



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Concluding observations on the fourth periodic report
of Albania**

Addendum

**Information provided by Albania in follow-up to the
concluding observations***

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* The present document is being issued without formal editing.



Information provided by Albanian institutions on the steps undertaken to implement the recommendations contained in paragraphs 13 (b and d) and 23 (a and d).¹

13(b) Take measures to strengthen the capacity of the State Commission for Legal Aid in the Ministry of Justice to offer primary or secondary legal aid, including through the establishment of local legal aid clinics.

1. Until June 2018, free legal aid was provided by the state, based on Law No. 10039/ 22.12.2008 “On Legal Aid”. During the reporting period, a new law on free legal aid has been approved and the law on violence against women and domestic violence has been amended. The Albanian institutions is committed to fulfill legal obligation to provide free legal aid to women victims of violence. Meanwhile, some legal clinics have been established with the support of civil society and international organizations.
2. During 2016–2017, and from January to May 2018, 1844 persons applied to the State Commission for Legal Aid (CLA), namely:
 - 2016- 613 case; 2017- 828 case; January- June 2018- 403 cases). A total of 1658 requests are approved;
 - 528 in 2016; 771 in 2017; 359 requests till May 2018;
 - Out of them 456 criminal cases (111 cases in 2016; 213 cases in 2017; 132 cases till June 2018);
 - 1080 civil cases (393 in 2016; 495 in 2017; 192 January–May 2018);
 - 122 administrative cases (24 cases in 2016; 63 cases in 2017; 35 cases January–May 2018).
3. National Human Rights Protection Institutions have addressed cases to CLA Legal Commission. During 2016–2017, the People’s Advocate (PA) has addressed to the Commission 45 requests from different citizens. PA has recommended to the Ministry of Justice the increase of the budget for the services of the State Commission for Legal Aid in order that more persons benefit from free legal aid.
4. On 04.12.2017, the Assembly of the Republic of Albania approved the Resolution “On combating violence against women and girls and increasing the effectiveness of legal mechanisms for its prevention”, and established the Permanent Parliamentary Subcommittee on Gender Equality and Prevention violence against women.²
5. On December 14, 2017, the Assembly of the Republic of Albania adopted the Law No.111 / 2017 “On legal aid guaranteed by the state”, which entered into force on 1 June 2018.³ This law was adopted in the framework of the ongoing judicial reform, with the aim of enhancing access to justice for individuals with economic difficulties and specific categories, including disadvantaged groups. Women and children survivors of domestic and sexual violence and human trafficking will benefit from both the new free legal aid system and expanded protection measures for victims of crime, due to the new Law on Free Legal Aid and amendments to the Code of Criminal Procedures (July 2017). Awareness raising campaigns have taken place to

¹ Committee on the Elimination of Discrimination against Women, “Concluding Observations on Albania’s Fourth Periodic Report”, 25 July 2016, paragraph 47.

² <http://www.parlament.al/Files/Projekte/vendim-nr-113-dt-4-12-2017-1.pdf>

³ <http://www.qbz.gov.al/Botime/Akteindividuale/Janar%202017/Fletore%20241/LIGJ%20nr.%2011-2017,%20date%2014.12.2017.pdf>.

challenge gender stereotypes that perpetuate violence and inform women on available services.

6. The law defines the forms, conditions, procedures and rules for the organization and administration of legal aid guaranteed by the state, guaranteeing to all individuals equal access to the justice system, professional legal aid in a qualitative, professional, efficient and effective manner, ensuring the well-functioning of state institutions responsible for administering legal aid. The law also protects foreign nationals, stateless persons and asylum seekers.

7. The novelty of this law is the exclusion from the payment of court fees and the exemption from the obligation to prepay the fee for executing the execution order of persons benefiting from secondary legal assistance (Article 25).

8. This law provides as beneficiaries of state-guaranteed legal aid regardless of their income and property, expressly victims of domestic violence, sexually abused victims and victims of trafficking in human beings, in addition to other categories such as child victims and juveniles in conflict with the law, persons in social care, persons without legal capacity to act and victims of discriminatory behavior.

9. The People's Advocate recommended to the Minister of Justice and the Parliamentary Committee on Legal Affairs, Public Administration and Human Rights, to include victims of discrimination as beneficiaries of this legal right, based on the recommendations of the European Commission against Racism and Intolerance (ECRI).

10. The law provides for primary legal aid, which should be provided by special training staff, authorized NGOs, legal clinics at higher education institutions, as well as secondary legal aid, which should be provided by lawyers, according to the list approved by the National Chamber of Advocacy. The request of the person regarding the right to benefit from secondary legal aid must be drafted according to the request form approved by the Minister of Justice.

