



**REPUBLIC OF ALBANIA**

**PEOPLE'S ADVOCATE**

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**Executive summary of the People's Advocate special report on violence  
against women**

July 2012

*-Non official translation-*

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## **Overview**

Despite the fact that the Constitution of the Republic of Albania envisages equality between men and women, in practice, women do not enjoy the same rights as men. This inequality is observed in many sectors.

Until the 90s, Albania was not committed to international/ regional instruments, and due to this, fundamental rights were systematically violated

The first research attempts on domestic violence in Albania were made only in the mid 1990's. In addition to the lack of researches in this area, these efforts have met a number of difficulties related to the complex nature of the phenomenon of domestic violence.

Despite the work done on awareness raising among the public, especially during the last ten years, the attitude towards violence has not changed much.

The difficulty of studying the phenomenon of domestic violence is also higher due to the fact that this phenomenon happens “behind closed doors” of the family. The only source of information remains in most cases the victim, who, in any case, is not free from prejudices and stereotypes that exist in society or in the community where she belongs.

Violence against women is a complex problem that involves more than an inter-personal relations between the husband and wife; it is a social problem, originating from the historical attitude towards women and marriage relationships. The violence of husbands against their own wives is reinforced from other factors related to domestic violence such as economic situation, mentality, traditions, low level of awareness raising.

Violence against women is becoming a concerning problem in society, because many men feel threatened by the concept of freedom of women. The study of domestic violence becomes difficult considering a number of myths that do not permit a deeper understanding of the problem. Thus, in different communities and social environments it is believed that “violence affects only certain groups”, “violence is a problem of the poor”, “violated women have a certain personality that encourages violence against them” etc.

Albanian customs and traditions inherited from the past contain some forms of discrimination against women in the family and society, but not any kind of torture or other maltreatment. Blood Feud phenomenon appeared again after the 90's, especially in some areas of the country, has caused problems for women, but especially for children. Blood Feud has become an obstacle to normal life, because of the difficulties arising from the confinement of men and children. Cases where women are shot for blood feud are rare. “Kanun” is still practiced in Albania, particularly in the north. Unfortunately, this customary Law was reactivated after 90-s.

Violent sexual relations are still considered an “shame” for women and in some cases, especially in rural areas, causes the forced marriage with the abusers in order to “to protect the honour”.

However, the situation in urban areas has changed, but still in rural and suburban areas woman continues to be under the pressure of a patriarchal mentality.

The first decade of transition, 1990-2000, was characterized by a wide spread of the phenomenon of trafficking of women and young females for prostitution purposes.

In January 2003, the Government of Albania, for the first time, presented its report on the implementation of standards of the “Convention on the elimination of all forms of discrimination against women” (CEDAW), ratified in November 1993. The most sensitive problems presented were prostitution and trafficking of women and young females. The *United Nations Committee on the Elimination of Discrimination against Women*<sup>1</sup>, has made some recommendations, which have guided not only the activity of state mechanisms/structures, but also the activity of all NGOs that support, assist and help violated women.

Studies show that violence against women in Albania is mainly occurring within the family. There are few reported cases of violence against women by state institutions. Unfortunately, cases of domestic violence are not always reported.

From the press monitoring during 2002-2003<sup>2</sup> it results that 56 women and young females across the country have lost their life due to domestic violence. 74 other women and young females have suffered serious health damages. This low percentage of women reporting abuses, can be explained with lack of information. At present, victims of domestic violence are protected under the general provisions of the Criminal Code, which provides protection for women and punishment for perpetrators related to physical abuse, insult, injury, death, etc. While criminal offenses committed by taking advantage of family relations, constitute an aggravating circumstance as provided by the Criminal Code.

The small number of complaints and reports on domestic violence shows that domestic violence is still considered a private issue.

On the other hands, Courts as well don't provide a solution to these cases, since fair decisions are not given to offenders and in many cases just a fine takes place, by aggravating this way family budget.

The new Family Code has strengthened furthermore the protection against violence, and the Albanian Law “On Reproductive Health” is one of the most moderns in Europe and guarantees women's rights with regard to reproductive rights.

