures, and lack of coordination among different systems.²⁴
34. HRDC has found that the number of women involved in current training programs in rural areas and small municipalities is low. Often the programs don't exist, or victims live far from training

²³ Commissioner for Protection from Discrimination, Gender Equality and Discrimination in Appointed Local Government Bodies, Report supported by UN Women Albania, Tirana 2019.

²⁴ During the reporting period, the HRDC has referred 429 cases of domestic violence for employment, professional courses, social housing programs, accommodation in shelters or other support services.

centers without access to these programs.²⁵ Lack of childcare and transportation costs also limit women's ability to take advantage of employment programs when they do exist.

Economic assistance to victims of domestic violence

35. Law No. 57/2019 "On Social Assistance in the Republic of Albania" mandates that victims of domestic violence are entitled to economic assistance in the amount of 3000²⁶ lek as long as a protection order is in effect.²⁷
36. HRDC findings conclude that:
 - a) Economic assistance is minimal and does not serve even the basic needs of violence victims;
 - b) Access to the assistance that does exist is limited because of a number of factors, including: lack of information, delays in the transmission of decisions by court, extended period of legal trials, appeals by the perpetrator, etc.
37. Domestic violence victims are not enrolled in the economic assistance programs if they are already beneficiaries of economic assistance as a category in need. For example, a domestic violence victim who is employed can receive additional economic support as such a victim, but a woman who is already enrolled in a benefit program under a different category, such as a family in need, is not eligible. This results in unequal treatment among victims of domestic violence. In its comments to the report to the Commissioner for Protection from Discrimination, HDRC has argued that one can receive parallel economic benefits as a victim of violence and under the category of need. HRDC is following the progress of this issue by CPD institution.²⁸
38. Despite the fact that legislation gives domestic violence victims access to economic assistance at the moment they are granted protection orders, local governments make these awards only when a protection order is in effect for more than one month and where the court decision is final. This practice excludes women who are granted immediate protection orders (two weeks duration).²⁹
39. In practice, petitioners only have access to economic support after they have applied to the municipality/administrative unit; thus, petitioners do not have immediate access under any circumstance.
40. As noted, earlier cases on appeal often take much longer than the prescribed period stated Article 21 of Law no. 9669 dated 18.12.2006 "On Measures Against Violence in Family Relationships." As amended, the Court of Appeals must release a decision within 15 days from the date of appeal registration. HDRC has determined that the review by Appeal Court is delayed for several months that in turn, delays the victim's access to immediate economic support.
41. Legislation anticipates that domestic violence victims benefit from economic assistance if they are provided with a protection order from the Court or immediate protection order. HRDC believes that it is important to provide economic support even in cases in which victims of domestic violence are not granted protection orders by court, but their perpetrators are prosecuted for domestic violence. Victims may decide to withdraw their petition or not serve as a witness in a criminal case for a number of reasons: to ease the legal situation of perpetrator;

²⁵ In the Municipality of Vora, the HRDC has found that no vocational training programs have been set up in its territory and women / girls who need to be included in these programs can only attend them at vocational training centers in Tirana.

²⁶ About 30 USD.

²⁷ Only victims/survivors who are granted protection orders by court can benefit from this economic scheme.

²⁸ On 4 December, 2020, the HRDC submitted to the Commissioner for Protection against Discrimination the report on "Enabling parallel access to the support scheme with economic assistance, as a category in need and as a victim of violence equipped with UMM / UM" and for the information of the People's Advocate.

because they are threatened or frightened by the perpetrator; because they lack sufficient information on the importance of the legal consequences of the protection order; due to family pressure, etc. HRDC believes that even without participating in legal proceedings, victims are entitled to have access to economic and social support by law.

Establishing Emergency shelters

42. Meeting the immediate housing/shelter needs of domestic violence and their children is not available in all municipalities within Albania. Emergency housing is a necessity that should be available at the municipal level. Such housing must meet specific housing standards, include a range of services and be offered by qualified staff.

Financial Support to Victims

43. The Law "On Measures against Violence in Family Relationships," as amended in its article 10,³⁰ states that, at the request of victims, Courts can order local government units (administrative units) to financially support the victims during a foreseeable period of time. Municipalities must develop budgets in anticipation of the needs of women in general and the support of victims.