11. The responsible institutions for the enactment of the Law no. 111/2017 are: the Minister of Justice; the Free Legal Aid Directory the National Chamber of Advocates; the competent courts. Article 36 of the law provides for the termination of the activity of the State Commission for Legal Aid and the establishment of the Free Legal Aid Directory according to this law. The Free Legal Aid Directory is scheduled to be set up.

12. The Government of Albania is drafting a series of sub-legal acts that will enable law enforcement in practice. This law is expected to increase significantly the number of women victims of violence who receive free legal aid.

Establishment of Primary Legal Assistance Centers.

13. The primary legal aid service centers will be set up within three months from the establishment of the Free Legal Aid Directorate. Some of these have already been established with the support of international organizations and civil society organizations. The People's Advocate expresses concern that there is still no relevant budgeting and brings to the attention the legal obligation of the Free Legal Aid Directory to cooperate with the legal clinics, in accordance with the conditions and criteria provided for in the relevant cooperation agreements, for training and updating the knowledge of students involved in these clinics, on issues related to primary legal aid.

14. During September–December 2017, with the support of the United Nations Development Program (UNDP), four pilot centers for providing legal aid were set up

in the premises of the District Courts of Tirana, Durrës, Fier and Lezha.⁴ In these Districts legal aid centers have received 168 request for legal aid (90 women and 78 men). Tirana Center started its activity in early November 2017 handling with legal aid applications.

15. The Office of Coordination against Domestic Violence (started its activity on March 2018) is established within the Ministry of Justice, with the representatives of the Ministry of Interior, the Ministry of Justice and the Ministry of Health and Social Protection. The services offered by this office include: reception of women and other victims of violence; accurate addressing of the problems to the responsible institutions; legal advice; coordination between institutions and responsible structures at central and local level for the provision of legal, social and psychological support. In the period March–June 2018, the representative from the Directorate of State Social Services has dealt with 3 cases of domestic violence; 6 cases regarding the procedures for providing legal aid for social services and social services have been dealt with. The Office has referred to the Police, 9 cases for legal treatment.

16. With the support of Open Society Foundation for Albania, three legal clinics have been established (at Aleksander Moisiu University in Durrës and “Ismail Qemali” in Vlora and in Shkodra). This Foundation also supported the establishment of the Legal Aid Office located at the Ministry of Justice. Many organizations provide free legal aid. With the support of the European Union and UN Women Albania, a Monitoring Network against Gender-Based Violence of Civil Society Organizations was established, consisting of 46 members (CSOs, network members from Tirana, Durrës, Elbasan, Peshkopia, Pogradec, Vlora, Saranda). This Network aims to respond publicly and pursue violence cases, as well as to advocate, to develop various trainings on gender-based violence and domestic violence, and to create a database of qualitative and quantitative data on attitudes over gender equality and gender-based violence.

13(d) Reverse the burden of proof in cases of alleged sex-based or gender-based discrimination in favour of claimants.

17. During the consideration of the Fourth periodic report in 2016, the Albanian delegation has brought to the attention of the CEDAW Committee that the recent amendments to the Labor Code transfer the burden of proof from the complainant to the defendant in cases of the workplace dispute.⁵

18. A new Code of Administrative Procedures (Law 44/2015) was approved by the Assembly of the Republic of Albania on 30.04.2015 and entered into force on 28.05.2016. An important step is the provision related the reverse of the burden of proof in matters of discrimination (Article 82/ 2).⁶ The public body should be guided by the principle of equality and anti-discrimination for grounds provided by law, including gender and gender identity.⁷

19. In this context, the Commissioner for the Protection from Discrimination (CPD) recommended to the Ministry of Justice the inclusion of the principle of equality and

⁴ Centers are directed by civil society organizations: Res Publika, Center for Legal and Citizens Initiative, Albanian Foundation for the Rights of Persons with Disabilities, Legal Aid Association, Tirana.

⁵ Committee on the Elimination of Discrimination against Women, Sixty-fourth session, Summary record of the 14th meeting, Consideration of reports submitted by States parties.

⁶ Sigma, a joint initiative of the OECD and the EU, (which supported the drafting of the Administrative Procedures Code), drafted in 2018 the Commentary of the Code of Procedure Administrative of the Republic of Albania, pg. 61–62; 372–374.

