

REPUBLIC OF ALBANIA

OMBUDSMAN

Special Report

On the violence against women and the activity of the Ombudsman

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Ombudsman Institution

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I. Introduction

The Constitution of the Republic of Albania sanctions equality between men and women, but in practice often women do not enjoy the same rights as men. This inequality is tangible in many areas of life. Until the 90s, Albania has not been committed to international or European level instruments, therefore the fundamental rights sanctioned by them were systematically violated. The first attempts to conduct studies on domestic violence in Albania were made only in the mid-1990s, while individual and institutional efforts to study and explore the domestic violence issues have increased. Besides the lack of research experience in this field, these efforts have faced a number of difficulties related as well to the complex nature of the phenomenon of domestic violence. Despite the work on raising awareness and to sensitize the public, especially during the past ten years, social attitudes towards violence have not changed much. The difficulty of studying the phenomenon increases even more, considering that it takes place "behind closed doors" of the family home. In most cases, the only source of information remains the victim, which in any case is not free from prejudices and stereotypes that exist in the society or the community of which it is part. Violence against women is a complex issue that involves more than the act itself in personal relationships between men and women. It is a wide spread social issue that has extensive roots in historical attitudes towards women and marital relations.

The victimization of women by their husbands is reinforced by the economic situation, mentality and traditions and people's insufficient awareness about domestic violence.

Violence against women is becoming more and more a concerning social issue because many men feel threatened by the concept of women's freedom. The study of domestic violence is rendered more difficult if we consider a number of myths that do not allow a deeper understanding of the core of the problem. Thus, in communities and in different social environments, are shared opinions such as "only one social stratum or certain groups are affected by violence", "violence is a problem of the poor", "violated women have certain personalities that drive their spouses to exercise violence against them ", etc. Albanian customs and traditions have inherited from the past some forms of discrimination against women in the family and in society, but not torture or other forms of mistreatment. The phenomenon of blood feud that was revived after the 90s, especially in some areas of the country, has caused problems for women, but especially for children. Blood feud prevents them from leading a normal life, due to the difficulties that brings isolation of men and children. There are rare cases when women have been shot because of the feud. The "Canon" is still practiced in Albania, particularly in the North. Unfortunately, after the 90s, there has been a reinstatement of this code. Sexual violence is still considered a "disgrace" for women and in some cases (especially in rural areas) entails forced marriage with the rapist "to reestablish the honor". However, in urban areas, the situation has changed, but in most rural and suburban areas women remain under the pressure of a patriarchal mentality. The first decade of transition, 1990-2000, was characterized by the spread of the phenomenon of girls and women trafficking for prostitution.

In January 2003, the Government of Albania, for the first time presented its report on the implementation of the standards of the Convention "On the Elimination of All Forms of Discrimination against Women" (CEDAW), ratified by Albania in November 1993. Issues presented as the most sensitive were prostitution and trafficking of women and girls. The Committee on the Elimination of Discrimination against Women, at the UN, has made some recommendations, which have led not only the activity of state mechanisms, but also the activities of all NPOs that support, assist and help violated women. According to their studies, violence against women in Albania, occurs mostly within the family. There are few reported cases of violence against women perpetrated by state institutions. Unfortunately, few women who have been a victim of domestic violence file reports.

1 The 28th session of the CEDAW Committee, 13-31 January 2003, and the following observations of the UN Committee on the Elimination of All Forms of Discrimination against Women, presented in 2010.

From the daily press monitoring for the year 2002 to 2003²⁾, results that, as a consequence of violence within the family, 56 women and girls across Albania have lost their lives. 74 other women and girls have suffered serious health damage. This low percentage of women who reported abuse, can be explained by the low level of knowledge. Currently, victims of domestic violence are protected by the general provisions of the Penal Code that regulates physical abuse, insult, injury, murder, etc. Since the offense occurs within the family it constitutes an aggravated offence. The small number of complaints and reports by the victims of domestic violence shows that domestic violence is still considered by the public as a private matter. Courts also cause an increase in apathy in families where violence occurs, by not giving punishments that fit the crime, and in many cases, the offender is fined, thus aggravating the family's financial situation.

The new Family Code, strengthened the measures against women violence³⁾ and Albanian law "On reproductive health" is one of the most modern in Europe and a guarantee of a woman's reproductive rights. Preventive work that is done by non-profit organizations is accompanied by the adoption of relevant laws on domestic violence, but also with efforts to strictly investigate and prosecute any manifestation of violence that constitutes a criminal offense. There should be more effective tools in the framework of a mechanism that ensures and guarantees the protection and application of women's rights, in order to improve the treatment and position of women in the family and in Albanian society. State authorities also need to work for the realization of their obligations to make justice prevail, regardless of the victims' decision to withdraw charges for one reason or another. We must not forget that domestic violence is not an attribute of only poor families or those with insufficient education. It has affected and affects families in a good economic situation and higher education.

II. Domestic violence, its concept and forms.

Domestic violence is a problem that affects all strata and groups of society, regardless of race, ethnicity, economic status, geographical area, religion, age, etc. The data collected globally in the past ten years shows that violence against women is an obstacle in the process of development of human society. The calculation of the socio-economic costs of domestic violence constitutes a strategic intervention tool in raising awareness of policy makers about the importance and effectiveness of its prevention.

²Press monitoring conducted by the Center of Women 2003-2004, Tirana.

³Family Code, Article 61 thereof contains urgent measures.

Given that domestic violence is a very sensitive issue in different countries and regions, it needs to be addressed through programs and strategies in accordance with their culture. There are a number of arguments which seek to draw the attention of policymakers regarding preventive measures and the fight against domestic violence.

The argument of justice: Every individual should enjoy the basic right to live free and untouched by violence.

Arguments of life quality: Women who survive violence by their spouses, in most cases suffer from health problems, psychological and physical. In this case, domestic violence cannot be ignored as a social and health issue.

Chain Reaction Argument: Physical and psychological effects of violence include every area of life. It can lead to social isolation, antisocial behavior, economic difficulties and transmission of violent models to children⁴). The Albanian government, under obligations to its citizens, must respect, protect, fulfill and promote the right of all citizens to live a life free from violence.

III. Forms of domestic violence

What is domestic violence?

Violence is a widely used term, which includes a range of behaviors and attitudes. According to the Law 9669/2006 (as amended) "On measures against domestic violence", the term "violence" refers to any action or inaction of a person towards another person, resulting in the violation of the physical, moral, psychological, sexual, social and economic integrity. Also, in this law the term "domestic violence" means any act of violence, according to the provisions cited above, committed between persons who are or have been in a domestic relationship. The traditional family, usually defined by sociologists as a group of individuals related by blood or marriage, living together, who cooperate economically and share the responsibilities of raising children together. The family is also a private group of individuals, relationships and behaviors which are invisible to others; a complex social organization that consists in a variety of roles and statuses; and finally, the relationships between members of a family are more intimate, more emotional and sensitive.

In our time, the family has lost its "tranquility" and is threatened not only by traditional factors such as death, disease, different disasters, poverty, etc., but also by those "non-traditional" such as deviant behavior, different conflicts, violence, alcoholism,

⁴ Astrida Neimans, *Gender mainstreaming in practice; a handbook, UNDP 2002 (fq80-82)*

drug abuse, abandonment, sexually transmitted diseases, etc." So the family is a structure that encompasses a variety of relationships and roles and is sensitive to the violence occurring within it.