Establishing a Rehabilitation Program for the Offender

44. Rehabilitation programs for violators are required under international standards and are reinforced by Albanian Law No. 47/2018.³¹ HRDC urges the state to set up more programs with a particular focus on young offenders in the hope that it would minimize or prevent further episodes of violence. Evaluation of such programs is essential.

Social Housing Programs

45. Housing programs for victims of domestic violence are regulated by Law no. 22/2012 "On Social Housing." These programs include housing, rent bonus and home loans. Unfortunately, these programs are not offered in all municipalities of the country. When provided, the housing is limited. In the Municipality of Tirana where these programs are available, victims are often unaware of the programs or bureaucratic procedures that impede access, resulting in an artificially low number of applications. Housing programs should be easily accessible to victims with criteria and procedures easily explained.
46. Law No. 22/2018 "On Social Housing" defines "specialized housing" as housing where local government units serve one or more of the following:
 - a) the elderly and/or persons with disabilities.
 - b) victims of trafficking/potential victims of trafficking.
 - c) victims of domestic violence.
 - d) children who are without parental care or have been taken under protection by state institutions and who are preparing to move to independent life, minors from 14-18 years of age or youth aged 18-21, after release or completion of criminal justice programs;
 - e) single mothers.

³⁰ Article 10 (k) provides that "by ordering the competent authorities, the social services of the respective local self-government units and / or the organizations providing services, to, as the case may be, to support with psycho-social, health and financial assistance the abused persons in the family, as well as to monitor the observance of protection orders by the parties, submitting the relevant reports to the local coordinator for referral of cases of domestic violence."

³¹ "On Measures against Domestic Violence", 9669 18 Decemebr.2006 as amended.

47. Specialized apartments for victims of trafficking and domestic violence must be equipped with the services of specialized social workers. Such residents must be guaranteed protection by the State Police in cases of danger to one's life and health. The necessary infrastructure for notifying the police in case of danger or emergency must be in place and residents should be informed of the procedures.
48. The State owns these apartments, and domestic violence survivors rent the apartments for a low monthly fee. Residents are subject to compliance with the conditions, rights and obligations arising from the social rental housing program. Residents who meet these criteria should be able to stay in this housing until other social housing programs are available. Although the 2018 law stipulates the creation of specialized housing, in reality, this service is still not offered.

Provision of Services by Health Institutions

49. Health institutions are expected to provide medical, emotional, and psychological assistance. The facilities are expected to maintain accurate records in a special format and provide victims with a special medical report. These reports are of indisputable value in court hearings. According to the monitoring of court decisions conducted by HRDC (2016-2017),³² only seven domestic violence cases included the Special Medical report in conjunction with a petition for a protection order. It is incumbent upon the responsible authorities that they take concrete actions to ensure that health facilities fulfill their legal responsibilities to victims and that victims of domestic violence have access to support services.

Enforcement of Court Decisions

Concluding Observations, paragraph 25

50. The Court decision of an PO/ IPO is an executive action as it is proclaimed and immediately executed. Based on the Code of Civil Procedure,³³ the Court must issue an Execution Order (Article 511 K.Pr.P.) at the same time that a protection order is granted.³⁴ In its 2016-2017 study, however, HRDC observed problems related to the execution of protection orders in cases where the decision is appealed or where the defendant is not present at the trial. Delays in execution of a protection order is an added security risk for the victim. Issuance of a protection order should prevail above any procedural aspect. Recent changes in procedures treat court orders as an executive order that should be executed immediately by Bailiff Office even when decision is appealed.
51. The HRDC also found that the Bailiff Office of Tirana demanded that victims of domestic violence pay related taxes despite the fact that victims have been relieved of all financial obligations since 2010³⁵. This problem persists currently.
52. Cases of domestic violence should be handled with greater care by all professionals, including judicial bailiffs. One case illustrates the need for specialized services by systems actors. The Tirana Judicial District Court³⁶ issued a Protection Order for the citizen "P.P." and her two minor children and ordered supervised meetings³⁷ of the father with the children. P.P. did not allow her

³² Study of HRDC "Respect for the rights of victims / survivors of domestic violence, in light of the decisions of the Tirana Judicial District Court", January 2016-December 2017.