⁷ <http://www.eurailius.eu/index.php/en/library/albanian-legislation/send/6-administrative-procedure-code/229-code-of-administrative-procedure-en>.

non-discrimination and to the Parliamentary Committee on Legal Affairs, Public Administration and Human Rights providing the reverse of the burden of proof in cases of alleged discrimination. The recommendation was fully reflected in the Administrative Procedures Code.

20. The CPD made in 2014 a recommendation for amendments to the Civil Procedure Code on the shifting of the burden of proof on cases related to discrimination, which was not taken into consideration by the amendments made to Law no. 38/2017⁸. The argument of Albanian authorities relied on the arguments that Law no. 10221, dated 04.02.2010 “On Protection from Discrimination”: provided for the shifting / distribution of the burden of proof in cases where the court examines a matter of discrimination; extends its application to the private sector; the Code of Administrative Procedures, and the recent amendments to the Labor Code, have already adjusted the distribution of burden of proof related to discrimination issues in the public sector.

23(a) Take measures to encourage women to report cases of gender-based violence by providing free legal aid, including in rural and remote areas, and by establishing a 24-hour hotline service.

21. Zero Tolerance of Violence against Women and Domestic Violence is a motto of the Albanian government. Following a long consultation process, on 23 July 2018, Law no. 9669/18.12.2006, “On Measures Against Violence in Family Relations”, was amended. Law 47/2018 ‘On Measures against Violence in Family Relations’ has been amended to ensure compliance with UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Council of Europe Convention on Preventing and Combating Violence against women and domestic violence (Istanbul Convention), and to address the needs, gaps and lessons learned based on the implementation progress. These amendments are related to: prevention and reduction of cases of domestic violence; prediction of the Preliminary Emergency Protection Order (PEPO) and the participation of the psychologist and the preparation of a report from him when the case is submitted to the police.increasing the efficiency and cooperation of the responsible structures; increasing qualified judicial support for victims of domestic violence, etc.

22. Albanian Parliament adopted the Law No.22 / 2018 “On Social Housing”, on the implementation of social housing programs. The law provides for priority in terms of securing social housing victims of domestic violence, victims of trafficking and potential victims of trafficking.⁹

23. The National Strategy on Gender Equality and Action Plan 2016–2020 provides specific objectives accompanied by indicators for their monitoring, as well as detailed budgets for each activity. One of strategic goals is related with Reducing Gender-Based Violence and Domestic Violence.

24. The State Police has established a telephone service number 129 or 11 for all emergencies which operates 24 hours in 7 days. During the reporting period, 7182 phone calls for domestic violence were recorded; namely: 2016/3567 phone calls; 2017- 2463 phone calls; 2018 -2607.

25. On 2 February 2017, the Free Counselling Line 116-117, started to function, offering free of charge primary service of psycho-emotional support, counselling and

⁸ Law no. 38/2017 “On some additions and amendments to Law no. 8116 of 29.3.1996, “The Code of Civil Procedure of the Republic of Albania”, as amended, is published in the Official Gazette no. 98, May 2017. Amendments to the Civil Procedure Code entered into force in November 2017.

⁹ www.parlament.al/ProjektLigje/ProjektLigjeDetails/44781.

assistance for the referral of violence, in a secure and confidential environment. By the Decision of the Council of Ministers (DCM) no. 430/08.06.2016, national service counselling standards for victims of domestic violence were adopted. During 2017, this Free Counselling Line had received 1489 calls and carried out 636 counselling sessions. Most calls require information on economic support, employment. The cases have been of emotional (835), physical (506), economic (390), sexual (6) violence. Sexual violence remains one of the most unreported cases. Most cases are referred to police (201).

26. The Government has taken measures and is collaborating with civil society to provide programs for offenders. Attention is paid to the program for men and boys, while the main offenders in cases of violence against women are the husband, partner, father or another family member of the victim. Programs for the offenders are increased in the country. Currently the Men and Boys Counseling Line They managed by a NGO-s have treated around 200 cases of offenders.

Data on violence against women and domestic violence.