Based on the universal values of family, the Organization of the United Nations defines domestic violence as an act that results in, or is very likely to result in, physical, sexual or mental injury, including threats or similar acts, constraints or arbitrary deprivation of freedom. There are several forms of violence, among which the following are the most common in Albania, based on the experience of service centers that help violated women and girls⁵.

Physical violence includes: shoving, hitting, scratching, locking in a room, hitting with hard objects, threatening with a knife or other weapon, refusal to help the woman when she is pregnant or sick, attempted murder, up to the most severe form, murder. Forms of physical violence are efforts to control and monitor the movements of women. Physical violence in general starts with the simplest form and reaches the most extreme form. Violators gradually increase levels of violence. Generally this form of domestic violence occurs after the first year of marriage, during pregnancy, and escalates after the first childbirth and continues during the entire marriage if the woman does not oppose it or finds a way to escape from it. The data show that a considerable number of women who are victims of domestic violence, have experienced it in the family of origin. The victims indicate that their mothers have been equally abused by their husbands and have never opposed it.

Psychological/Emotional Violence includes ridicule, threats, secretly following them, denying the right to make decisions, forbid to go out with friends or alone, continued criticism of culture or customs, swearing to the victim at home and in public, putting the blame on the victim for everything that goes wrong etc.

Spiritual violence, is included in the psychological violence and it consists in the prohibition of the expression of religious or cultural norms, traditions and spiritual beliefs.

Sexual violence includes forced sex, treatment of partner as a sexual object, forced sex with another partner in the presence or not of the spouse, the declaration of an affair, obligation to have sex after physical abuse, coercion into prostitution, having to striptease, etc.

Based on the data of counseling center, this is the third form of violence declared by victimized women.

5 World Health Organization, www.who.org

In this case, it should be emphasized that although sexual violence may be third in terms of its frequency, it is increasingly involved and intertwined with other forms of violence such as emotional and physical violence. Economic violence encompasses the control of the money so that the victim does not have the opportunity to make decisions on economic issues, providing a small amount of money, insufficient to cover the expenditures, refusal to cover the costs of children, forcing to steal or sell valuables, denying the possibility that the property be on behalf of partner/spouse etc.

Violence against women affects negatively a country's economic development. In developing countries, it is estimated that five percent of wasted work time due to the inability of women, comes as a result of the violence in the family. It is very difficult to understand the level of diffusion of forms of violence because of the lack of systematic studies and because of the tremendous pressure on women to stay silent about such crimes committed against them. Sexual harassment is defined by the European Commission in its recommendations and the Code of Practice on the Protection of the Dignity of Women and Men at Work (1991), as "unwanted conduct of a sexual nature or other sex-based conduct affecting the dignity of women and men in the workplace".

Domestic violence is a widespread problem in many countries of the world and every country has its own way of determining and treating this phenomenon. How a society defines domestic violence depends on the culture, economic status, religious, legal or geographical location of a country. ⁶⁾

What are the reasons that keep women in these violent relationships?

Fear, the threat to exacerbate violence, shame, stigma, economic dependence and responsibility for children are some of the factors that keep women from speaking out about their violent experiences. It has often happened that battered or raped women have told their stories to social workers, or other professionals, who haven't believed them, have shown prejudice or maltreated them by interrogating them in a humiliating manner. Supporters of feminist theory, when pronounced on violence against women, have concluded that the frequency and prevalence of violence against women and how it has or has not been dealt with by social institutions, requires an analysis of the social structure. Men's violence against women cannot be explained simply as isolated acts of separate individuals. A researcher in 1990 (Walby) states: "Men's violence against women is very common and recurring. Men's violence against women is an expression of the power of men over women. "

6 Legal and Social Treatises on the protection from domestic violence, Advocacy Center, Tirana (2005)

A number of factors converge and try to make violence a serious problem for women, a problem that accompanies them in daily life, which imposes restrictions on their movement and prevents them from participating fully in the social life. These factors include cultural attitudes, which are very ambivalent about violence against women and contribute a great deal to the perpetuation of silence as a reaction to such issue.

Social and legal systems, of which women often have been excluded historically, reflect these attitudes and fail to find a suitable answer to this problem.

Economic dependence of women and their isolation at home because of unemployment as well, often makes it impossible for women to resist violence.

III. Legal and institutional issues regarding torture, mistreatment of women and sexual violence

III.1. Legal and institutional issues regarding torture and mistreatment of women

The meaning of torture, is given by the Penal Code in article 86 (as amended by Law no. 9686 dated 26.02.2007 with the proposal of the Ombudsman) and Article 87, based on what is sanctioned by the Constitution and not specifically related to women. The exception to this are cases when protection is associated with some specific qualities of the subject, such as the protection of pregnancy, which is a natural female sex quality etc.

The meaning given to torture in the Albanian legislation does not prevent the Albanian Court to classify violence against women as torture, under Articles 86 and 87 of the Penal Code, even when exercised by an unofficial person or when exercised within the family. Although this meaning has been accepted, in judicial practice, the cases where provisions of Article 86 and 87 of the Penal Code are applicable, are generally rare and in matters of domestic violence may have not been implemented at all. The monitoring of the decisions reached by the courts of Tirana, Shkodra, Vlora 2000-2003 has helped us to reach this conclusion. Nonetheless, torture from official entities and family ties is an aggravating circumstance under article 50 of the Penal Code.⁷⁾ Such provisions have been implemented very little in cases of domestic violence.

7 Monitoring Centre for Legal Civic Initiatives

For the offenses provided for in Articles 86 and 87 of the Penal Code, with regard to torture and other inhuman or degrading treatment or cruel punishment, the justice institutions are reluctant to accuse people with official force, e.g. police officers or other officials.

Generally, the prosecution of those responsible for mistreatment is based on Article 250 of the Penal Code, which is made possible for arbitrary actions.

The reluctance of the Judicial Branch to apply Articles 86 and 87 of the Penal Code can be seen during the classification of offenses related to common subjects responsible. In practice, although domestic violence perpetrated mainly by men, sometimes can be considered torture, prosecutors and judges face difficulties to qualify it as such. Their excuse is the lack of evidence.

III.2 Legal and institutional issues in regard to sexual violence

In Albania, sexual crimes traditionally are considered very serious infringements and irreconcilable with honor, morality and respect for women. Albanian penal legislation especially protects sexual freedom and human health, severely condemning rape and other sexual crimes. The Penal Code⁸⁾, currently provides for 9 offenses, as sexual or homosexual crimes, which are considered crimes against life and health of the person, for which are provided for severe sentences⁹⁾. Sexual and homosexual crimes contained in section VI of the Penal Code, "sexual offenses", which is one of the ¹⁰ sections of Chapter II of the Code, "Crimes against the person, crimes against life". Sexual and homosexual crimes are provided for in the same section. However, there are some specific provisions, such as Article 102 and 102/a, which respectively provides for cases of sexual relations with minors. They differ only in terms of punishment.

The Law 8733, dated 01.24.2001, which amended the Penal Code, completed a whole system that ensures the unification of criminal responsibility for sexual or homosexual crimes, which considers such acts as illegal intentional acts that infringe sexual freedom and health of women or men. The life and health of women and girls (excluding minors, who enjoy special protection) are protected from sexual crimes through several provisions. From a contemporary viewpoint, the current Penal Code appears the most complete in the fight against sexual and homosexual in comparison to all previous other codes or criminal laws. All special circumstances under which sexual, homosexual violence or indecent acts may occur, are classified as a separate crime and not as qualified circumstances of the crime. All acts classified as above, are presented as crimes and the commitment of one of these crimes is followed by severe penalties. The penalties are more severe if the offenses are committed in aggravating circumstances.