³³ "On some additions and changes to the law no. 8116, dated 29.03.1996 *Code of Civil Procedure of the Republic of Albania*" 122, 18 April 2013, amended.

³⁴ "On some additions and changes to the law no. 8116, dated 29.03.1996 *Code of Civil Procedure of the Republic of Albania*", 122, 18 April 2013, amended.

³⁵ The citizen R.C., client of the HRC, was requested to pay the execution fee for the execution of decision no. 68 dated 15 January 2016.

³⁶ Decision no 8571 dated 22 December 2018.

³⁷ In the presence of a relative who will accompany the children at the time of receipt and delivery to the plaintiff.

young children to meet with the perpetrator³⁸ after he repeatedly breached the order. The citizen P.P. was fined the maximum penalty (50,000 ALL), and the case was referred for criminal prosecution to the Prosecutor's Office. She reported the repeated violations to the police and made clear that she feared for her safety and that of her children if she complied with the visitation order. The imposition of a fine with a maximum value (50,000 ALL) for a victim/survivor of domestic violence is contrary to the intention of domestic and international legislation and the safety needs of the victim and her children.

53. As discussed above, the police and local agencies lack cooperation in monitoring compliance with protection orders.³⁹ Administrative social services offices do not prepare monitoring reports of cases with a protection order despite the fact that the police must be notified every 60 days on the status of the case.⁴⁰
54. Bailiff's Offices do not provide free psychological services in the execution of a protection order even where the issue of "visitation of children" is present. In some cases, victims of domestic violence have had to pay for the execution of protection order decisions and/or pay for psychologists unless they have been assisted by NGOs free-of-charge.

WOMEN FROM SPECIAL GROUPS (Article 15 of CEDAW)

Roma and Egyptian women

Concluding Observations, paragraph 39(b)

55. Roma and Egyptian community members in general, and Roma and Egyptian women in particular, face difficult living conditions and experience discrimination of various types.
56. During 2019, 36 of 171 complaints handled by the CPD claimed discrimination based on race, color or ethnicity. The CPD made a finding of discrimination in 13 of these cases.⁴¹

Housing

57. Lack of housing remains a major problem, which was aggravated by the earthquake on November 26, 2019. Victims are not able to take advantage of the opportunity to apply for a rent bonus, a benefit in law but not in practice for those victims who do not have an underlying rent contract. Over the years, Roma and Egyptian citizens have found it difficult to rent a house because of the discrimination they face in the housing market. It is difficult to get public housing because they are usually unable to document their incomes because of the impermanent and informal nature of their work, such as waste collection.

Services

58. Corollary services like electricity and water are difficult to obtain. The Electricity Regulatory Entity (ERE) requires a pre-paid fee before establishing a contract that is difficult. In addition, access to electricity, including lighting, in areas where most of the Roma or Egyptian minorities live is limited.⁴² The drinking water supply is limited because of the lack of sewerage.⁴³

Lack of Education

59. Although the principle of inclusive education is widely accepted as a philosophy in educational institutions, its implementation faces many obstacles. The inclusion of minority populations in

³⁸ Decision no 13350, dated 3 December 2018 of Bailiff Office of Tirana.

³⁹ HRDC report regarding the trainings conducted in Police Stations of Tirana, 2019.

⁴⁰ This obligation is provided by "On Measures against Violence in Domestic Relations" 47, 2018, as amended.

⁴¹ Annual Reports of the Commissioner for Protection against Discrimination, 2019-2020.

⁴² CPD, decision no 33&34, dt.7/4/2020; Decision no 2871, dt.10/11/2020 of administrative court (first instance), Tirana.

⁴³ CPD, decision no 33&34, dt.7/4/2020; Decision no 2871, dt.10/11/2020 of administrative court (first instance), Tirana.

basic education remains a challenge.⁴⁴ While there is an increase in the number of Roma and Egyptian children enrolled in pre-school and compulsory education, many children drop out of school because of poverty, completion of compulsory education, and their parent's informal and transient employment. Children living in rural communities also drop out in large numbers.

