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# REPORT OF CIVIL SOCIETY ORGANIZATIONS FOR IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION IN ALBANIA

## BEIJING + 25

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## ABBREVIATIONS

|          |                                                                            |
|----------|----------------------------------------------------------------------------|
| ACPD     | Albanian Centre for Population and Development                             |
| ADRF     | Albanian Disability Rights Foundation                                      |
| AIDA     | Albanian Investment Development Agency                                     |
| AGPS     | Association “Gender, Peace, Security”                                      |
| AWEN     | Albanian Women Empowerment Network                                         |
| AWSP     | Association of Women with Social Problems                                  |
| CEC      | Central Election Commission                                                |
| CDRW     | Centre for Development of Rural Women                                      |
| CLCI     | Centre for Legal Civic Initiatives                                         |
| CPD      | Commissioner for Protection from Discrimination                            |
| CPU      | Child Protection Unit                                                      |
| CRM      | Coordinated Referral Mechanism                                             |
| CRCA     | Children’s Rights Centre of Albania                                        |
| CSO      | Civil Society Organization                                                 |
| DCM      | Decision of Council of Ministers                                           |
| D&E      | «Different and Equal» Organisation                                         |
| DPH      | Department of Public Health                                                |
| EPO      | Emergency Protection Order                                                 |
| EU       | European Union                                                             |
| GADC     | Gender Alliance for Development Centre                                     |
| GRB      | Gender-Responsive Budgeting                                                |
| INSTAT   | Albanian National Institute of Statistics                                  |
| IPH      | Institute of Public Health                                                 |
| LGBTI    | Lesbian, Gay, Bisexual, Transgender and Intersex                           |
| LGU      | Local Self-Government Unit                                                 |
| MESY     | Ministry of Education Sports and Youth                                     |
| MI       | Ministry of Interior                                                       |
| MJ       | Ministry of Justice                                                        |
| MD       | Ministry of Defence                                                        |
| MHSP     | Ministry of Health and Social Protection                                   |
| MTBP     | Medium Term Budgetary Plan                                                 |
| MWL      | «Mary Ward Loreto» Foundation                                              |
| NAP      | National Action Plan                                                       |
| NGO      | Non-Governmental not for profit Organization                               |
| NRC      | National Registration Centre                                               |
| NSGE     | National Strategy on Gender Equality 2016-2020                             |
| OPMEP    | Order for Provisory Measures of Emergent Protection                        |
| PO       | Protection Order                                                           |
| PWDs     | Persons with Disabilities                                                  |
| SMEs     | Small and Medium Enterprises                                               |
| SDGs     | Sustainable Development Goals                                              |
| UNDP     | United Nations Development Program                                         |
| RWRC     | Roma Women Rights Centre                                                   |
| UN       | United Nations                                                             |
| UNFPA    | United Nations Population Fund                                             |
| UN Women | The United Nations Entity for Gender Equality and the Empowerment of Women |
| WHO      | World Health Organization                                                  |

## PREAMBLE

The following report represents the opinion of a group of civil society organizations towards the implementation of the Beijing Declaration and Platform for Action by the Albanian state, in the framework of the 25<sup>th</sup> anniversary of its adoption. The report comes as additional information on the situation in Albania regarding compliance with and enforcement into practice of the women's rights, their empowerment and achievement of gender equality. Preparation of this report was based on information presented by the Albanian state for the same purpose, through the "National Review for Implementation of the Platform for Action Beijing + 25" and it examines in detail certain sections of this report under each of the critical areas of concern.

The information **is structured according to the chapters contained in the second section of the national review** prepared by the Albanian state concerning progress across 12 critical areas of concern of the Platform for Action. There are six key priorities outlined in this report, namely:

- I. Inclusive development, shared prosperity and decent work – wherein the situation of women entrepreneurs and the environment in which they operate are singled out and addressed, together with the situation of rural women or Roma women towards the inclusive development;
- II. Poverty eradication, social protection and social services - wherein, again, the support of women's entrepreneurship and the activities of business development, as well as actions taken to improve education and vocational training for young girls and women wishing to be involved in entrepreneurship are singled out and addressed;
- III. Freedom from violence, stigma and stereotypes - with emphasis placed on groups of women subject to multiple discrimination, the treatment of violence exercised towards these groups, illustrated with cases from the civil society organisations' interventions, as well as the serious obstacles they face in the healthcare, mainly in benefitting sexual and reproductive health services;
- IV. Participation, accountability and gender-responsive institutions - which analyses the legal framework and the participation of women in decision-making, national gender equality mechanism in Albania, accountability and support provided by the Albanian government for having gender-responsive institutions and national equality gender policies, the role of civil society organizations in advancing women's participation in political and public decision-making, women's access to and participation in decision-making in the media, as well as the collection of data on the issues touched upon above;
- V. Peaceful and inclusive society - which deals mainly with actions taken by the state in this regard, the national action plan on women, peace and security, communication strategies for increasing women's awareness of their role for peace and security, the actions taken by the Albanian state in relation to raising the level of women's representation and role in situations of armed conflict or humanitarian crises, as well as enhancing the judicial and non-judicial accountability in the event of women's rights violations;
- VI. Environmental conservation, protection and rehabilitation - with the focus on bringing practical examples on the monitoring of complaints or even bringing to the court cases addressed by the citizens who have claimed infringement of their own legitimate interests as a result of environmental pollution from the activities of private entities.

**The methodology** used was a **combination of reviewing the existing study materials and alternative or shadow reports prepared in recent years by civil society organizations** (such as those on the implementation of CEDAW Convention, UPR, etc.) **with examples and experiences identified by the daily working practices of these organizations**, especially of those offering specialized support services. In exploring the issues addressed under the first two priorities, a structured questionnaire survey for the collection of field information was also used.

**The process for the preparation of this report was comprehensive** and passed through several stages. This report was prepared by a group of civil society organizations members of the Monitoring Network against Gender Based Violence, namely: Association of Women Business Professionals and Skilled Crafts (AWBPSC),<sup>1</sup> Albanian Centre for Population and Development (ACPD)<sup>2</sup>, Children's Rights Centre of Albania (CRCA)<sup>3</sup> and the Albanian Helsinki Committee (AHC)<sup>4</sup>, coordinated and supported by the Centre for Legal Civic Initiatives, in the framework of the project "Establishing a network of non-profit organizations for a better implementation of international standards on gender equality and gender-based violence in Albania", part of the EU/UN Women regional programme "Ending violence against women in the Western Balkans and Turkey: Implementing Norms, Changing Minds," funded by the European Union. Each of the author organizations prepared the first draft information on the priorities for which they were committed to contribute and later it was organized a consultation meeting with the other network organizations, field experts, as well as a representative of UN Women, on which it was discussed the methodology followed by each of the organizations, the key issues identified and the report format. A number of organizations were also invited at this meeting to provide their contribution and inputs. The draft report already prepared was shared for consultation (electronically) with all member organizations of the network, with the experts on issues of gender equality and gender-based violence, as well as with the UN Women representatives.