8) Penal Code of the Republic of Albania, entered into force in 1995 and has been amended several times.

9) Sexual Crimes constitute Section VI of chapter "offenses against the person, crimes against life" Chapter II of the Penal Code.

10) Ibid.

From these provisions are excluded sexual or homosexual relations in public places. In general, offenses cited above constitute matters of jurisdiction of the ordinary courts¹¹.

Violent sexual intercourse with adults is considered a separate crime according to the Penal Code. Characteristic of this crime is that it is carried out by means of violence, which must be proved through evidence. Violence is the main element of the criminal offense and the victim's opposition is required. In addition to physical violence (beating, hitting, tying up etc.), the jurisprudence recognizes psychological violence. However, psychological violence is accepted as evidence only in cases of serious threats to cause death or serious injury. However, the threat does not involve the use of firearms, which constitutes a different crime (Article 104). Practice shows also that the offense is considered attempted if the perpetrator does not overpower the victim.

Under ordinary circumstances, violent sexual intercourse with adults is punishable by three to ten years in prison. However, the penalty increases if the offense is committed in collaboration, more than once or when the health of the victim is severely damaged. The most severe punishment for the subject who commits the act, is from ten to twenty years in prison and is given when the offense has caused the victim's death or suicide. Likewise, Article 102 of the Penal Code is added to Article 102/a of the Penal Code, which provides for the same penalties for violent homosexual relations with adults.

Protection of women and adult girls is aided by Article 105 of the Penal Code, which considers a crime sexual or homosexual relations through abuse of office. This crime is characterized by entities that have certain qualities, a subordinate or work relationship with the victim. The penalty provided for this offense is up to three years in prison. This article is a typical provision that provides for and punishes sexual abuse from people who use and abuse their power. Subordinate relations constitute the relation between an employer and employee, as well as the type of relation such as teacher-student. The victim of this crime can be considered minor, if he/she has reached the age of 14 years and has become sexually mature. Although it seems a very effective provision it is rarely used in practice, as in these cases there have been few denunciations. Fewer have been cases reported as court cases¹².

There have been cases performed under specific circumstances, not provided for explicitly in the above provisions.

11 The Court of Serious Crimes, created in 2004, has jurisdiction only in cases considered very severe, provided for in Articles 100 and 101 of the Penal Code, namely in cases of sexual or homosexual relations with minors and violent sexual or homosexual relations with minors.

12 The 2003 statistical yearbook shows that there have been 19 reports of offenses related to violent sexual relations.

Identified issues.

1. Women make up the majority of victims of sexual violence and they have the burden of proof when sexual abuse occurs. However, the evidence is collected through a medical report and often a thorough and immediate investigation is not conducted.

Moreover, psychological violence is very difficult to prove and often leaves perpetrators unpunished. Violence is the main element of the offense and when the victim is unable to show signs of violence as evidence the crime cannot be proven.

2. In practice, the victim is asked to state precisely whether she has provoked or not the subject of crime.

3. Sexual abuse because of malfeasance often remains silent and unreported. Meanwhile, malfeasance occurs even when there is no direct work relation.

4. The compensation issue through a civil lawsuit in the penal process generally continues not to receive the proper attention. This requires great commitment, financial means to pay for a lawyer, because although procedural legislation provides for such thing, judges refuse consideration of a civil claim in penal proceedings.

5. In practice, no cases of sexual violence between spouses have been encountered, while often it is a cause for divorce. The Penal Code provides for no special provision for violent sexual relations between spouses, but if the wife decides to report sexual violence perpetrated by her husband, she can refer for protection to Article 102 of this Code.

III.3 Legal and practical cases related to trafficking of women and girls.

We believe that the trafficking of women, carried out against the will of women is one of the forms of violence against women in society. In reports and assessments conducted by the responsible state authorities, local non-profit organizations, but also by international organizations, was found that there have been cases when trafficking has been endorsed from the family members of the victims, for economic needs.

The causes of the spread of trafficking of women and girls in the past 20 years are numerous and associated with the weakness of the state to confront phenomena such as trafficking. In the years 1990-2000, Albanian society was affected by a range of issues, such as poverty, unemployment, immigration, lack of free movement of people, etc. Motivated by the profit of this illegal activity, traffickers have used forms such as: false promise to provide work, sham marriages etc. Most victims of trafficking are women and girls aged around 21 and the national or international efforts to combat the phenomenon of trafficking in Albania has increased. This commitment has been aided by the improvement of the legal situation. The Albanian Government has compiled a strategy for combating trafficking of human beings and has established mechanisms to make possible its implementation. At the Ministry of Interior there is an Anti-Trafficking Unit, which coordinates its work with the Border Police, the General Directorate of Police and analogous structures in other countries, or with different service agencies¹³. Meanwhile, there has been a commitment and awareness of state, international organizations and non-profit organizations.

During 2000-2004 was undertaken an intensive initiative to ban illegal transportation of people via speed boats to Italy, which significantly reduced the flow of human trafficking.

Judiciary police at the Ministry of Interior have been successful in the repatriation and bringing back the trafficked women to their families, however, the women were repatriated after providing information about the identity of persons who exploited them. This information paves the way for the prosecution and the court to effectively address this issue.

Based on the decision no.589, dated 08.28.2003, "On the establishment and functioning of the shelter for victims of trafficking", a state shelter was opened in Linza, which provides support for victims of trafficking and helps them not only to fight traffickers, but also to avoid re-trafficking.

Special assistance was also provided by non-profit organizations, international or national, that have offered shelter, assistance for rehabilitation and legal assistance for trafficked women and girls. To be noticed are the activities of the international organization IOM and shelters (especially shelter "Vatra" in Vlora). Shelters at non-profit organizations were made possible by financial support from abroad.

IV. Law "On Measures Against Domestic Violence" and the international acts.

The adoption and entry into force of the Law "On Measures against Domestic Violence", its changes in 2007, and later on 2010 is an important step towards completing the legal framework in the field of domestic violence. There are two important directions of this law:

First, it sanctions the organs of state that have obligations and powers to react to domestic violence.

Second, the law allows the courts to issue protection orders against violators, an additional mechanism to protect victims of domestic violence.

13 Albanian society in the face of challenges of women and children trafficking, Tirana 2004 (4 authors)

In October 2010 the Parliament of Albania adopted several other changes to the law "On measures against domestic violence" supported by a network of associations against gender-based violence and trafficking, the Program of the United Nations for Development and the Agency of the United Nations for Women.

These amendments were concerned with the establishment of a national shelter for victims of domestic violence and the legal regulation of the coordinated reaction system, by referring to cases of domestic violence. The Law "On Domestic Violence" defines two types of responsible authorities, administrative and judicial. MLSAEO (ministry of labor, social affairs and equal opportunities) is the main authority responsible with a coordinating, supporting and supervising role.