60. Through partial basic education, known as the second chance, children are given the opportunity to complete compulsory education and then enroll in secondary education, especially vocational education. Inclusive education policies also require the provision of quality education, including qualified educational staff, the creation of equal conditions and opportunities, and the cessation of excluding children belonging to Roma and Egyptian minorities in certain schools. Continued state support in promoting education is necessary to help Roma and Egyptian families. In some instances, education may not be a priority, children are expected to work rather than go to school, and the treatment of students varies based on their background with the result that children drop out. Children with disabilities who also belong to other marginalized groups are at risk of experiencing even more discrimination.

Unemployment / poverty

61. Lack of education is directly related to the inability to find a job. Roma and Egyptian women attest to differentiated and discriminatory treatment by state and private employers and educators that result in few, if any employment opportunities. COVID-19 has exacerbated employment opportunities when Roma / Egyptian communities were not allowed to recycle wastes or trade secondhand goods (their major livelihood) during the quarantine period. The Municipality of Tirana blocked the Roma and Egyptian community's means of transporting recyclable materials without respecting any legal procedure or providing any official document justifying the suspension of their activities. While the practice seemed neutral on its face, it placed these communities in a more difficult position than others.
62. During the first phase of the pandemic,⁴⁵ the Decision of the Council of the Ministers on awarding financial support omitted families who earn their income through informal work, particularly those in minority communities, from its scheme.⁴⁶ From a legal point of view, there have been positive developments in protection against discrimination in employment settings. The burden of proof of the status of workers is split between the administrative and civil court proceedings⁴⁷ under the authority of the CPD.⁴⁸

Non-registration of children in kindergartens or schools

63. Roma and Egyptian parents are unable to register their children for kindergarten because of a lack of documentation or a lack of vacancies in institution. Several cases have been reported where women have been required to provide proof of employment at a time when members of the Roma / Egyptian community have been excluded from this requirement. Despite the decision of the Municipal Council that payment for the registration of children in kindergarten is excluded, some schools require this payment.
64. In 2019, the CPD heard the case of complaint from J.H, a member of the Roma community. She could not enroll her child in a kindergarten because she could not afford the fee set by the Municipal Council. The CPD found that the Tirana Municipality discriminated against the child based on ethnicity in the field of goods and services. The CPD found the Tirana Municipality

⁴⁴ Annual Report of the Commissioner for Protection against Discrimination, 2019, page 40.

⁴⁵CPD, decision no 133, dt.8 October 2020

⁴⁶ "Taking of measures to offer assistance in residence settings for categories in need in conditions of pandemic COVID-19" DCM 236, dated 19 March 2020.

⁴⁷ Legal changes of Labour Code through law no.136/2015, dated on 5 December 2015.

⁴⁸ "On Protection from Discrimination" 10221, as amended by Law. No. 124, 2020; Code of Administrative procedures, 44, 2015.

had discriminated against Roma and Egyptian children seeking to enroll in kindergarten even though they met the category of beneficiaries to be exempt from such payment. Further, the CPD stated this decision was contrary to the state's commitment to the integration of these marginalized communities. Lack of information⁴⁹ and differentiated treatment makes it difficult to enroll these children in kindergarten that, in turn, makes it more challenging for their mothers to be employed and earn needed income.

Registration of children in the national Civil Registry.

65. Non-registration of children remains a major problem for the Roma / Egyptian community. In general, there are cases of children born outside Albania, whose families were deported to Albania without the possibility of obtaining any documents. Children who are unregistered do not have any rights under Albanian legislation. Families living far from the administrative centers also find it impossible to register their children in the civil registry.

Impossibility to transfer civil registration.

66. The transfer of civil status, where there is a change of residence, requires a certificate of ownership or a lease agreement of one's new residence. Most Roma and Egyptians do not have such documents because they live in improvised barracks or illegal premises. The impossibility of registering in a new community creates other barriers, including access to government services or the health center where they live.