As a result, other organizations and members of the Monitoring Network against Gender-Based Violence, such as: "Mary Ward Loreto" Foundation, Centre for Roma Women's Rights, Centre for Legal Civic Initiatives, "Different and Equal " Organization, Centre for Development of Rural Women, Albanian Disability Rights Foundation, Association "Gender, Peace, Security" as well as the Albanian Women Empowerment Network through the following organizations: Gender Alliance for Development Centre, Psycho-Social Centre "Vatra", "Me, the Woman" Association and Association of Women with Social Problems, provided their contribution to the improvement of certain sections of the report.

The author organizations of the report appreciate the achievements of the Government of Albania, especially in the recent years, in addressing certain issues as part of the 12 critical areas of concern of the Beijing Platform for Action, but at the same time raise their major concerns about each of these areas, based on their daily work. Suggestions and recommendations for improving the situation, based on their best practices, are also included in the report.

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<sup>1</sup> Responsible for the preparation of the information regarding the key priorities I (Inclusive development, shared prosperity and decent work) and II (Poverty eradication, social protection and social services)

<sup>2</sup> Responsible for the preparation of the information regarding the key priority III (Freedom from violence, stigma and stereotypes)

<sup>3</sup> Responsible for the preparation of the information regarding the key priorities IV (Participation, accountability and gender-responsive institutions) and V (Peaceful and inclusive society)

<sup>4</sup> Responsible for the preparation of the information regarding the key priority VI (Environmental conservation, protection and rehabilitation)

## I. INCLUSIVE DEVELOPMENT, SHARED PROSPERITY AND DECENT WORK

The actions undertaken in the recent years by the Government of Albania to advance gender equality in relation to the role of women in employment and paid work, or to redistribute the household work and care and to promote the work – family conciliation, if analysed in terms of strategies or programs prepared, are to be welcomed. For example, the combination of actions foreseen in the National Employment and Skills Strategy 2014 - 2020 (approved by the DCM no. 818, dated 26.11.2014) with the specific objectives of the first strategic goal of the National Strategy on Gender Equality 2016-2020 (approved by the DCM No.733 dated 20.10.2016) aimed at the economic empowerment of women and men, is really interesting and encourages the practical implementation of the foreseen measures.

Inclusion of gender indicators in such strategic documents, or efforts to address the needs and the inclusive development of certain groups (such as persons with disabilities<sup>5</sup>), or the improvement of the Labour Code in terms of creating a safer environment as regarding sexual harassment at work or protection from discrimination of pregnant women and protection of motherhood, are also achievements to be welcomed.

However, **the major concern of civil society organizations remains the recognition and practical implementation of these actions and measures foreseen in the improved legal framework or in the approved strategic documents and national action plans.**

It is true that every year there are presented data on the number of unemployed women jobseekers who are registered, treated to and addressed through the services offered by local employment offices (including the reformed ones relying on new employment service models), or women employed in different sectors. But **there is a lack of detailed analysis reflecting the employment and labour market trends over the last years, not simply based on the quantitative comparative approach, but completed with further analysis to show to what extent and how the women's access to the labour market has changed, especially that of women from different groups of society, to what extent their legal rights are known and respected in the field of employment, whether they actually benefit protection and special care in situations provided by law, how enabling and conducive is the labour market and the working environment for women, what really happens to certain vulnerable groups of the society, what happens to women in rural areas, to what extent are respected and applied in practice their property and land rights, what the situation regarding access to credit loan including self-employed women is like, and so on.**

Concerns about the position and situation of women in general, related to their relationships and access to the labour market, securing a decent job, creating an enabling and non-discriminating working environment or even increasing efforts to balance the division of responsibilities and unpaid obligations within the family life, have been raised and constantly continue being raised by civil society organizations, coupled with their efforts to address these issues within their limits. Therefore, **informing women on their rights in the field of employment, (localized) studies on the application of these rights into practice or providing vocational training and preparing women for a more professional representation in job interviews, are some of the steps consistently undertaken by civil society organizations, which however, have not reached yet all vulnerable groups of women.**

Meanwhile, when it comes to inclusive development, an important group of women who should not be ignored are also **women entrepreneurs**. Notwithstanding the fact that for their support, the state has

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<sup>5</sup>For example, Adoption of the Law no. 93/2014 "On Inclusion of and Accessibility for Persons with Disabilities"

taken steps through the development of concrete plans ( i.e. the "Action Plan on Promoting Women's Entrepreneurship 2014-2020<sup>6</sup>), **more needs to be done still in terms of the support and empowerment of this group**. Precisely, valuing the creation of an enabling and conducive environment for women entrepreneurs (in all areas, including artisan ones - often almost forgotten), constitutes the major concern of the Association of Women Business Professionals and Skilled Crafts (AWBPSC), as further expressed through the information and facts presented for this purpose in this section of the report.

For conducting certain studies and assessment of situations, the AWBPSC bases the methodology used on internationally recognized and unified instruments<sup>7</sup>. Likewise, the organization considers it very important to follow up such assessments with broader policy debates on how to support women entrepreneurs by the Government of Albania, public institutions, parliament, political parties and civil society organizations that contribute to policy-making.

Analysis and assessment of an enabling and conducive environment to women entrepreneurs is based on the careful examination of the elements leading to the creation of this environment. Their description about the situation of women entrepreneurs in Albania, is as follows.

**The policy management and coordination** - Management and coordination regarding the organization of women entrepreneurs for the empowerment of their positions continues to face a number of challenges, which mostly place women entrepreneurs in a harsh environment where they have to face the competitiveness of businessmen, who have consolidated their coordination relationships for years. However, businesswomen have made utmost efforts to walk on the right track and participate in the management and coordination of the relationships among themselves, as well as with the other party and the other important actors (such as the chambers of commerce). Additionally, women entrepreneurs in Albania have never ceased their efforts to become members of regional and global networks.

**Regulatory and legal issues** - Despite continuous amendments and improvements to the legal framework and policies related to supporting women entrepreneurs, their practical implementation leaves much to be desired and is still far from real empowerment of women. The constitutional and legal basis on gender equality is met de jure, but is not applied de facto. Moreover, in several occasions are noticed instances of favouritism and clienteles of men in business, creating situations of unfair competition, or limiting women's access to the rights deriving from the legal framework in force.

**Promoting women's entrepreneurship** - Existing programs for promoting women's entrepreneurship and support foreseen in this regard, speak to a far different reality in practice. The AWBPSC highlights from its daily work that the professional and business women themselves, especially crafts women have very little or almost no knowledge at all on provisions for the support expected to be provided through these programs and how to obtain them. This gap in information should be analysed from both sides rather than be interpreted as merely ignorance or inability of women to ask for and win their rights, but also as a shortcoming in the work of state institutions responsible for providing this information in a timely manner and with appropriate and comprehensible means and language to all levels. The criteria on benefitting support should be simplified and explained in detail in order to be more easily comprehensible. The information should be particularly transmitted in suburban and rural areas. Even women's organizations themselves should make more efforts and do intensive work in this regard.