Other responsible authorities such as the Ministry of Interior, Ministry of Health, Ministry of Justice and Ministry of Education address cases of domestic violence through their subordinate structures, and treat the problems in accordance with the functions and powers that the law provides for. The law, besides the responsibilities and powers that addresses to these central authorities, provides for a range of tasks and responsibilities for local government units. Under Article 7 of the law, local government units (municipalities, communes) have a duty to engage in setting up social service structures for domestic violence cases; installation of a regional 24-hour reception telephone line, which then establishes links to local units, police, medical emergency and NPOs, this way setting up a coordination between them; the establishment of social and rehabilitation centers for victims and perpetrators, as well as coordination of work with existing ones, giving priority to specialized centers in respective fields. Through the decision of the Council of Ministers no. 723, dated 20.10.2011, was approved in principle by the Council of Ministers, the Council of Europe Convention on "Preventing and fighting violence against women and domestic violence". *The objective of this convention* is its application to all victims of domestic violence, especially paying special attention to women who suffer the most domestic violence in all its forms. This Convention has been open for ratification since 11 May 2011 and signed by 18 countries. Currently, according to the information sent officially by the MLSAEO, procedures to ratify this convention are being followed, which is thought to be ratified during the second half of 2012, during the Presidency of Albania at the Council of Europe.

Also by the Council of Ministers decision has been approved the Strategy of Gender Equality, Reduction of Gender Based Violence and Domestic Violence 2011-2015. The strategy provides for in its action plan concrete measures to reduce domestic violence.

IV. The authorities responsible at the central government, which promote and ensure the protection of women's rights.

The authority responsible at a central level that promotes and ensures the protection of women's rights, is the Ministry of Labor, Social Affairs and Equal Opportunities. Promoting women's rights and achieving gender equality in society, is one of the most important prioritized policies of the Albanian society. It is therefore necessary that a governmental mechanism ensures effectively women's rights.

At the Ministry of Labor and Social Affairs and Equal Opportunities operates the Directorate for Policies on Equal Opportunities, which has as its main mission, "the formulation and development of policies to promote equality in areas such as gender equality, equality/inequality in skills, ethnic, ethno-cultural and linguistic issues, age inequality, generational and racial etc. " In particular, for gender equality issues, the Directorate aims "to promote gender equality and broad participation of women in the economic, political and cultural life of the country".

At a parliamentary level within the Parliamentary Committee of Labor and Social Affairs, operates Sub/committee for Minors and Equal Opportunities, which undertakes legal initiatives according to the issues it covers and analyzes. This subcommittee cooperates with MLSAEO, but also with all other actors who can contribute to issues concerning the protection of women's rights, gender equality and children.

Albanian Parliament, recognizing the State's obligation to promote and protect human rights and fundamental freedoms, according to all international acts and domestic legislation, treats domestic violence as a violation of human rights and as an issue that concerns the whole society, and considers violence against women not only as a problem related to public health, but as an expression of gender inequality in the family and society, considering violence as a complex issue that needs a multidisciplinary and consistent intervention, and strongly supports the activities of the responsible state authorities and civil society for the protection of women's rights and the fight against domestic violence, *has reiterated the commitment and determination, for the indispensability of the contribution of Members of Parliament of Albania to improve and increase the efficiency of the legislation, to prevent and punish violence against women in the family and to supervise the implementation of this legislation aimed at eliminating domestic violence, to increase the contribution of Parliament in the awareness of the public regarding the consideration of domestic violence as a violation of human rights.*

National Gender Equality Council¹⁴⁾ has a duty to advise the Government to determine the direction of state policies for gender equality, with the exception of issues considered by the National Labor Council and to ensure gender integration in all areas.

14 Decision of Council of Ministers no.122, dated 02.02.2009 "On approval of regulations for the functioning of the National Council of Gender Equality", chaired by the Minister in charge of gender equality matters(currently the Minister of Labor, Social Affairs and Equal Opportunities)

As was expressed above, the Law "On measures against domestic violence", defines two types of responsible authorities, administrative and judicial.

Ministry of Labor, Social Affairs and Equal Opportunities, as the main responsible authority (A.5/1 and A. 6), has a coordinating, supporting and supervising role. Duties of the Ministry of Labor, Social Affairs and Equal Opportunities are: to determine the direction of state policy, to fund projects for victims of violence and protection of the family, to support the establishment of support structures that aid the infrastructure and supervision of this process, train, keep statistics, support and monitor service centers, to license NPOs.

The revised strategy is conceived on the analysis and treatment of two important issues: gender equality and the reduction of gender-based violence. The strategy aims to make efforts towards the achievement of gender equality in Albania through the integration of the gender perspective in all aspects of policy development and implementation. This means equal participation of women and girls, men and boys in social, economic and political life of the country, as well as equal opportunity to enjoy all their rights and to put in service their individual potentials to the benefit of society, to improve the protection, the response of public authorities and support the victims of gender-based violence, and emphasize preventive work, by addressing the causes of violence and abuse in the family and society.

To perform the functions provided for in this law, the Directorate of Policies for Equal Opportunities and Family, is responsible for the formulation and development of policies and programs and the development and revision of legislation in order to promote gender equality in society, preventing and combating violence against women, including domestic violence, protection from discrimination based on sexual orientation as well as for the protection of children's rights. Within this directorate sector for gender equality and measures against domestic violence it has as the mission to promote gender equality and a broad participation of women in the economic, political and cultural life of the country and the formulation and development of policies to prevent and reduce violence within family relations, and in general of gender-based violence.

Also under Article 8 of Law 9669/2006, the responsible state authorities (MLSAEO-Ministry of Labor, Social Affairs and Equal Opportunities, MOH-Ministry of Health, MOI-Ministry of Interior, MOEAS-Ministry of Education and Sports and MOJ-Ministry of Justice), have the duty to create the necessary structures and appoint the people responsible for implementation of this law. From the information received on this issue, we have concluded that not in all the aforementioned authorities

have been set up the necessary structures (such as at the Ministry of Health and Ministry of Education and Science), but the appointed people have been consigned with duties, according to their job description, for the implementation of this law.

During the evaluation process of the National Strategy for Gender Equality against Domestic Violence 2007-2010 (process that preceded the drafting of the new Strategy 2011-2015), from an overview of strategies, policies and action plans developed after the adoption was observed that the documents processed and approved by the Ministry of Health, which has a gender officer appointed full time, were significantly more gender sensitive than similar documents processed by other departments. In accordance with the recommendations of the Convention on the Elimination of All Forms of Discrimination against Women, the presence of such human resources enables the effective implementation of the revised strategy and action plans for every government instance.

In exercise of the powers provided for in the law no. 8454/1999 "On Ombudsman", the **Institution of the Ombudsman** exercises its functions for the promotion, protection and guarantee of human rights and fundamental freedoms of humans (including women), against irregular and illegal actions or inactions of the public administration and third parties connected to it. Therefore, the Ombudsman, based on the complaint/request or on its own initiative can start a case, based on claims submitted or made public (in the case started with an initiative). Complaints/requests may be linked to the adherence of the public administration to rights or fundamental freedoms, like the right to life, the right to organize in social organizations, the right to peaceful rally, the right to employment, the right to social and health insurance etc. So our institution deals with any complaint/request or concern made public, about the denial of a certain right, at any case, except when it is claimed that this denial of the right is made for gender-related reasons.