Access to apply online in E-Albania portal

67. As a result of COVID-19, applications for economic assistance or other services could only be done on-line. These services include registration as an unemployed jobseeker, obtaining an unemployment card, and other certificates. Although this online service is available to everyone, often Roma / Egyptian residents do not have the necessary education and technology to apply online. As a result, they do not have access to essential services and are otherwise discriminated against in their access to economic aid (as families in need).

68. The unemployment certificate is a requirement to access critical socio-economic benefits such as: economic assistance, social housing programs, health care, vocational courses, etc. Failure to provide this document place members in untenable situations, jeopardizing their health and well-being despite the Roma / Egyptian members' status as a category under special protection by the state.

Use of inappropriate terminology

69. The CPD recognizes there is inappropriate, discriminatory, and prejudicial terminology in the labeling in many instances affecting Roma or Egyptian minorities. These include the designation where Roma or Egyptians live, in the official documentation used by the electricity supply service provider,⁵⁰ or the use of discriminatory language in audiovisual/ social media by journalists and public figures, such as MPs.⁵¹

Women in Detention Facilities

Concluding Observations, Recommendation 39(f)

70. HRDC monitors the treatment of those in the Detention Institution 325 "Ali Demi" in Tirana regarding the respect of their human rights in detention and the implementation of legal rights that guarantee the proper treatment of women / girls deprived of their liberty. The HRDC is the only non-profit organization that provides legal services to women / girls in detention facilities.

⁴⁹ CPD, decision no 29, dated on 4 March 2019.

⁵⁰ CPD, decision No.166, dt.13 November 2019, solved through mediation.

⁵¹ CPD , decision no 181, dated on 5 December 2019.

Judicial problems of women in sentencing centers

71. HRDC has identified several problems in the detention system:

- a) Informing women detainees of extensions of a preliminary investigation.
- b) Contrary to Article 324 of the Code of Criminal Procedure, prosecutors are not notifying detained women of any extensions of the preliminary investigations or its termination. The law requires the case be sent to court within three months of the date of their detention / arrest. Failure to notify women / girls in detention regarding the progress of their case is confusing and can infringe on their rights.

Women detainees' access to the evidence against them

72. Contrary The majority of detained women report they are not aware/familiar with the evidence presented by the prosecution or witnesses. This poses a serious problem making it more difficult to defend themselves at all or in a timely manner.

Failure to provide defendants with a copy of their statements

73. Many women / girls in detention, mainly those who are not represented by a private lawyer, report they have not been provided with a copy of their written statement. In many cases, the accused does not even have information about charges that have been made against her.

Ineffective defense by appointed lawyers

74. An appointed lawyer has the obligation to meet the defendant he/she is representing and seek to establish trust to build an effective defense. Women / girls represented by appointed state lawyers report they may not even meet their counsel until they are in court or only after they are in detention. This practice can result in a defendant not receiving effective representation which is contrary to the intent of the legal standard "Equality of Arms as a Standard of Fair Trials."

Failure to accompany detainees to court hearings

75. Women and girl detainees are often not accompanied to court hearings on the grounds that this unnecessary, since their lawyer will show up in legal proceedings. The Directorate of Prisons is not consistent in providing transportation for inmates to attend court hearings.

Other human rights violations

76. Other identified problems relate to the extension of detention terms, transporting detainees from different cities to attend court hearings, non-payment of work while in detention, inadequate health services, food, heat and the availability of hygienic-sanitary products. Women / girls employed in detention facilities do not receive monetary compensation but only a reduction of their sentence, respectively 3.9 days per month. Unlike those covered in Labor Codes, prisoners do not receive monetary awards nor is their work included in calculating time for purposes to access pension scheme.⁵²

77. In 2018, the Commissioner for Protection against Discrimination (CPD) determined that detained persons faced discrimination in matters of their employment while incarcerated. The CPD found that these employees face unfavorable and discriminatory treatment, compared to any other employee, contrary to the intent of the Labor Code and legislation addressing the

⁵² Convicted persons who perform different jobs in prison are not treated equally and are discriminated against in relation to other citizens employed outside the prison. In the interpretation of the legal provisions, they are considered "employees" and must be treated in accordance with the Labor Code of the Republic of Albania, as amended; as although a significant number of persons sentenced to imprisonment currently work in prisons, they are not treated by the prison administration in the same way as other citizens employed outside the prison. Convicted persons working various jobs within the prison staff should be rewarded with a minimum wage.

employment of detained people. The Administrative Court of First Instance⁵³ confirmed the decision of the CPD.⁵⁴ The Administrative Court found that the Prison Administration should maintain a special register for salaries and contributions as well as another register for employees to record all the data needed. This data includes the date of starting work, type of work and its duration. Professional training programs should be established for prisoners, especially for young people and women. Prisoners should have at least one day off with time dedicated to education and other activities.