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<sup>6</sup>Drafted with the support of UN Women and approved by Order of the Minister of the Ministry of Economic Development, Trade and Entrepreneurship, no. 339, dated 19.06.2014

<sup>7</sup>For example, Integrated Assessment Instrument (Stevenson 2007)

**Access to loans and financial services** - Bank of Albania's Credit Registry's data on the number of borrowers, loans received and their total value, reflects considerable loan-taking differences between the two genders. During the 2013-2016 period, the number of women borrowers, although in an upward trend, was almost half that of men, and also the average amount of the loan received by a woman was half the average amount of the loan received by a man. The data of 2017 indicate that the number of women borrowers has decreased to 38.0% as opposed to 51.0% in the previous year. Men borrowers continue to experience an upward trend during 2017, recording higher numbers of loans and higher values/amounts than women<sup>8</sup>. The AWBPSC, given the practice and evaluation on-site of the situation notes with concern that despite provisions in the policy documents and strategies, gender indicators are not measured and assessed when it comes to analysis of support and crediting women in business. In this regard, there are not only women who lack the relevant information, but there is a lack of information and also insensitivity among the banks themselves to apply such provisions. Even though the AWBPSC has collaborated with several banks, such as National Trade Bank, Intesa Sanpaolo Bank and EBRD to bring women closer to these banks, its recent studies show a lack of support and information for women by banks in this regard. Moreover, the annual bank analysis (especially for second-tier banks) lack the gender statistics, which makes it difficult to draw more detailed conclusions in terms of the direct support provided by banks for promoting women's entrepreneurship.

**Access to Business Development Services (BDS) and information services** – Approaching the chambers of commerce has been a rather smart policy of the AWBPSC (especially for its members operating in remote areas), enabling the potential benefitting from these chambers that had funding and support from the state. Currently, only the Tirana Chamber of Commerce is playing a promotional and developmental role for women in business, which, following the participation of women entrepreneurs associations in the chamber's board of directors, has already set up a department for women entrepreneurs (under the pressure and boosting of several years from the AWBPSC).

**Access to women's associations and networks** - AWBPSC now has its own national network across 12 districts with permanent activities, which notwithstanding organizational difficulties, adheres to regional, European and worldwide networks, namely: the BALKAN UNION of women's entrepreneurship, headquartered in Zagreb, the AFAEMME - Mediterranean women entrepreneurs network, the FCEM - women's world network, etc. The work of AWBPSC is highly appreciated and their experience over the years serves as a model for new associations. Of particular importance there is also the participation in the European network of ambassador and mentor women entrepreneurs (20 members, the only representatives from Albania). However, given the importance of participation in such networks for empowering the women entrepreneurs' position in Albania, it would be wise if the case of the AWBPSC, will not remain a single one. The AWBPSC promotes women in the print media and from the publication of the monthly journal it proceeds today with the monthly bulletin (also in the English version). It also produces information through leaflets or different surveys.

**Women's access to local, national and international markets:** despite the efforts made and the institutions established for that purpose (such as AIDA, Economic Councils, or SMEs Centres), the AWBPSC observes, from its practice, that finding markets for women entrepreneurs at all levels, is still alarming.

**Survey on women's entrepreneurship** - In all these years, AWBPSC has noted that despite the steps made and initiatives undertaken, the need for the realization of a genuine nationwide study on women's entrepreneurship, achievements and challenges they face every day, is not yet met. However, the main

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<sup>8</sup>INSTAT, Women and Men in Albania, 2018 (p.100). See: <http://www.instat.gov.al/media/4349/burra-dhe-gra-ne-shqiperi-2018.pdf>

steps taken in this regard are described during the process of setting up an inter-ministerial working group under the Ministry of Economy (2014) who also worked on drafting the National Action Plan on Promoting Women's Entrepreneurship 2014-2020. Despite the reports on the progress of the implementation of this plan, from practical observations the situation appears to be different from what is reported by the state and women entrepreneurs, especially those in rural areas, still lack the relevant information about this plan and the activities contained therein.

A survey conducted by AWBPSC in cooperation with the GTZ showed that:

- There is a tendency towards increasing women's business sustainability, which is expected to be strengthened in the coming years.
- Dedicated counselling centres for women wishing to start a business are lacking.
- There is a need to strengthen counselling and lobbying for women entrepreneurs.
- There is a high level of prejudice and discrimination against women seeking to start a business.

Based on these findings, it is recommended the **increase of efforts to inform and educate women in order to be able to take safe steps for setting up their own businesses**. Also, it is important to **increase cooperation with universities aimed at improving conditions for students' practices. Cooperation with state institutions in this regard is also important to enable the provision of updated information with an easy understandable language for all young girls and women wishing to be engaged in business**. Projects and collaboration of civil society organizations for the empowerment of women in all fields of life should be intensified and extended across the country.

Engaging as many young women as possible in this respect is also necessary and for this purpose the universities themselves should create more opportunities for students to be part of start-up ideas and to support their thoughts and/or ideas. Strengthening the partnership with the respective Ministry in charge of women's entrepreneurship issues and with the Directorate of Competition, is also a necessity.

Supporting forms of macroeconomic stimulating policies is imperative to create a conducive climate for the development of healthy business and sustainable education policies. Existing policies and programs should provide more support for specific groups, such as persons with disabilities, minorities, etc. The data in this regard should be disaggregated not only by sex but also to a variety of other characteristics, to make a clear and full analysis of the entrepreneurial tendencies in general, with a focus on women.

The effective implementation of current measures in place to promote the economic growth of women-run SMEs, such as: improving the business climate, reducing the flat tax by 10% tax on corporate income tax and tax on profit, reducing social insurances for employees - approximately 50%, removing VAT on investment in machinery lines, etc., is also helpful.

**Inclusive development and Roma women.** If we analyse the situation of Roma women and their involvement in entrepreneurial activities, more than success stories are identified the difficulties and challenges that keep this group of women away from entrepreneurship. Thus: lack of information, lack of financial resources to start up an entrepreneurial activity and inability to get a loan, low educational level, lack of time due to care for small children (their access to childcare services continues to be low), fear of taking steps in this direction thinking that their ethnicity will constitute a factor in business failure<sup>9</sup>, lack of identifying documentation due to the inherited problem of registration at the Civil Registry Offices thereby leading to their exclusion even from those few training on entrepreneurship scheduled, or the lack of

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<sup>9</sup>This fear stemming from the constant discrimination directly or indirectly faced by Roma women (e.g. when not preferred to allow them to be present in a bar or restaurant, they are kept away under the justification that "vacancies are reserved!").

ongoing programs fostering in this group<sup>10</sup>, are some of the key factors intertwined and creating barriers, keeping Roma women away from the setting<sup>11</sup>.

**Inclusive development and rural women.** The analysis regarding the access of this group to entrepreneurial activities shall immediately concentrate on disrespect of their property rights. Poor implementation (or lack of implementation) of the improved legal framework in recent years; challenges facing the implementation of rural women's property rights due to customs and prevailing patriarchal mentality (withdrawal from their property rights due to pressure from parents, or properties are registered only in the name of male children, as a means of retaining the property within the family - except cases of the family having only female children); lack of information, prolonged court proceedings when dealing with property issues, which keep women away from claiming their rights (even because of the inability to financially afford such processes); are some of the key factors<sup>12</sup> keeping rural women away from entrepreneurship.