27. During the reporting period 2016–2018, an increase in reporting and cases management, particularly in cases of domestic violence, has been evidenced. Data provided by the State Police:

- During 2016–2018, there are in total 13661 cases of domestic violence: 2016-4163 cases;¹⁰ 2017-4547 cases; 2018-4951 cases;
- 6187 claims for Emergency Protection Orders and Protection Orders (EPO / PO-7837 women and girls identified as victims of violence;
- 2016-2207 lawsuits for EPO/PO;¹¹ 2017-2593 lawsuits for EPO/PO; 2018-3037 lawsuits for EPO/PO;
- spouses-victims of violence are: 3934 cases in total. 2016-1532 spouses; 2017-1627 spouses; January–June 2018- 775 spouses;
- During 2017, materials were referred to the prosecutors for initiation of criminal proceedings on 1950 cases of violence and other crimes committed in family relations or 56 fewer proceedings compared with 2016;
- In relation to article 130 / a,¹² 1412 cases or 76 cases (5.1%) less than in 2016 were reported. A total of 855 perpetrators were arrested. A total of 1684 persons were arrested for the domestic violence offence: 2016- 742 cases; 2017-654 cases; January–June 2018-288 cases);
- 13056 women¹³ were victims of criminal offenses/crimes, of whom 36 women / girls¹⁴ were murdered;
- 28 women/girls of which were killed by family members,¹⁵ including 19 spouses (9 cases in 2016, 6 in 2017, and 4 in January–June 2018);
- During year 2017 there is a decrease with 18.75% of the number of murders compared to year 2016.

¹⁰ 2015- 3886 cases.

¹¹ 2015- 2148 cases.

¹² Article 130/a, “Domestic Violence” of Criminal Code of Albania, provides the penalties for domestic violence.

¹³ 2016/ 5483 cases; 2017/ 5154 cases / -January–June 2018/ 2419 cases.

¹⁴ 2016/ 15 cases; 2017/ 13 cases, January–June 2018/ 8 cases.

¹⁵ 2016/ 11 cases; 2017/ 11 cases, 6 cases (January–June 2018).

28. According to the General Prosecution Office, in relation with criminal offense “Domestic Violence” under by Article 130 / a of the Criminal Code, the number of recorded criminal proceedings is:

- In 2016 - 1355 criminal proceeding cases were registered, with an increase of 12.4% compared to year 2015;¹⁶
- Year 2017- 1310 criminal proceedings cases with a decrease of 3.3% compared to previous year (2016);
- Year 2018- 901 criminal proceedings.¹⁷

29. The Prosecution Office submitted before the court over 79% of the criminal proceedings cases. According to the data:

- In 2016- 1157 criminal proceedings were sent for trial with 1099 defendants convicted by court decisions (out of 1238) defendants;¹⁸
- 2017- 1057 criminal proceedings were sent to trial with 982 defendants (out 1104) convicted by court decisions.

30. During the 9 months of 2018 were sent to trial 625 criminal proceedings with 569 defendants (out of 669 defendants) convicted by court decisions.

31. The National Institute of Statistics/ INSTAT has published “Men and Women in Albania 2018”, which provides “gender-disaggregated data for each sector of the Justice System, Police-Prosecutor, Ministry of Justice- Probation Service and Prisons”:

- Highest percentage of women experiencing domestic violence is in Tirana district with 35.8% of women abused, followed by Durres region with 13.9%;
- The Region of Kukës and Dibra have the lowest percentage, 0.5% and 1.9% of the abused women;
- During 2017, there were 94 domestic violence victims (36 boys; 58 girls);
- Murders because of family relationships account for 22, 5% of intentional homicides in 2016 and 26% in 2017;
- During 2016–2017, were 2813 perpetrators (out of 3093 perpetrators) 280 are women.¹⁹

Domestic Violence Mechanism at Local Level.

32. An online registration system capturing statistical data on domestic violence at the local level is operational. National Data System on domestic violence cases at the local level (REVALB) is used by 22 municipalities. Local violence coordinators in each municipality collect data on cases identified and addressed by the Referral Mechanism for Addressing Cases of Domestic Violence (Referral Mechanism) at the local level. The system registers every case of violence identified and addressed by the local referral mechanism. Since the launch of the system, 2,649 cases of domestic violence have been registered, with 861 cases registered during 2016 and 758 in 2017. This system reflects demographic, economic, social and geographic data for the

¹⁶ 2015- 1206 criminal proceedings were sent to trial with a decrease of 0.7% compared with year 2014 with 1215 criminal proceedings.

¹⁷ Till March 2018.

¹⁸ 2015, 1023 proceedings were sent for trial; were convicted 985 defendants out of 1097 defendants.

¹⁹ INSTAT, “Women and men in Albania 2018”, Tirana 2018, www.instat.al.

victim and the perpetrator. The data are segregated: perpetrators, victims of rape, vulnerable groups, ethnicities, gender, employment, disability, etc.

33. From 2016–2018, in 60 (out of 61) municipalities employees for gender equality have been appointed, charged with the role of local coordinators against domestic violence. This has contributed to increase the capacity of the Referral Mechanism at the local level. Still, there is need for a multidisciplinary, rapid and effective approach, for national and local government units' awareness on budgeting of gender priorities, applying for funding to provide social services for victims of domestic violence.