78. The CPD found discrimination in the provision of medications to prisoners and failure to conduct specialized health examinations.⁵⁵ Typically, prison doctors complete only the prescription order, which forces the defendant to secure the medicines from family members. This can result in the medication not being delivered to the prisoners. Detention institutions have the responsibility to provide the necessary drugs to prisoners, not family members or others.
79. HRDC is particularly concerned about those detainees who have mental health problems—persons for whom the court determined in need of "compulsory treatment" and "temporary hospitalization." Such offenders should not be placed in prisons under the authority of the Ministry of Justice. Rather, they should be placed/treated in health institutions under the authority of the Ministry of Health and Social Protection supervision).¹⁴
80. Prisoners should be placed in detention facilities as close as possible to their place of residence. Prisoners belonging to vulnerable categories should be treated with the goal of returning to their community and reintegrating into society with treatment based on their specific needs. Detainees should be treated in accordance with national and international human rights standards.
81. Minors enjoy special protection both in disciplinary hearings and thereafter. Disciplinary proceedings should be conducted in the presence of the minor and his/her advocate and, where necessary, with a psychologist. A minor's request that a disciplinary session be conducted in the presence of his/her parent or legal guardian should be respected. Convicted/ and detainees belonging to national minorities who do not understand or speak Albanian as well as persons with disabilities should be provided with materials written in their own language or in a language they can understand.

Recommendations

- Urgent measures must be taken to ensure that court decisions, especially those that relate to divorce matters, should be executed in a short time and without unjustified delays. It is necessary to conduct ongoing continuous training with the Bailiffs Offices throughout Albania. Cooperation among the Bailiffs Offices in different cities is a top priority to ensure that court decisions are enforced in a short/and reasonable time. Too often, the execution of divorce court orders are delayed because bailiffs say they cannot trace the address of the debtor in another city. All court professionals must handle domestic violence cases with specialized care because of the special nature of these cases.
- Fully and adequately implement the Law "On legal aid guaranteed by the state" -that allows plaintiffs to not make court fee payments when they meet the stated categories in need.
 - Establish clear procedures for those who fall within the categories of need. Simplify trial procedures and undertake awareness campaigns should be conducted, particularly in

⁵³ CPD, decision no 100, dated on 5 April 2018.

⁵⁴ Administrative Court of First instance – Decision no. 4172 dated 19 November 2018.

⁵⁵ CPD. Decision no 113, dated 22 June 2016; Decision no 34, dated 26 May 2017; Decision no 140, dated on 9 December 2017.