To address these difficulties and challenges, civil society organizations continually undertake information, education and training initiatives where the target groups are not only women and girls but also boys and men. Capacity building and vocational training for the labour market, the importance of recognizing and appreciating the contribution of "housewives" for unpaid family work, as well as the importance of involving boys and men in this activity, or training on women's property rights, are some of the activities undertaken in this regard<sup>13</sup>.

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<sup>10</sup>Such positive practices as the project implemented with the support of UNDP and in cooperation with the Ministry of Health and Social Protection "Socio-Economic Empowerment of Roma and Egyptians" that resulted in the employment and self-employment of Roma women, should be constantly implemented and extend to all areas where these groups of women live.

<sup>11</sup>The above information is evidenced by the working practice of the "Roma Women Rights Centre".

<sup>12</sup>Identified by the Centre for Rural Women Development during the implementation of the project "Property Rights of Rural Women", funded by the Democracy Commission Small Grants Program of the United States Embassy in Tirana, (2016-2017). This project was implemented in Vora Municipality and Administrative Units of Kashar, Preza and Bërshull.

<sup>13</sup>Particularly from the Mary Ward Loreto Foundation (MWL) working in 6 regions of the country, or even from the "Me, Woman" Association (MW) especially in Pogradec and the surrounding Administrative Units.

## II. POVERTY ERADICATION, SOCIAL PROTECTION AND SOCIAL SERVICES

### Actions for poverty eradication: active enterprises and women administrators

In 2017, the percentage of women among owners or administrators of enterprises has increased to 29.7% from 26.8% in 2016. The percentage of women owners/administrators is higher in small enterprises (with 1-4 employees), 30,2%, but it has increased in all categories compared to the previous year. The largest increase in 2017 was recorded in enterprises with over 10 employees, which is 5.0% more women owners or administrators than a year ago<sup>14</sup>.

The number of women owners or administrators in 2017, has increased when it comes to businesses with manufacturing economic activity and the service sector. The number of businesses with women owners or administrators is greater in the Service Sector than in the Manufacturing Sector, which is 36.3 and 16.1% respectively. However, the largest increase occurred in the Service Sector, with 9.0% compared to a year ago<sup>15</sup>. In 2017, the distribution of active enterprises by districts shows that companies with women owners or administrators are concentrated in the district of Tirana with 35.6%, followed by the district of Durrës with 32.5%. The percentage of women-owned/run enterprises in 2017, has increased in all districts compared to a year ago. The percentage of women-owned/run enterprises is greater in the Service Sector compared to that of Manufacturing in all districts, but the highest concentration of those producing services is in Tirana with 37.9%, while the highest concentration of women goods manufacturers is in Elbasan with 21.7%<sup>16</sup>.

As noted above, the relevant figures do not reflect the number of artisan women in suburban and rural areas, due to the fact that they are still in the initial stages of their initiatives and often completely outside the enabling environment for women entrepreneurs. In this case, it cannot be said that their situation in relation to the development of entrepreneurship initiatives is similar to that of other women with a greater experience in this regard.

### Improving outcomes in education and vocational training for women's entrepreneurship.

Education and training to undertake steps and create business, especially by women and young girls are a necessity. These actions should be taken and implemented on an ongoing and periodic basis, extended across the country. The organization of such processes prior to concrete support interventions is really helpful and fosters the interests of more women and young girls to think about their own businesses. (Positive examples in this regard is the training that was provided and continues to be provided by the Municipality of Tirana concerning the promotion of business creation by young women and men). The AWBPSC itself, in its collaborations and work with other domestic and foreign social economic actors, has trained since its establishment over 10 thousand women in business (micro, small, medium and large) spanning over a 29-years period, thus bringing a rare and exemplary national model, which is required and transmitted at the regional levels as well.

What AWBPSC follows and suggests to be followed, especially by the state, through drafted programs and the necessary financial resources (which should be dedicated for this purpose) is that, after training in various fields, the involvement of these young girls and women in business shall be really supported, including the appropriate means. One of the goals of the Strategy for Employment and Vocational Training is the institutionalization of the labour market, through the coordination among different institutions, as well as the improvement in the management of the labour market service agencies, mainly the National Employment Service (NES). Overall, Vocational Training in Albania is not yet widely attractive, and training is not often pursuant to the developments in the labour market. Entrepreneurship

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<sup>14</sup>INSTAT, "Women and Men in Albania", 2018

<sup>15</sup> Ibid

<sup>16</sup> Ibid

education and training are the key tools to raise awareness and foster an entrepreneurial culture. It is recommended to improve the vocational training and promotion of women in non - traditional sectors, particularly those posing growth potential. It is necessary to provide updated information on the labour market as well as the development of curriculums in collaboration with Business Service providers (BDS), universities, research institutions and social partners, particularly those representing women's entrepreneurship.

From the AWBPSC research work on issues of concern to women entrepreneurs, as well as for the purpose of illustrating with examples the information provided in this report, in early July, a total of 100 women and young girls were questioned about the issues above, out of which 50 were businesswomen and women entrepreneurs and 50 were students. From their responses it resulted that:

1. Generally, women and young girls surveyed are interested in and know the legal framework in respect to the employment and protection of pregnant women or breastfeeding mothers. But, they themselves are of the opinion that the level of knowledge cannot be assumed to be equally high in different groups of women, especially when it comes to women from vulnerable groups.
2. Generally, women entrepreneurs state they do not make differences in salaries regarding employed women or men in their enterprises (4.5% say they do not know if such differentiation is made).
3. About 81% of women entrepreneurs state that they comply with the employment rights and legislations for the special protection of breastfeeding mothers; while 16% of respondents state that these rights apply only partially, as this depends on the conditions of the areas in which their businesses operate, whereas 2% of respondents state they do not apply the provisions for the special protection of breastfeeding mothers, due to having small businesses and being conditioned in their activity, also due to unfair competition.
4. Over 93% of women surveyed say that they support and promote models of successful women in order to challenge the prejudices and gender discrimination in this regard.
5. None of the respondents has benefited from state support in the form of subsidies for the implementation of employment promotion programs and employment of particular women's groups.
6. The majority of the women surveyed claim to have difficulties timely recognizing the amended legislation related to taxes and the fiscal system, because they have problems and difficulties in accessing on-line official journals.
7. None of the women surveyed benefited from the guarantee fund, AIDA funding or the implementation of any activity stipulated in the National Plan for the promotion of women's entrepreneurship.

Findings from the above survey, although belonging to a small number of women entrepreneurs, once again identify the situation in which they develop their businesses and support the above-raised concerns or relevant recommendations addressed in these two sections of the report, in order to create a conducive and enabling environment for women's entrepreneurship.

### III. FREEDOM FROM VIOLENCE, STIGMA AND STEREOTYPES

The efforts for a society free from violence, have been intensified in recent years, accompanied by a range of measures both in terms of improving the legal and policy framework, as well as establishing the necessary services to address cases of victims/survivors of violence.