With the entry into force of the Law "On protection from discrimination" ¹⁵), was created the Institution of the Commissioner for Protection from Discrimination, which performs the functions of a rights defender on issues of discrimination on any grounds, including gender, but also gender identity, pregnancy, sexual orientation, family or marital status, parental responsibility, which typically are closely related to the gender of the person. This institution has the power to review complaints of discrimination from individuals, their groups or organizations, conduct investigations, monitor the implementation of this law, impose sanctions, develop awareness and education activities to assist in the implementation of this law.

Experiences related to gender budgeting at a local level have identified the need to develop capacities in local authorities, such as to ensure the application of the practice of gender budgets. Furthermore, a gender analysis of sectorial strategies will enable proper addressing of the needs and rights of women and men in various sectors of the economy and society.

IV.1. Monitoring legislation and policies.

The Decree of the Minister of Labor, Social Affairs and Equal Opportunities no.1220, dated 27.05.2010 "On the definition of indicators for the evaluation and monitoring of indicators of gender equality and violence against women, including domestic violence,

15 Law no. 10,221, dated 4.02.2010 "On protection from discrimination".

supervision, collection and processing of these indicators ", has set the benchmarks and indicators for their measurement, the periodicity of data collection based on these gender indicators, and state authorities responsible for collecting and recording these data.

On the other hand, monitoring consists in analyzing how much influence has had the legislation of gender equality, what discrepancies are identified and how they are addressed to ensure that the implementation of this legislation leads to the effective elimination of discrimination against women, especially women who belong to disadvantaged groups (women in ethnic and linguistic minorities, women with disabilities, older women, women living in rural or remote areas, immigrant women, women living with HIV/AIDS, and women who are discriminated against on the basis of their sexual orientation and gender identity).The institution of Ombudsman has an important role in monitoring the implementation of legislation and measures that have been taken by the state authorities responsible for protecting the rights and freedoms of women, in accordance with their field of activity. Also special attention was paid to the monitoring of activities that perform the structures of public administration, for the protection and treatment provided to specific categories of women, under Article 54, paragraph 1 of the Constitution of the Republic of Albania (pregnant women and young mothers). In this context we mention the monitoring of institutions where medical services are provided (ambulatory and hospital), and inspection activity of the State Labor Inspectorate.

In 2009, the Institute of Statistics, together with the United Nations Program for Development and the United Nations Fund for Children conducted a national survey on domestic violence. This was the first national survey, which provided full and detailed figures on domestic violence. It showed that out of 2590 surveyed women, at least 56% said they had experienced a form of domestic violence. Regarding risk factors, the survey revealed that women who did not work outside the home were significantly more likely to experience emotional abuse than women who worked outside the home at the time of the survey (82.5% versus 4.3%); women with a university education (46.0%) were less likely to experience psychological abuse compared to women with secondary education (56.2%), with nine-year education (56.9%), elementary education (62,5%) and those with no education (66.7%). Also women with a university education were significantly less likely to be mistreated physically or emotionally, abused by their husband/partner, compared to women with a lower educational level. Women with an elementary

education (70.4%) were those who mostly reported physical violence committed against them by their husband/partner.

16 www.instat.gov.al

Women in rural areas declared more emotional and physical violence than women living in the city. It is documented that battered women experience not only one form of domestic, emotional, psychological, physical or sexual violence, but they often experience multiple forms of violence at the same time. Emotional abuse is a predictor of other types of abuse and violence in the marriage or intimate relationship. 82% to 88% of women who had experienced domestic violence reported that violence - emotional, psychological, physical and/or sexual had started within the first three years of marriage or cohabitation with the spouse or intimate partner. Of the women who reported inability to work due to cuts, hematomas and pain, 81.6% had suffered temporary inability to work for one to four days. Battered women do not seek help from specialized structures. 90.7% have sought help from their family, 34.0% have sought help from the spouse's/partner's family and 13.9% of them have sought help from other relatives. So, from this survey is noted a reluctance of women to voice their problem beyond the family circle. Domestic violence against women is not always caused by the current or former spouse/partner. Other family members (e.g. parents, brothers, sisters, in-laws and other relatives) commit acts of physical violence against women. Although often violence is diminished after the dissolution of marriage, 60% to 67% of divorced or separated women reported that they currently were experiencing a form of emotional abuse, compared to 85% to 96% of married women or those living with an intimate partner.

Often violence against women and children coexists in the family. Children are the forgotten victims of domestic violence. In the survey was found that of 146 children who had been present during a domestic violent act, only 23.6% have told someone about their experience. The same survey reported that of the 991 children surveyed, 57.7% reported having been physically beaten by a family member. Children in rural areas (66.4%) were more likely to be slapped, punched or kicked by a family member than children in urban areas (50.4%). In violence against children were observed gender differences. Thus, boys were more likely than girls to experience physical violence.

In accordance with the conclusions of world literature that battered women are more likely to violate their children than women who did not experience violence, the survey noted that violence against children is exercised mainly by the mother (or stepmother), followed by the father (or stepfather) and siblings. Also, it notes that fathers violate more their sons than daughters, while mothers violate more girls than boys, which may be an indication of a gender division of roles of parents in the "disciplining" of the sons or daughters. One other important fact was evidenced by the national survey of violence was the link between the educational level of the male spouse to violence against women. Women who reported not being violated emotionally, psychologically, physically or sexually by their husbands, mostly reported that their husband had a higher education.

IV.2. Developments in the application of law 9669/2006 (as amended)

Despite developments in legislation and policies to protect and guarantee the rights of women, the main challenge is to strengthen the institutional and legal mechanism.

In the legal aspect, the challenge remains ongoing harmonization of legislation with international standards, and the growth and monitoring of the implementation of current legislation on gender equality in Albania by inspectorates assigned to do its monitoring, such as the Labor Inspectorate, the Inspectorate of the High Council of Justice, the National Inspectorate of Pre-University Education, etc.

In terms of institutional mechanism, main challenges remain the insufficient human resources for gender integration, the full-time appointment and networking of gender officers at central and local levels, increasing their capacity for analysis and programming, according to the principle of gender integration and establishment of a specialized unit to monitor the progress of the Strategy. Also, in the same context, it is important to determine the specialized structures of people at the state authorities responsible for dealing with issues of domestic violence.

According to the Law 9669/2006, the Ministry of Interior has the duty to establish special sectors against domestic violence in each police directorate, to create special structures and appoint persons responsible for the implementation of this law (may be at the police post level) (A. 8/1), to train police units that deal with domestic violence.

Municipalities and communes have a legal obligation to establish social service structures for domestic violence, raise social and rehabilitation centers for victims and perpetrators, make reference, orientation, accompaniment, transporting of the victims to other services, to issue the victim court written documents, submit a request to the court for Protection Orders for minors and Immediate Order Protection, participate in the trial for the issuance of the Order of Protection for minors, ensure enforcement of court decisions, to install a 24 hours phone line, which will then establish links to local units, police, medical emergency establishments and non-profit organizations, thus coordinating their actions.

Pursuant to Law No. 9669/2006, in 2011 has passed the decision of Council of Ministers for the establishment of a national referral mechanism for victims of domestic violence. Under this bylaw, at a municipality and regional level, special structures that manage and refer cases of victims of domestic violence should be established. According to the data presented by the MLSAEO there are officially set up in May 2011 mechanisms in only 17 municipalities, while by the end of the year will be set up in 10 other municipalities. So the establishment and expansion of this mechanism in the entire territory of the Republic of Albania is still in process, although more than a year has passed from the passing of the bylaw, as well as its entry into force. Some local government units (at a municipal level), have become promoters of a responsible and serious implementation of this obligation by appointing officer of gender issues and domestic violence, a process preceded by the change of the structure. The role of these workers is of a paramount importance for the process of implementation and monitoring of gender policies as a priority of the government, the process of joining the EU and realizing the objectives of the millennium. Offices of social services at municipalities and communes and service centers for the rehabilitation of victims of violence should support and refer cases to other actors, but also submit applications for protection orders as provided by law and the implementation of decisions of the Court for the issuance of Protection orders.

