

STATEMENT UPR, Pre-session on Albania, Geneva, 04.04.2019

Delivered by: MONITORING NETWORK AGAINST GENDER BASED VIOLENCE

This Statement is delivered on behalf of the MONITORING NETWORK AGAINST GENDER BASED VIOLENCE, established in 2017 by 48 Albanian NGOs and their networks specializing in human rights and women rights. This is the first participation of the Network at the UPR processes.

For drafting this report, we have made use of the experiences gained from the advocacy and services provided to citizens in this field, from monitoring and combined efforts with public institutions on several public awareness and legal initiatives. In this regard, the following instruments have been used: Opinions and ideas put forward by the Network's organizations during different workshops regarding these issues; Official statistics, or data provided by the civil society organizations; monitoring of the legislation recently adopted in Albania;

This statement addresses issues on the effective prevention and combating of domestic violence and violence against women, in three directions, as they are recommended from the previous review:

1. Taking action to effectively prevent and fight violence against women, particularly domestic violence. (*104.44 –Algeria; 104.45-Slovakia; 104.46-Turkey; 104.55-France*);
2. Addressing the factors which may still prevent women from filing complaints regarding episodes of violence; (*104.47-Italy*);
3. Raising public awareness of domestic violence as a criminal offence (*105.22-Czech Republic*);

1. As we can see, all three recommendations are related to **effectively prevent and fight violence against women, and domestic violence**, which continues to be a sensitive issue in Albania. Thus, based on the data provided by the National Data System regarding domestic violence at the local level, the system has recorded 758 episodes of violence in 2017, whereas access to courts as regards to protection orders is still problematic. A large number of cases, over 60% of the proceedings for protection orders are dismissed with no final court decision. On the other side, the execution of protection orders poses several challenges.

Since the first review, there has been progress in Albania related to two main courses of action: reforming of the legislation against domestic violence based on the international standards, and regulating free legal aid. The Law “*On measures against violence in family relations*”, has been amended bringing about several improvements for a more efficient implementation. Actually even the sublegal acts of this law are approved. “*The Criminal Procedure Code*” was updated and for the first time it stipulated the procedural rights of the victims during the criminal proceedings. The victims of trafficking of human beings and the victims of sexual violence have a special status in the Code. The new Law “*On Free Legal Aid provided by the State*” was approved, for the second time, after the unsuccessful implementation of the first one. This law stipulates special provisions for the legal representation of victims of domestic violence and human trafficking.

The amendments of the law against domestic violence are expected to improve the performance of state institutions and protection orders. However, their scope is protection against violent acts within the context of family relations. Therefore, we fully support and demand that the Government should meet the obligation imposed, for drafting the framework law on preventing and combating violence against women within two years.

It is necessary to strengthen the institutional mechanisms against domestic violence, and their cooperation, in order to turn them into effective remedies, especially with regard to its prevention and the execution of judicial decisions. In this frame, it is important to strengthen the “local referral mechanism against domestic violence” in all municipalities.

The lack of successfully executed court decisions in Albania has transformed them in non-effective remedies. Although there is a new experience in the court proceedings for compensation of the victims of trafficking of human beings, which should be extended in other cases of domestic violence and violence against women, there have been no executed decisions.

The Albanian Government should advance with the implementation of Judicial Reform. The Constitutional Court and the Supreme Court do not gather any longer due to not being able to create a quorum. All the judges and prosecutors are under the vetting process. The political situation is not stable and the opposition has left the parliament. These facts might impact the work on preventing and combating domestic violence even, avoiding it.

2. In order to address the factors which may still prevent women from filing complaints regarding episodes of violence, the state bodies were focused on the following elements:

- Raising awareness of women, especially in rural areas, in denouncing domestic violence. This is done mainly through awareness campaigns in cooperation with civil society, which are insufficient due to them being temporary and geographically limited.
- Assisting the domestic violence cases in local referral mechanisms, which is not satisfactory due to the lack of coordination of the state bodies participating in them.
- Supporting the institutions dealing with domestic violence cases, particularly through financial support, which as mentioned in the report, is very low and not complete.

The Network's organizations raise their concern that rural areas face more barriers "*due to the closed mentality, lack of information on rights, lack of access to free legal aid*". The situation regarding the functioning of the institutions has affected the limited geographical distribution and the number of complaints filed by victims of violence. We think it is important to increase the support for shelter and counselling lines, as well as to provide free legal aid for cases of domestic violence in all the regions of Albania.

3. In the context of raising public awareness of domestic violence as a criminal offence, the legal public education and inclusion of information in curricula of university schools received special attention this time, along with public awareness we have already mentioned. The law and social sciences faculties have included this criminal offence in their curricula. In the frame of the justice reform, the Albanian Parliament has drafted a strategy for public education, and an action plan. Even this is still a draft, has started to be implemented by civil society organizations. There is no monitoring of the situation and results in this field yet.

We think that there is a need to extend the state bodies' actions and to better target the issue using the visual media. The work especially with young people, who have not reached the age of criminal responsibility, is very important. Recently, we had a case of rape, from male pupils to a female pupil, which started as a game and no one of them, was aware about the criminal circumstances and consequences. Secondly, there is need for a geographic extension in rural areas, as well as for awareness-raising and public legal education. Third, the judges and prosecutors should be aware on this regard; some of them still think that the domestic violence cases should be resolved through negotiations.