Bylaws of Law No. 9669, dated 18.12.2006, "On Measures Against Domestic Violence", as amended (provided by Law 47/2018), have been adopted with a valuable contribution given by some of the Monitoring Network Organizations against Gender-Based Violence, such as: "Human Rights in Democracy" Centre, Albanian Centre for Population and Development, "Different and Equal" Centre, "Children's Voice Calls Us" Association, Centre for Community Development "Today for the Future", the Mary Ward Loreto Foundation and the Centre for Civic Legal Initiatives. Opinions and suggestions given by them at a consultation meeting held in Tirana on 06.12.2018 on the importance of risk assessment and other relevant elements related to the order for precautionary measures for immediate protection were taken into consideration<sup>17</sup> and reflected in the Joint Instruction, no. 866, dated 20.12.2018, "On Procedures and Risk Assessment Model for Cases of Domestic Violence" and Joint Instruction no. 912, dated 27.12.2018, "On the Procedures and Model of the Order for Precautionary Measures for Immediate Protection". Another act adopted act is the Instruction of the Minister of Health and Social Protection no. 816, dated 27.11.2018, "On the approval of standards for service provided and functioning of crisis management Centres for cases of sexual violence". The Gender Based Violence Monitoring Network has also shared success stories in pursuance of bylaws from Police stations (such as Police Station no.2 in Tirana<sup>18</sup>).

Their effective implementation requires a continuing increase in the capacities of Coordination Mechanism for Referral actors, such as the police, local coordinators in municipalities and other members. The practice of civil society organizations has identified cases where certain police stations have sought to put under protection both the victim and the abuser, thus violating the purpose of law and by-laws enforcement. A problem with the enforcement of the amended legal framework is **the inadequacy or lack of specialized support services**<sup>19</sup>. Some of these services are covered by NGOs specialized in this regard. Meanwhile from their working practice they find that, **even after the issuance of relevant guidelines for the application of legal changes, their application has not yet started in practice, such as when it comes to issuing an order for precautionary measures of immediate protection by the state police. Low level of information and knowledge on the current legislation in the field of domestic violence and violence against women, not only by the community, but often also by professionals; failure to report cases of violence by family doctors/physicians due to lack of information on their legal obligations, or fear from the abuser (they feel unprotected); as well as difficulties of the Administrative Unit staff in case management due to lack of information or resources for specialized support services (housing, legal counselling, etc.), as well as lack of rehabilitation programs for abusers (accompanied by lack of information even for existing programs)**, are some of the other problems identified <sup>20</sup>by civil society organizations.

**State efforts remain largely limited to dealing with cases of violence in family relationships, and do not address all forms of violence against women.** This concern has been raised occasionally by international committees to which Albania reports on the implementation of ratified international

<sup>17</sup><https://rjetikunderdhunesgjimore-monitorime.al/2019/04/18/suggestions/>

<sup>18</sup>[https://www.facebook.com/rjetimonotirimitkunderdhunesmebazegjimore/posts/451086775702157?\\_tn\\_=-R](https://www.facebook.com/rjetimonotirimitkunderdhunesmebazegjimore/posts/451086775702157?_tn_=-R)

<sup>19</sup>This concern is particularly raised by the work of the "Gender, Peace, Security" Association regarding cases handled and the support provided to the Municipality of Durres and all-around Administrative Units.

<sup>20</sup>Mostly from the work practice of the Rural Women Development Centre, during the implementation of the project "Involving civil society for a functional and equal justice system to all in Albania", funded by the European Union and implemented in April 2018 - March 2019 at the Municipality of Kruja and its Administrative Units.

instruments (such as CEDAW Committee, GREVIO, etc.), also based on the information presented by civil society organizations, through the preparation and submission of various alternative or shadow reports.

Civil society organizations are providing opinions and views on a law against gender-based violence that, in addition to domestic violence, shall prevent violence against women and children in general through the administrative and civil process<sup>21</sup>.

In parallel with what mentioned above, a concern for civil society organizations is also the fact that **women from different vulnerable groups in society continue to be stigmatized and suffer multiple discrimination in many areas**. The way of handling these groups, especially in the healthcare aspect, is one of the concerns that the Albanian Centre for Population and Development (ACPD) has decided to address in this section of the report.

### **The legislation, policies and lack of attention towards certain groups**

The concern that **key laws dealing with health issues are written in a general language and do not contain provisions for respecting the rights of certain groups subject to multiple discrimination**, was also raised earlier by ACPD (especially in the shadow report on implementation of the CEDAW Convention, prepared in 2016). However, even today the organization finds that this concern remains **partially addressed**. For example, the language in which the Law on "Reproductive Health"<sup>22</sup>, the Law on "Health Care"<sup>23</sup> and the Law on "Public Health"<sup>24</sup> are written, as well as the interventions made over the years for their improvement, **remains very general and gender neutral**. Although gender is mentioned in some articles as a factor that should not constitute an obstacle to the provision/benefit of certain health services (e.g. Article 9, paragraph 3 of the Law on Health care as amended, states that "Primary healthcare is provided without restrictions, arising from disease, age, gender, economic status or categories of patients."), still there is no emphasis on the needs, access or services necessary for certain groups of women, and even less so for women with a different gender identity and sexual orientation. In June 2019, ACPD organized several UNFPA-funded roundtables with the medical staff in Vlora and Shkodra, to revise the law on reproductive health. The fact that violence is not reported at all by medical staff of the Health Centres was, among others, widely discussed. This is because the family doctors feel unprotected to face crime and lacks motivation to report violence. In order to facilitate the work of the health personnel, the roundtable has come up with a recommendation to draft unified protocols for each and every reproductive health service (including sexual violence and gender-based violence), in line with the relevant bylaws.

In the meantime, the strategic health documents drafted in recent years reveal improvements in this regard. Thus, special attention was paid to women in the National Strategy on Sexual and Reproductive Health 2016-2020. Also, the National Health Strategy 2016-2020<sup>25</sup> describes in the narrative part and its action plan, specific programs about care during and after pregnancy, breastfeeding mother's health, sexual and reproductive rights, etc. Likewise, the narrative section deals with the connection between gender equality and SDGs. Nevertheless, **the lack of a clear and gender-sensitive language**

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<sup>21</sup>UNDP Albania in cooperation with the Ombudsman invited representatives of civil society organizations active in gender equality and gender-based violence to a consultation roundtable on 25 June 2019 to discuss the idea of a necessity for framework law on violence against women and girls. This roundtable was organized with the support of UNDP in the framework of the United Nations Joint Program "Ending Violence against Women and Girls in Albania", with funding from the Swedish Government implemented by UNDP, UN Women and UNFPA.