While the MLSAEO, in cooperation with civil society organizations is working to train the established mechanisms (where they are already constituted), or even to raise the awareness of the local government units for the establishment of such mechanisms. (where they are not yet established).

Based on Law No. 9669, dated 18.12.2006 "On Measures Against Domestic Violence" The law 9669/2006 provides for the obligation to establish a National Center for the Treatment of Victims of Domestic Violence. This residential institution of social care is set up under Prime Minister's Order No.36 dated 23.03.2010, in protection of battered women and women with no support. Women and children are accommodated in this institution, accompanied by the State Police with a protection order or immediate protection order by the courts, from all over Albania. This institution was conceived as an open center where women are free to move during the day, and children can attend schools located near the center. Also it has been adopted the Decision of the Council of Ministers no.505, dated 13.07.2011 "On approval of standards of social care services for victims of domestic violence, in residential, public and non-public centers" provides all the details of the operation, in compliance with set standards and clearly stated in the law and bylaws.

In Article 7 of Law 9669/2006 is provided the obligation of the local government units to set up at a local level, social and rehabilitation centers for victims of violence in family relations¹⁷.), in case of violence within the family, victims may send a request to the nearest police station (of the area where they reside), local government unit (municipality, commune), the local health center where the victim resides or file a petition addressed to the court of the region where the victim or the perpetrator lives, so

appropriate measures can be taken. Any person who finds out about a case of domestic violence can send a request to the above authorities, so they can take the necessary measures.

17 Amended by Law no. 9914 dated 12.05.2008 and the Law no.101329. dated 30.09.2010

The process of establishing such centers requires an assessment and decision-making structures of local government. Centers should be designed and operated as a day community service, or residential social care institutions, according to the provisions of Law 9355.2005 "for economic assistance and social services" and by-laws for its implementation. While implementing the above law at the circuits are set up committees Needs Assessment Social Services, which, based on the requirements and needs of the community (municipality or municipality concerned), evaluate the possibility of establishing a residential social care service at a regional or local government unit. What is important is that local governments, as social services are functions of municipalities and communes, according to article 10 of Law 8652/2000, based on the revenue they collect, must program specific funds for building services in the territory of their jurisdiction.

Ministry of Health and its structures, pursuant to Law No. 9669, dated 18.12.2006 "On measures against violence in family relations" adopted:

- Order No.13 dated.23.01.2008 of the Minister of Health "To equip persons violated in family relations with the relevant report:
- Order No. 14, dated.23.01.2008 of the Minister of Health "For the identification of cases of violence in family relations in the register and the individual files, in cases of domestic violence"
- Order no. 410, dated.12.07.2010 of the Minister of Health "On the reorganization of health and psychosocial services for those abused in family relations, who visit health institutions.
- The form for a routine screening of domestic violence health consequences by health personnel.
- Individual file for victims who admit abuse/violence.
- Special Report on the patient who has suffered violence.

During the years 2010-2011, 1,800 health workers have been trained by the Ministry of Health (general doctors, nurses and specialists) for the problems of domestic violence. In six regions are created national training facilities that serve as national capacities, focused on violence against women and children and in the future they will train health

personnel throughout the country. At the same time, it has been completed the guide for tracking by health workers gender-based violence. During 2011 it was reported by health institutions 146 cases of violence, 84 of which are children.

Must be established the capacities to handle cases of domestic violence in emergency and health centers (communes and municipalities), to provide medical and psychological assistance at any time, to carry out medical examinations at any time, to give the victim a medical report, to refer/direct the victim to other services (a. 7/2 / d), as well as accompany or transport them (a. 8/3 / b and c) and present to the court certified documents. For the Ministry of Health, the protection of women's health is a priority.

Ministry of Justice addresses the issues of domestic violence through the forensic service, bailiff office and legal aid. Work should be focused on these areas, the insurance of all those affected by domestic violence and the responsibility of the perpetrators before the law for their actions. Ensuring a sustainable and effective police reaction for each reported incident of domestic violence. The inclusion of victims of domestic violence in the witness protection procedures, etc.

Forensic Service has a duty to train experts on children and domestic violence, to provide the materials to experts, to examine and provide a copy of the examination to the victim and to appear in court as an expert.

Duties of Bailiff Judiciary Service are, to train the bailiffs for the execution of the Order of Protection and Order for Immediate Protection, to ensure their implementation, to take all appropriate actions.

Duties of the State Legal Aid Committee are to provide legal protection for free, provide a list of trained lawyers that provide this service. All above-mentioned bodies have a legal obligation to respond to each case, and treat them according to the specifications of each body. Likewise, they have the obligation to implement judicial decisions, to record and reflect everything into documents and to cooperate with other structures. They have administrative and criminal liability in case of failure to meet these obligations.

The Court reviews the requests for Order of Protection and Order for Immediate Protection, ensures the implementation of this law and other laws, operating under the principles of fairness, legality, non-discrimination, reliance on evidence and respect for professional ethics, takes measures for the internal administrative organization in order to respond in time (urgently) to victims, who address it, and to create security in the court premises, trains judges for recognizing the law on domestic violence, trains the staff to respond to victims under the law and ethics. Family disagreements are essentially conflicts involving family members.

IV.3. Developments in the domestic violence prevention and assistance to its victims.

During 2007-2010 there were significant developments in the fight against violence against women, in the matter of raising awareness about domestic violence prevention, as well as the response of structures to cases of violence.

1. With the support of the United Nations Program for Development, were adopted bylaws of the Law framework. Worth mentioning in this case are acts issued by the Minister of Health, Minister of Interior and the General Director of the State Police. This has led to, the reaction of these institutions to cases of violence, as well as record-keeping and registration of these cases be more structured and oriented. The General Prosecutor¹⁸⁾ issued a circular for prosecutors, to attract attention and provide guidance regarding the implementation of the law "On measures against violence in family relations", as well as a criminal law which applies in such cases.

2. In implementing the action plan, there are created units, sectors or sections responsible for the issue of domestic violence at the relevant institutions of the Ministry of Interior, the State Police and the Ministry of Labor, Social Affairs and Equal Opportunities, who, pursuant to the action plan of the National Strategy for Gender Equality and Domestic Violence, are trained in dealing with the phenomenon of violence, its causes and the obligations of these structures incurred by the law "on measures against domestic violence".

3. There are trained civil servants in local government, health and education employees, organized by the Directorate of Policies for Equal Opportunities at MOLSAEO, Ministry of Health and the Training Institute of Public Administration in the framework of the joint program of United Nations for gender equality and against domestic violence.

The Court, within 24 hours after issuance of the order of protection as per the judicial decision, sends a copy to the following persons: the victim and other persons listed in the decision; The prosecutor, if requested; social services department of the local government, where victim and other persons mentioned in the decision are permanent or temporary residents; police station in the region where victim and other persons mentioned in the decision are permanent or temporary residents.