Preventive work carried out by non-profit organizations, has been accompanied with the adoption of relevant laws on domestic violence and with strict investigation on cases of domestic violence. There should be more effective tools to ensure the preservation and enforcement of women's rights, in order to improve their position of women in society. Likewise, state

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<sup>1</sup> The 28th session of the CEDAW Committee, 13-31 January 2003, and remarks of the United Nations Committee on the Elimination of All Forms of Discrimination against Women, given in 2010.

<sup>2</sup> Press monitoring conducted by the Center for Women 2003-2004, Tirana.

authorities should also work in ensuring effective justice, despite the fact that victims of this violence may give up testifying.

Domestic violence affects not only poor families or those with lack of education, but also families in good economic conditions and highly educated.

### **Conclusions and Recommendations of the People's Advocate**

Pursuant to the Recommendation 11 of the Opinion of the European Commission for Albania which stipulates:

“Concrete steps should be taken to strengthen the protection of human rights, particularly women, children and Roma, as well as the effective implementation of anti-discrimination policies”. In the context of awareness campaigns for the prevention of gender-based and domestic violence, the People's Advocate Institution among others, will continue to organize open days, and carry out inspections in the residential centers when trafficked women are sheltered.

Also, the People's Advocate work will focus in evaluating and monitoring the implementation of legal provisions by responsible authorities, in accordance with their field of activity.

1. The continuous cooperation of the People's Advocate with non-profit organizations, recently reflected in joint cooperation agreements, will focus in referring cases, community awareness related to women's rights, joint activities, drafting of recommendations etc. The cooperation agreements of the People's Advocate with civil society organizations for the protection of women's rights, will enable the civil society “to effectively use the People's Advocate deliver important messages on women's rights”.
2. The number of individuals bringing cases of violence to the Court is increasing and there is also an increase of protection orders issued by courts. It has been noted over the last years, there has been an increasing of these protection orders not just in large cities, but also in the small ones. This shows that awareness has been increased and also the confidence of victims in the protection system. However, a concerning issue is related with court enforcement structures, which appear to find it difficult to enforce judgments.
3. Violence against women continues to be a widespread phenomenon in the Albanian society and for this reason it is the responsibility of the state and of the society to take the necessary measures to stop it. It is essential that state authorities undertake action against this phenomenon in order to respect and basic rights of women and children. State authorities actions can unify and consolidate the initiatives and activities of various organizations on domestic violence.

4. The compensation of women victims of torture, sexual violation, or other forms of maltreatment is limited in practice. Civil claims in criminal procedure are rarely used; one of the main factors for this is the mentality that “honor can not be bought with money”.
5. Besides the work done by some non-profit organizations in raising awareness and in finding concrete ways to improve the situation, effective tools in the context of a mechanism shall be established in ensuring that woman’s rights should be properly enforced in order to improve their position in the family and society. Justice authorities should pay particular attention to cases of violence involving women and young females, since they are often forced to give up in proceeding the case. Many crimes against women that occurred in the past are still without any author.
6. Economic strengthening of women is 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 sustainable development by using the full human potential of the country and guaranteeing the enjoyment of these achievements by all social groups.
8. Establishment of mechanisms for reporting cases of domestic violence as defined in the bylaws in all regions and municipalities.
9. Establishment and strengthening of mechanisms for gender equality at national and local level, especially in accelerating the process of appointing gender officers in ministries and local officials on gender issues in municipalities.
10. Giving priority to policies regarding the participation of women and young females to income support schemes, in active employment programs, vocational training and retraining.
11. Implementation of Resolution of Parliament, dated 02.12.2010 “On the fight against violence on women and increasing the parliamentary dimension of the fight against domestic violence”.
12. Establishment of social care services and rehabilitation of victims of domestic violence by local governments units with their budget.
13. Implementation of the measures envisaged in the National Strategy on Gender Equality and against Gender-Based and Domestic Violence (2011-2015), requiring the establishment of procedures and possibilities for subcontracting NGOs in order to provide appropriate services to victims of such violence.