<sup>22</sup> Law No.8876, dated 04.04.2002 <http://www.ishp.gov.al/wp-content/uploads/2015/lqijet/Per-shendetin-riprodhues.pdf>

<sup>23</sup>Law No.10 107, dated 30.03.2009 <http://www.ishp.gov.al/wp-content/uploads/2015/lqijet/Per-kujdesin-shendetesor-ne-Republiken-e-Shqiperise.pdf>

<sup>24</sup> Law No.10 138, dated 11.05.2009 <http://www.ishp.gov.al/wp-content/uploads/2015/lqijet/Ligji-i-shendetit-publik.pdf>

<sup>25</sup> The published version (2017 draft)

[http://www.nationalplanningcycles.org/sites/default/files/planning\\_cycle\\_repository/albania/draft\\_strategt\\_albania\\_2016-2020.pdf](http://www.nationalplanningcycles.org/sites/default/files/planning_cycle_repository/albania/draft_strategt_albania_2016-2020.pdf)

**throughout the text is still evidenced** (i.e. instead of continuously using the phrase "for all", attention should have been given to occasionally emphasize the group of women and young girls). **Meanwhile, it seems that attention to other groups of women subjects to multiple discrimination, is lacking** (although the document contains many references to the implementation of strategies or other political documents, which were underway at the time of the draft preparation).

The Law "On termination of pregnancy", amended by Law no. 57/2013, does not foreseen free health care, such as carrying out pre-abortion analysis, abortion procedures or post-abortion visits. Meanwhile, the Basic Primary Health Service Package (revised and adopted in 2015) stipulates a range of health care measures for women and reproductive health, which among other things, are related to the screening and preventive examinations of early pregnancy, cervical cancer, etc. However, **even this updated package lacks thorough attention to specific groups of women, especially to LGBTI**. From the ACPD daily work, it is evidenced that currently no effective screening of violence is made at Health Centres. The Vlora Department of Public Health itself reports with concern that doctors do not report violence and that there are no data collected about this phenomenon.

Certain Articles of the Criminal Code provide for several acts prohibited for persons with HIV and HIV transmission "from one partner to another, or between married couples if the HIV status is not shown", but **its applicability in practice is not detected**. Overall, the practical and effective implementation of the legal framework for the health protection, needs additional acts such as: guidelines, protocols, orders, etc., in order to yield the required result. Similarly, full and yearly funding of drafted strategies is needed so as to discern the effectiveness of the implementation of actions specified therein.

**Women with Disabilities**<sup>26</sup>. The National Action Plan for People with Disabilities 2016-2020<sup>27</sup>, does not have specific measures and indicators for girls and women with disabilities. GREVIO<sup>28</sup> report for Albania, notes the fact that it found no evidence to prove that policies targeting certain vulnerable groups envelop sufficient measures to prevent and combat violence against women belonging to these communities.

The study conducted by UNDP/ADRF (2015)<sup>29</sup> evidenced that women with intellectual disabilities are discriminated against in the laws/guidelines and regulations that guide the provision and access to services. According to the criteria set out in the standards of social care services for victims of domestic violence in public and private residential centers, women with disabilities can benefit from these services **only** when they are capable of caring for themselves, which in and of itself contradicts the principle of non-discrimination and ensuring reasonable accommodation.<sup>30</sup>

Ombudsman's report on monitoring of the CEDAW (2016)<sup>31</sup>, evidences that women with disabilities have faced a twofold discrimination, which is closely related to their particular living conditions. These women

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<sup>26</sup> Information provided from Albanian Disability Rights Foundation

<sup>27</sup> Decision of the Council of Ministers no. 483, dated 29.6.2016 On the adoption of the National Action Plan for Persons with Disabilities, 2016-2020

<sup>28</sup> Council of Europe (2017). GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Albania Report. <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>

<sup>29</sup> Invisible Violence - An overview on the phenomenon of violence against women and girls with disabilities in Albania, ADRF and UNDP, 2015

<sup>30</sup> Decision of the Council of Ministers Nr. 505, dated 13.07.2011 "On the Approval of the Standards of Social Care Services for Domestic Violence Victims, in the Public and Non-Public Residential Centers"

<sup>31</sup> On the Implementation of CEDAW Convention in Albania, Ombudsman's Report, Tirana 2016 [http://www.avokatipopullit.gov.al/sites/default/files/RAPORTET/RAPORTE\\_TJERA/Raporti%20mbi%20zbatimin%20e%20konvet%C3%ABs%20CEDAW%20n%C3%AB%20Shqip%C3%ABri.pdf](http://www.avokatipopullit.gov.al/sites/default/files/RAPORTET/RAPORTE_TJERA/Raporti%20mbi%20zbatimin%20e%20konvet%C3%ABs%20CEDAW%20n%C3%AB%20Shqip%C3%ABri.pdf), page 10

face challenges with regard to their access to justice, state bodies at central and local level, media and business, as well as delays in benefiting the disability payment.

Provisions regarding women and girls with disabilities, are almost non-existent in the Law on Gender Equality<sup>32</sup>. Many challenges remain though when it comes to implementation. Due to weak infrastructure and lack of capacities, the most significant gaps remain in the area of adequate health services provision, particularly affecting the access to adequate and timely services women with disabilities.<sup>3334</sup>

The National Strategy for Gender Equality 2016-2020, clearly bring to the fore the difficulty of addressing the needs of women and girls with disabilities who are also victims of violence, evidencing that (a) there are no support services as well as services of independent living (b) service-oriented centers for abused/ violated women, virtually limited in number, are unprepared to accommodate women with disabilities that are abused (c) they completely lack the standards of accessibility to the premises, information and communication, as well as qualified staff to handle cases of violence against women with disabilities, according to their specific needs<sup>35</sup>. This Strategy through its 4 strategic objectives,<sup>36</sup> as well as through actions taken for their realization, indicates increased attention to women from marginalized communities including women with disabilities<sup>37</sup>. However, in its Action Plan, actions targeting specifically girls and women with disabilities are very few (No. 8), they are generic and uncoordinated. Considering a complexity of intersectional discrimination, the problems of women with disabilities should not be addressed in general terms "jointly" (for instance, by referring to "vulnerable groups" as a whole) but through recognizing their specific needs and problems<sup>38</sup>.

The lack of access to all its dimensions is evident in all state institutions in charge of addressing the problem of violence against women with disabilities, at central, regional and local level, impeding the access that the victims of violence, women with disabilities need to have to institutions defending their rights. These reports noted that the lack of reporting of cases of violence against women and girls with disabilities is due to factors mainly related to the lack of information available including in alternative and accessible forms on violence and where to report violence, lack of confidence that the relevant institutions will provide protection and support services, as well as fear of the consequences on spouses, family members or guardians in case of reporting the case to the police.

### **Barriers to access to health care services: violence and discrimination**

Women's health problems are evident and affect the well-being and their potential to fulfil the right to health. The main causes of mortality among women are reported to be cardiovascular diseases and

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<sup>32</sup>Law no. 9970, dated 24.7.2008, "On gender equality in the society".

<sup>33</sup> Study- In depth analyses of European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs. (2018) Women's Rights in Western Balkans [http://www.europarl.europa.eu/meetdocs/2014\\_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy\\_EN.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy_EN.pdf).