- rural areas, that educate women and girls about the availability and process to obtain legal aid.
- The state should compile and make available a list of trained lawyers to courts in matters regarding protection orders. Such a list will make it easier for the parties to comply with trial court deadlines and make the overall procedures easier to facilitate.
 - Simplify trial procedures and undertake awareness campaigns on
- Address the institutional cooperation among all members of the Coordinated Referral Mechanism (RM) to facilitate the joint/and holistic handling of cases of domestic violence cases. These include: police departments and Bailiff Offices from the moment of reporting an incident to the execution and monitoring of protection orders; cooperation among health institutions, prosecutors, and; state-funded free legal aid services. All offices should implement their responsibilities, be an active partner in identifying problems and developing solutions to support victims of domestic violence and gender-based violence. Also, it is important to mobilize mechanisms that encourage the increase of number of cases treated in a multidisciplinary manner in order to achieve the support and empowerment of women/girls. The Coordinated Referral Mechanism (RM)'s mandated focus should include all forms of violence against women.
 - Enhance the structure of the Local Coordinator or the responsible person in each municipal or administrative unit to follow up and handle cases of violence at the local level rather than only a central office.
 - Increase the number of services and facilitate procedures for victims of domestic violence and women/girls in need.
 - Expand the range of specialized support services to adequately address the needs of victims of domestic violence. Such services should include both professional and vocational training to empower women and increase the likelihood of women having access to an array of employment opportunities and improve their economic well-being.
 - Take immediate measures to establish vocational training programs and employment that are close to victims' homes. Provide access to transportation and childcare for women who want to attend vocational training or work.
 - Establish professional training programs and those to promote employment skills and opportunities that are close to the place where victims live.
 - Establish emergency housing service for victims/survivors of domestic violence. At a minimum, emergency shelters should be available at the municipal or county level.
 - Establish long term social housing programs to enable survivors to take advantage of services. Policies and criteria should be established to facilitate the use of these services.
 - Ensure all domestic violence victims are eligible for and can access economic assistance.
 - Municipalities should designate funds to address gender issues and make financial assistance available.
 - Set up rehabilitation programs for perpetrators, in accordance with best practice standards and with special attention to young people.
 - The Ministry of Health and Social Protection should require health institutions to fulfill their legal responsibilities in the treatment of domestic violence cases pursuant to current legislation.
 - Improve the living conditions and access to services of Roma/Egyptian women. The state should undertake positive measures, including:
 - raising awareness of how Roma and Egyptian children fare in the education system,

- including steps to counter patterns of discriminatory behavior in the school curriculum,
 - implementing the legal rights of an inclusive education policy on behalf of all with a focus on women and girls, minorities and people with disabilities;
 - ensuring the right to education in minority languages and in appropriate ways for people with disabilities.
- Improve the physical conditions of penal institutions for women and girls, respect their right to a fair legal process and fair treatment as demanded by current law.

ANNEX I: References

- Convention on the Elimination of all Forms of Discrimination against Women, CEDAW
- European Human Rights Convention (KEDNJ)
- Penal Code of Republic of Albania
- Code of Penal Procedure of Republic of Albania
- Code of Civil Procedure of Republic of Albania
- Labors Code of Albania
- Code of Administrative Procedures of Albania
- Law no 9970 dated on 24.07.2008 “For Gender Equality”
- Law 9669/2006 “On Measures against Domestic Violence” amended
- Law 111/2017 “On Legal Aid guaranteed by the State”
- Law 57/2019 “On Social Assistance in Republic of Albania”
- Law 22/2018 “On Social Housing”
- Law 10221/2010 "On Protection from Discrimination"
- Law 15/2019 “On Promoting Employment”
- DCM no. 236, dated 19.03.2020 “Taking of measures to offer assistance in residence settings for categories in need in conditions of pandemic COVID-19”.
- DCM no. 334 dated 7.02.2011 “On the functioning of CRMs”.
- Common guideline of Minister of Interior and minister of Health and Social Protection no.866 dated 20.12.2018 “For procedures and model of risk assessment for case of DV - Common guideline of Minister of Interior and minister of Health and Social Protection no. 912 dated on 27.12.2018 “For procedures and model of Preliminary Measures of immediate Order, UPMM”
- Progress Report for Albania of European Commission, 2020
- Fifth periodic report of Albanian state on application of CEDAW Convention
- Reports of CPD, Commissioner Against Discrimination (KMD) 2016-2020
- Reports of CPD, Commissioner Against Discrimination, Gender equality and discrimination in Appointed Local Government Bodies, 2019
- UNDP Report on the Analysis of the Functioning of the Coordinated Referral Mechanism for Domestic Violence Cases, at the Local Level in Albania, September 2019
- HRDC report regarding the trainings conducted in 24 Administrative Units of Tirana, 2018

SHADOW REPORT ON ALBANIA'S IMPLEMENTATION OF CEDAW (2023)

- HRDC report regarding the trainings conducted in Police Stations of Tirana, 2019
- Study of HRDC "Respect for the rights of victims / survivors of domestic violence, in light of the decisions of the Tirana Judicial District Court", January 2016-December 2017