34. On the occasion of International Day against Domestic Violence, on November 25, 2017, was established within the Ministry of Justice, the Office of Coordination against Domestic Violence aiming at prevention, protection of the victims of violence and the cases.

35. There are 6 non-public centers providing residential services (2 in Tirana, 1 in Berat, 1 in Korca, 1 in Elbasan, 1 in Vlora). The "Vatra" center in Vlora operates with partial financing from the state budget. On December 2018, the victims' center for sexual violence was opened a Crisis Management Center for Victims of Sexual Violence "Lilium Center", at the premises of the Tirana University Hospital Center "Mother Theresa". This Center provide 24/7 integrated services to victims of sexual violence by a multidisciplinary team. Standards of this Center were approved by Instruction of the Minister of Health and Social Protection in November 2018.

36. Monitoring of National Reception Centers for Victims of Violence. During 2017, the People's Advocate has enabled the monitoring of the National Center for the Treatment of Domestic Violence Victims in Kamza, Vatra's Psycho-Social Center in Vlora and recommended to provide victims with professional assistance (lawyers and psychologists) on a continuous basis.

37. Monitoring the victims after leaving the center. During the process of integration for all residents under the effect of the "Protection Order", the Administrative Units were informed as well as the Local Commissariat of the Police.

38. The awareness raising activities have been organized by the Ministry of Health and Social Protection within "the 16 days of activism against gender based violence and domestic violence" (25 November–10 December yearly), in close cooperation with line Ministries, civil society organisations, international organizations. These periodical activities against domestic violence have contributed to raising the awareness of the public especially the inclusion of young people, students, schoolchildren on the need to fight against prejudice and to increase the reporting of domestic violence.

39. Some of the outcomes of the Campaign are: Greater awareness about gender issues, more open discussion and easier acceptance of taboo issues; Greater number of denunciations of cases of domestic violence by women to the support structures; Changes in traditional stands and increase of the number of reports of cases of violence against women and domestic violence to law enforcement organs. Such awareness raising campaigns aim at eliminating gender stereotypes, gender based violence and domestic violence.

23(d) Strengthen the enforcement of court decisions, in particular those that concern protection orders or emergency protection orders for women who are victims of gender-based violence, including by building the capacity of judicial personnel, such as court bailiffs.

40. From the Report of the High Council of Justice, "On the Case of Judicial Issues for Domestic Violence", (January 2018), the problem of the small number of cases of

violence against women appealed to higher courts was reported; meanwhile, a high of cases are dismissed. The dismissal of the cases because of non-attendance or waiver of the plaintiff or a court dismissal due to the normalization of relations between the parties is concerning.

41. During the reporting period, 6187 lawsuits “On Issuance of an Emergency Order of Protection / Order of Protection”, given by the court have been violated. Namely:

- 119 cases in 2016;
- 129 cases in 2017;
- 148 cases in 2018 of EOP / OP.

42. For the period 2016, 2017 and January–July 2018, the General Directorate of State Bailiff has recorded and executed totally 351 cases with the subject of “Protection Order” (84 cases in 2016, 201 cases in 2017, 66 cases in January–June 2018) and 89 cases with the subject of “Emergency Protection Order” (all in January–July 2018). Also, 23 cases with the “Protection Order” object are in the enforcement process.

43. In order to achieve a qualitative performance in the execution of executive orders, additional staff of judicial bailiffs is required as well as planning of trainings on certain topics, but mainly on “Protection Orders” and “Emergency Protection Orders” issues.

44. Ministry of Health and Social Protection, with the support of UNDP, conducted four trainings on “Computerization of Data and Use of Online Domestic Violence System”, for 58 local co-ordinators against violence. Several capacity building activities have been organized for the personnel of the Referral Mechanism.

45. The position of the Diversity Specialist at the General Directorate of State Police, was established. About 36 trainings were organized, of which 750 police officers from 12 counties have benefited. During 2017, seven trainings on “Diversity, Hate Crimes, and Domestic Violence” are organised (139 police officers trained). The State Police organized periodical trainings (8 sessions) for all executive of the State Police on “Gender Perspectives in Police”, attended by 69 senior police officers, including the employees of Directorate of Witness Protection and Justice Collaborators, (47 employees).

46. During reporting period periodical trainings related to violence issues and the legal and institutional framework for protection against discrimination were conducted by the School of Magistrates, 90 judges/prosecutors (58 judges, 32 prosecutors) trained periodically.