<sup>34</sup> UN Women & UNDP (2016). Gender Brief: Albania, available at [http://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/albania/unw%20gender%20brief%20albania%202016\\_en\\_web.pdf?vs=5235](http://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/albania/unw%20gender%20brief%20albania%202016_en_web.pdf?vs=5235), pg 61

<sup>35</sup> Similarly, housing services remain ineffective for some of the women's groups, particularly women with disabilities, women with mental health problems, women with addictions, elderly women, LBT women, etc. due to the lack of infrastructure adequacy and the lack of qualified staff for dealing with these women's groups in existing centers ([https://awenetwork.org/wp-content/uploads/2017/01/STRATEGJIA\\_KOMBETARE\\_PER\\_BARAZINE\\_GJINORE-1.pdf](https://awenetwork.org/wp-content/uploads/2017/01/STRATEGJIA_KOMBETARE_PER_BARAZINE_GJINORE-1.pdf))

<sup>36</sup>These are: (a) Economic empowerment of women and men; (b) Ensuring women's factual and equal participation and engagement in political and public decision-making; (c) Reducing gender-based violence and domestic violence; (d) Strengthening the coordinating and monitoring role of the National Mechanism for Gender Equality.

<sup>37</sup>The Albanian National Strategy Action Plan on Gender Equality 2016-2020,

<sup>38</sup> Study- In depth analyses of European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs. (2018) Women's Rights in Western Balkans [http://www.europarl.europa.eu/meetdocs/2014\\_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy\\_EN.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy_EN.pdf), pg 62

neoplasias. Inadequate women's awareness and access to services, become major obstacles to benefitting health services<sup>39</sup>.

Despite the improvement of indicators on health and mother and child nutrition, there are health disparities related to age, gender, mentality, socio-economic level, geographic area and place of residence. There is an actual lack of integrated services, resulting in critical health gaps that limit the effectiveness of programs on sexual and reproductive health and compromise human health, and also fuel stigma and discrimination against vulnerable groups. From its daily work, the ACPD highlights that sexual and reproductive health services are concentrated mainly on family planning services and do not offer integrated services. For instance, **women in rural areas and other vulnerable groups have limited access to sexual and reproductive health services. Women in rural areas, Roma and Egyptian women, women with a different gender identity and sexual orientation, sex workers, drug-addicted women, women living with HIV, etc., are the ones mostly subject to multiple discrimination.**

This discrimination is reflected in the lack of ethical and professional communication especially with women from these groups when they are also victims of violence. In such cases is felt also the lack of rapid service, the lack of information or coordination in obtaining specialized support services, the lack of access to free health care for Roma women in some cases even when they are employed and insured, etc<sup>40</sup>. The lack of knowledge by the staff of administrative units, combined with discrimination in dealing with cases of violence suffered by women of certain groups, leads to a violation of their rights. As an illustrative example<sup>41</sup> we can give the case of an Egyptian mother with two children and pregnant with a third child, who in January 2019 denounced the violence exercised by her husband over her. Despite the actions taken and the issuance of the protection order, the wife was never able to receive the economic assistance payment of 3,000 ALL per month stipulated for such cases, precisely because of the procrastination caused by the administrative unit's employees, under the justification that her husband had appealed the decision and initiated the divorce proceedings.

The increased number of cases of violated women who seek help in various state structures indicates the necessity of increasing the efficiency and effectiveness of dealing with cases through coordinated multi-sectoral approach in order to timely and professionally respond to cases presented. The Coordinated Referral Mechanisms, part of which are also health structures, not only should be extended to all municipalities in the country, but measures should be taken to ensure their effective functioning, and to extend their operation to all forms of violence against women and not only to domestic violence' victims/survivors. In the monitoring reports on the National Strategy on Gender Equality 2016-2020, conducted by the Gender Alliance for Development Centre (GADC) and the Albanian Women's Empowerment Network (AWEN)<sup>42</sup>, for 2018, in some of the country's municipalities were evidenced achievements in the way that the members of these Coordination Mechanisms for Referral cooperated (mainly in the coordination of the actions for managing cases, the efforts to plan financial resources through the use of gender sensitive budgeting or the drafting of local action plans for gender equality, wherein activities for the strengthening of the CMRs<sup>43</sup> are also foreseen), as well as issues regarding the different level of responsibility and the (un)commitment reflected by some of the members (in particular

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<sup>39</sup> Shadow Report on the implementation of CEDAW Convention, 2016

<sup>40</sup> Findings from the working practice of the "Mary Ward Loreto" Foundation and the Roma Women Rights Centre.

<sup>41</sup> The case was pursued by the Roma Women Rights Centre.

<sup>42</sup> <sup>42</sup> In the framework of the regional program on violence against women in the western Balkans and Turkey «Implementing Norms, Changing Minds», implemented by UN Women with the financial support of the European Commission.

<sup>43</sup> Positive examples of these practices were evidenced in the Municipalities of Tirana, Elbasan, Shkodra, Durrës and Korça

Bailiffs Offices, Probation Service), or the non-planning of financial resources in support of the CMR's activity and the establishing of specialized services, etc<sup>44</sup>.

Although the legal framework on domestic violence is improved and trainings have been organized by the Ministry of Health and Social Protection and various non-profit organizations, the Health Centres also continue not fulfilling some of their obligations under this law or bylaws.

The Council of Europe warns that "the degree of violence and abuse against PWDs is significantly higher compared with the population at large, and even higher among women living with disabilities<sup>45</sup>.

There is an evident lack of professionals, especially when it comes to the staff of administrative units (which are often confronted with cases of violence), as well as a lack of professionals such as sign language interpreters, translators or psychologists trained by the court institution<sup>46</sup>.

The population-based national survey "Violence against Women and Girls in Albania 2018<sup>47</sup> shows that 1 in 2 women or 52.9% of women aged 18-74 have "sometimes" experienced one or more of five different types of violence during their lifetime (intimate partner violence, dating relationship violence, non-intimate partner violence, sexual harassment and/or stalking); 1 in 3 or 36.6% of women had experienced one or more of five such types of violence in the last 12 months before the interview. In addition, 3.1% of women had experienced sexual abuse in childhood before the age of 18. Findings from the survey confirm that intimate partner violence against women is a widespread problem in Albania. Apart from social norms related to intimate partner violence, 75.4% of women reported domestic violence/marital violence as a major problem in Albania and 70.8% of them consider sexual violence against women as a major problem.

From its daily work, the ACPD has noticed that the state does not provide dedicated and specialized health services for abused women, but there are non-governmental organizations that do provide such kinds of services, e.g. Aulona Centre in Vlora, branch of the ACPD. This centre offers free health services for women victims/survivors of domestic violence, women belonging to vulnerable groups, ethnic minorities, women living with disabilities, girl-mothers and older women. Specifically, the reproductive health services provided are: gynaecological and obstetrical visits, ultrasound, counselling for family planning and contraception, Pap test, counselling and treatment for sexually transmitted infections/HIV/AIDS, pre- and post- abortion counselling etc. For cases which need additional specialized support, the Centre makes their referral to the maternity hospital or at Vlora hospital.