As a result of large-scale training, the work of these structures as well has shown some achievements. Likewise, a positive growth since the beginning of implementation of the National Strategy on Gender Equality and Domestic Violence 2011-2015, is recorded for cases reported to the police. Official data¹⁹⁾ show a significant increase, in cases of domestic violence reported to the police, as well as a growing number of requests for protection orders prepared and submitted in court by police structures. Albanian Parliament filled the legal vacuum by issuing Law No. 10039, dated 22.12.2008

18 At the end of December 2010

19 The Department of Protection of Minors and Domestic Violence at the General Directorate of State Police.

"On legal assistance", where conditions are provided, the type of legal assistance, ways and procedures to be followed for granting legal aid, professionalism of people who provide legal aid, quality, efficiency and effectiveness of such assistance, etc.

Even in this law is stated that legal aid from the state is given by lawyers authorized by law, and under the conditions provided by law. The right to obtain legal aid is entitled to persons who seek to be defended by a lawyer in criminal proceedings, in all its stages and due to lack of financial resources, as they are unable to choose their own counselor or have remained without one. The right to legal assistance from the state is entitled also to people who have on trial a civil, or administrative matter, do not have sufficient funds to pay a lawyer, here are included people involved in social protection programs, and obviously here are included battered women.

V. Competencies of the Ombudsman and activities in defense of women's rights

The Ombudsman, based on the powers provided in Law No. 8454, dated 04.02.1999 "On the Ombudsman", supplemented by Law nr.8600, dated 10.04.2000, amended by Law nr.9398, dated 12.05.2005 can start treating a case in two ways:

1. The first way has to do with complaints or requests, and notifications that individuals send directly at the office of the Ombudsman.
2. The above legal framework recognizes the right of the institution to start examining the case on its own initiative, cases made public. So the law No. 8454, dated 04.02.1999, Article 13 provides that the Ombudsman shall initiate the procedure for examining the case on its own initiative for special cases made public, but with the consent of the person concerned, or damaged. "

Regarding women's rights in general, the Ombudsman has followed among other things the implementation of Article 7 of the CEDAW Convention, in Albania, towards the elimination of discrimination against women's participation in political life. Although in many countries that have provided quotas, time limits for their implementation are not set, it seems that the latest trend is to support more the systems of temporary quotas. These measures are taken in order to show the transience of political actions of the state, for the elimination of all barriers that exist in the electoral patriarchal reality. This seems clear as well in the recommendations that the Committee of the United Nations on the Elimination of Discrimination against Women, has given to Albanian state after reports made to the implementation of the UN Convention "On the Elimination of all forms of discrimination of women". So, it is estimated that women's participation in public and political life in Albania and in the decision-making process remains limited. Also the Ombudsman is providing protection for victims in cases of discrimination against women by state authorities and other institutions, as well as in cases of domestic violence. For the period 2003-2007, the Office of the Ombudsman has dealt with six cases, where the

subjects who complained, women or girls have alleged inaction of the police or of the prosecution in regards to cases reported by them.

After investigating the institution, the exercise of domestic violence against a citizen has been proven only on one occasion, who as a result of violence has attempted to commit suicide.

The case was registered with initiative as a special case and made public in the media. At the conclusion of the investigation of this case by the Institution of the Ombudsman, a recommendation was submitted to the General Director of State Police which requested:

1. Review of the Plans of deployment services of the State Police Departments in the normal situation, at the Elbasan Police Station and in all Police Stations in the whole country, as well as providing them with the necessary number of police to improve the performance of their tasks.
2. The case of the attempted suicide by hanging of the citizen and the lack of caution shown by police officers of Elbasan police station, should be known to all structures of local police, in order to improve the quality of police service and prevent similar events in the future.
3. Following the treatment of this complaint, the institution has sent a recommendation to the Vice Minister of Interior, regarding the protection and accommodation of the citizen in the National Reception Center for Victims of Trafficking.

The recommendations were reviewed, evaluated seriously and were welcomed by these bodies. Likewise, the Ombudsman, in the role of the National Mechanism for Prevention of Torture inspected in September 2008 the "Reception Center for Victims of Trafficking", in Linza, Tirana and recommended to the Ministry of Labor, Social Affairs and Equal Opportunities: 1. Drafting of a special regulation in Albanian and English for the organization and functioning of the internal life of people temporarily housed in this center. 2-The initial examination of immigrants by a medical committee and the opening of special individual medical files. 3 Creation of financial conditions for covering the costs of a full-time or part-time interpreter, depending on the needs of the center. This center has been continuously, year after year, subject to monitoring by the Ombudsman Institution and relevant recommendations were made to the statements made by us.

On the initiative of the Ombudsman, an inspection was conducted during the period 10.04.2012- 12.04.2012, at the National Center for Treatment of Victims of Violence, Kamëz, Tirana. This inspection was carried out due to complaints made by several women sheltered in the center, and the broadcast of a television news report, on treatment and conditions in this institution. After inspection was recommended as follows:

1. Removal from office of the director of the Center, dissolving the employment contract immediately, for reasons justified under Article 153 of the Labor Code.
2. Take measures to reorganize the staff and employ a jurist and a psychologist as a very necessary part of the staff.
3. Measures for the protection and accompaniment of women and children by specialized workers, when they leave the premises.
4. Continuous staff training regarding the treatment and communication with women and children housed in this center.
5. Draft a much needed internal regulation, which clearly defines rights and obligations of staff and sheltered women, rules which are consistent with the Constitution and fundamental human freedoms.
6. The obligation of the Ministry of Labor, Social Affairs and Equal Opportunities, to issue guidance on the implementation of standards, according to Council of Ministers Decision no.505, dated.13.07.2011.
7. Improvement of food treatment, according to the quotas, with a variety of seasonal products.

The Ministry of Labor, Social Affairs and Equal Opportunities, following our recommendation dated 19.04.2012 on measures to improve the conditions and treatment of women and children who are accommodated in the Shelter for Victims of Violence informs us that: The Ministry of Labor, Social Affairs and Equal Opportunities has followed and analyzed with high interest the recommendations it has received, and because of the gravity of domestic violence, has taken the following measures:

1. Regarding the first point of the recommendation that requires the discharge of the director of the Centre, informs that since 09.05.2012, director of the institution has been removed from office and the duty has been assumed by appointed official.
2. On the addition of a jurist and psychologist, the structure of the Social State Service is approved by order of the Prime Minister. Measures will be taken and this recommendation will be referred to the Administrative Council of the Social State Service, to make the necessary changes, as a decision-making body. Pursuant to the Council of Ministers' Decision no. 505, dated 13.07.2011, that the Centre is to provide legal assistance to the beneficiaries and the help of a psychologist, The General Director of the State Social Service has ordered the psychologist and jurist of the National Reception Center for Victims of Trafficking, to work two days a week at the National Center of victims of Domestic Violence, in cases where such service is necessary.
3. In pursuance of the legislation on the protection and safety of violence victims, the responsible institutions are the institutions of public order who implement the decisions of the court. (Protection Orders). The Center is equipped with a vehicle that is made available to beneficiaries according to the standard No.2, of the Council of Ministers'

Decision no.505 dated 13.07.2011 "On approval of standards of social care services for victims of domestic violence, in residential public and non-public centers ".

4. The Directorate of Policies for Equal Opportunities and Family, in cooperation with UNDP, in the framework of the implementation of the National Strategy on Gender Equality and Domestic Violence, has organized two training courses for the staff of this center: 17 to 23 May 2011 on the subject "to help survivors of domestic violence" and "the regulatory framework of the National Center for treatment of victims of violence".

5. General Directorate of State Social Services approved the internal regulation of the organization and functioning of the National Center for Victims of Domestic Violence, No.137 / 2 Protocol, dated.26.04.2012, based on current legislation.

6. Policy Directorate at the MLSAEO, in cooperation with international organizations, has prepared the manual for the implementation of Council of Ministers' Decision no.505 dated 13.07.2011 "On approval of standards of social care services for victims of domestic violence, in residential, public and non –public centers." Pursuant to Order No. 87 dated 15.05.2012, will be issued an instruction approved by the Minister of Labor, Social Affairs and Equal Opportunities.

7. Pursuant to Instruction No.1547 dated 27.08.2009 "On the level of expenditure quotas for food in residential public and community social care institutions", from the reporting of Labor Inspectorate and Social Affairs, as well as the implementation of standards of social care of victims of domestic violence, has assessed as positive the adherence to the quotas. The level of food quotas in public institutions, residential and community, based on Article 24 of the Law No. 9355, dated 10.03.2005 "On social services and assistance" are approved by the Ministry of Labor and Social Affairs.

Another problem identified in the 2011 Annual Report of the Ombudsman's work is the fact that: "National Strategy for Gender Equality and against Gender Based Violence and Family Violence 2011-2015 approved by Council of Ministers' Decision no.573, dated 16.06.2011 , provides, inter alia, the issue of subcontracting NPOs to provide relevant services for victims of such violence. The opportunity and the obligation to cooperate between local government and central government for social services, is clearly established in the Law No. 9669, dated 18.12.2006 "On measures against domestic violence". But rigorous enforcement of the law requires funding of civil society organizations from the competent state authorities in order that they properly perform services for victims of domestic violence, for its prevention and rehabilitation of offenders ".

VI. Consultation of the report.

The report was sent to non-profit organizations that operate for the protection of women's rights, which cooperate closely with the Ombudsman institution. The above organizations have agreed with the report and have made some suggestions for inclusion of certain issues or problematics, suggestions which are included in the report. Also a

report has been sent to Ministry of Labor, Social Affairs and Equal Opportunities, Ministry of Interior, Ministry of Education and Science. Ministry of Health, in order to get their opinion.

The Ministry of Labor, Social Affairs and Equal Opportunities, in its response, sent on 18.05.2012, has concluded that, the Ombudsman has made an analysis of the phenomenon of domestic violence, policies, legislation, mechanisms for gender equality and domestic violence as well as other responsible institutions, and the efforts of the institution of Ombudsman for the treatment of cases investigated administratively to protect and respect the rights of victims of violence in family relations. Also the ministry has given information about the latest developments on this issue, which has been reflected in this report. Regarding the gender workers, ministry officials stated that "... the work on institutionalizing gender employee network in ministries and municipalities of the country has continued. Currently, at a central level, only the Ministry of Health and Ministry of Defense have appointed in the structure an officer of gender equality matters, in accordance with the obligations deriving from the Law on Gender Equality. Meanwhile, in other ministries, there's an informal structure that addresses gender issues. In all the country's municipalities, out of 65 municipalities, only 16 have a special structure. In some municipalities there are special gender equality offices. The Ministry of Health said that it read the report, and presented some additional information and detailed update on some of the measures that the Ministry of Health has taken on the assessment and prevention of domestic violence and gender-based violence. The information conveyed by them is reflected in the report. The Ministry of Interior and the Ministry of Education and Science, have not sent thoughts on the report.

VII. Conclusions and Recommendations. Recommendation 11 of the EU for Albania establishes that:

"There have to be taken concrete steps in strengthening the protection of human rights, especially of women, children and Roma, and to effectively implement anti-discrimination policies". Thus, within the framework of the organization of awareness campaigns to prevent gender violence and domestic violence ", the work of the Institution of Ombudsman, among others, will continue to organize open days and constant inspections of centers where trafficked women are housed. Also the subject of ongoing work at the institution of the Ombudsman, will be the assessment and monitoring of the implementation of the legal and bylaw obligations and regulations by the responsible state authorities, according to their field of activity.

1. The continuous cooperation of the Ombudsman with non-profit organizations, which recently materialized in joint cooperation agreements, will mainly focus on the treatment (referring) of cases, community awareness regarding the rights of women, joint activities, etc. and drafting recommendations. Cooperation Agreements of the Ombudsman with civil society organizations for the protection of women's rights, will enable the civil society "to use effectively the Ombudsman to convey important messages about the state of women's rights which requires legal, administrative intervention etc."

2. There's been an increase of the number of individuals that address the court because of cases of violence and as well the number of issued protection orders. It is noted that during the years of implementation, there has been an increase in the number of courts that have issued orders of protection for victims of domestic violence, and not only the courts of major cities, but also in smaller districts. This increase in the number of decisions on protection orders issued by the Court shows an increase in awareness, responsiveness and confidence of the victims of violence in the protection system. However, enforcement structures find it difficult to enforce the Court's decision.

3. Domestic violence is a widespread phenomenon in the Albanian society and therefore it is the responsibility of the state, communities and individuals to take the necessary measures to stop it. It is imperative that the government take the necessary initiatives against this phenomenon in order to respect and fulfill the fundamental rights of women and children as part of human rights. Besides the initiatives and activities of different organizations, actions taken by the state can unify and consolidate these efforts and as well encourage and promote them.

4. The process of compensation of women who have suffered torture or sexual violence, or other forms of ill-treatment, suffers in practice. The civil lawsuit in the penal process is used very rarely. The main factor is the mindset in which "honor cannot be bought with money," but there are also a number of other factors.

5. In addition to the work of some non-profit organizations to raise awareness and finding concrete ways to improve the situation, there's a need to find effective tools in the framework of a mechanism, to ensure the preservation and implementation of the rights of women, to improve treatment and the position of women in the family and in the Albanian society. The bodies dealing with the issue of justice should prioritize the cases when part of mistreatment and violence are women and girls. They are often forced to withdraw the charges for one reason or another. The perpetrators of many crimes committed against women in the past still remain unknown.

6. Women's economic empowerment constitutes one of the basic conditions for achieving gender equality and reducing gender-based violence.

7. Gender integration should be part of all social, economic and political policies in Albania in order to achieve the sustainable development through the use of full human potential of the country, as well as guaranteeing that all social groups benefit from these achievements.

8. The establishment in all the local government units, pursuant to bylaws (counties and municipalities) of the referral mechanisms of domestic violence cases in family relations.

9. The establishment and strengthening of mechanisms for gender equality at a central and local level, particularly speeding up the process for the appointment of gender officials at the structures of the Ministries and local employees for gender issues in the country's municipalities.

10. Giving priority to policies regarding the participation of women and girls in financial support schemes, active employment programs, vocational training and retraining.

11. The implementation of the Albanian Parliament Resolution, dated 2.12.2010 "On the fight against violence against women and increasing the parliamentary dimension of the fight against domestic violence."

12. The establishment of social care services and rehabilitation for victims of domestic violence by local governments with their income.

13. Implementation of the measures provided in the National Strategy for Gender Equality and Gender Based Violence and the Violence in Family 2011-2015, which require the establishment of procedures and subcontracting opportunities of NPOs, to provide relevant services for victims of this violence.