Discrimination at high levels or stigma against LGBTI persons as well as the lack of capacity to provide Sexual and Reproductive Health services to this community prevents them from taking the health care they need.

Data from the 2014-2020 anti-trafficking strategy shows an increase in internal trafficking of minors and adults, mainly in urban and tourist areas. NGOs report as problematic the lack of community and residential services to victims of trafficking and violence, who have mental health problems and require constant and specialized support.

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<sup>44</sup> Mainly evidenced in the Municipality of Vlora.

<sup>45</sup> Council of Europe. Action Plan to promote the rights and full participation of persons with disabilities in society: Improving Quality of Life for Persons with Disabilities in Europe, 2006-2015, line of action no. 13: Protection against violence and abuse, p. 27 at: [http://www.coe.int/t/e/social\\_cohesion/soc-sp/Rec\\_2006\\_5%20Disability%20Action%20Plan.pdf](http://www.coe.int/t/e/social_cohesion/soc-sp/Rec_2006_5%20Disability%20Action%20Plan.pdf)

<sup>46</sup> Information given by the "Me, the Woman" Association

<sup>47</sup> [https://www.undp.org/content/dam/albania/NewPublications/Web\\_Raporti\\_eng%20violence.pdf](https://www.undp.org/content/dam/albania/NewPublications/Web_Raporti_eng%20violence.pdf)

For the victims of trafficking, their access to justice is still a concern. The Law «On legal aid»<sup>48</sup>, approved recently, has yet to be implemented. In practice, the structures of law enforcement continue to focus on the authors of penal acts and very little on the victims.

About 12% of Roma women aged 15 to 30, do not receive medical assistance including prenatal, during pregnancy checks, while only 35% perform check-up visits during pregnancy. The data shows that 51% of Roma women and 25.8% of Egyptian women who give birth, receive no health control. Consequently, many Roma and Egyptian women are affected by a range of health problems. 19.2% of Roma women and 10.9% of Egyptian women interviewed have experienced death of babies. This is due to socio-economic factors and inadequate access to health care. Knowledge about sexual education and reproductive health is obtained in the upper grades of the 9-year school, but many Roma girls leave school immediately after completing the elementary level<sup>49</sup>.

Although a number of initiatives have been undertaken by the Ministry of Health and Social Protection to strengthen law enforcement, the phenomenon of foetal sex selection before childbearing (selective abortion) continues. Outside urban areas of Tirana, women tend to perform unsafe abortion which puts their lives at risk, precisely because of the mentality and traditions of giving birth to a baby boy at all costs. This mentality remains so embedded in the minds of a considerable part of society, and is so strong that not infrequently, women - who are considered the only one responsible for not being capable of bringing to life a baby boy! - become victims of violence, are abandoned or forced to repeatedly become pregnant until the birth of a boy.

Limited health and social services are also evidenced in addressing the special needs of third-generation (elderly) women. From practice, it is noted a lack of proper treatment as per their age and needs, high and unaffordable medication prices as well as inability to cope with treatments or remote geographic distances that delay receiving a health service on time.

Despite achievements in some respects, such as: family planning services are part of the health service package, modern contraceptive methods are offered free of charge in public health services and the distribution of modern contraceptive methods or the transmission of knowledge, etc., is carried out, NGOs report as problematic the low level of modern contraceptive methods used, particularly among adolescents/youth and other vulnerable groups. Unofficial sources indicate a higher number of abortions than those already published.

Another concern identified remains the extremely limited coverage of social protection to informal workers. Data from the Shadow Report on the Implementation of CEDAW Convention 2016, shows that female workers may be more vulnerable to social exclusion and multiple risks due to their dual productive and reproductive roles. Meanwhile, regarding working conditions, the organizations report that many women work with chemicals, at a high level of noise, dust, under poor hygienic and sanitary conditions (2 toilets for 300 workers), no water, no minimum requirements of rest, no canteens. There is a lack of state monitoring to prevent and ensure the implementation of all obligations specified in Law No. 161/2014 "On some amendments and additions to Law no. 10 237/18.2.2010", "On Safety and Health at Work", etc.

## RECOMMENDATIONS:

- Taking the necessary measures to put in place an efficient and well-coordinated system to respond in a timely and effective manner to the cases posed on all forms of violence against different groups of women.

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<sup>48</sup> Law no. 111/2017

<sup>49</sup> Shadow Report on the implementation of the CEDAW Convention, 2016

- The cooperation of the members of the Coordinated Referral Mechanisms for the establishing of additional specialized support services for victims, as well as for rehabilitation programs for perpetrators is a necessity.
- Taking protection measures and increasing the access to justice for all victims of penal acts, especially for violated, trafficked and exploited women and girls, by providing legal protection and representation in all the phases of the judicial and non-judicial proceedings.
- Law enforcement institutions and agencies should implement a pro-victim approach.
- Taking the necessary measures to ensure that health workers meet their obligations provided for dealing with cases of domestic violence. Also, integrate services addressing gender-based violence in all other primary public health services and plan them under a holistic approach to addressing the issue of violence.
- Extending the awareness and capacity building activities across the board, including the administrative units' staff, who should recognize and understand their tasks regarding the handling of cases and the importance of professional cooperation with the Local Coordinators at the municipality level.
- Educating and informing the general public and, in particular, vulnerable groups on their legal rights is a necessity.
- Prioritizing the meeting of the complex needs of the most vulnerable groups of the population through getting informed on these needs (groups), as well as on respective intervention strategies.
- Taking measures to provide integrated services to sexual and reproductive health at the primary health care level under the approved Basic Primary Healthcare Service Package.
- Measures should be taken to register medicines used for medical abortion in order to better monitor their use and obtain a realistic picture of abortions occurring in our country.
- Improving the surveillance system by strengthening administrative rules in relation to reporting of abortions and imposing sanctions on institutions/ healthcare staff that skip reporting.
- Preparing a nationwide study to assess the phenomena and dimensions of foetal sex selection before birth (selective abortion) in Albania.
- Working more intensely and extending interventions nationwide to raise the awareness of women about their rights in obtaining health services. Likewise, It should be possible to offer free health visits nearby places of residence for women and girls belonging to vulnerable groups. Providing these health services should be done as an approach based on the specific needs of these groups.
- Implementing the national breast cancer screening program.
- Specifically including the issues of women with disabilities in the legislation and protocols of health workers' labour.

- Informing and raising the awareness of women on the package of rights related to health and safety at work.
- Developing and implementing basic standards for effective participation of representatives of minority and marginalized groups, with a particular focus on women and girls of these groups in drafting, implementing, monitoring and evaluating policies, programs and health measures.
- Developing and implementing programs and policies that would bring an end to all forms of discrimination, through the availability of all the necessary financial means as well as human and infrastructure resources.
- Continuing the work on the harmonization of the national legal framework with the international norms and conventions of human rights, specifically the priority implementation of the CEDAW Committee and GREVIOs recommendations regarding the improvement of the legal framework on violence against women.
- Creating a supporting environment for girls and women identifying, addressing and eliminating barriers that interfere with prevention programs and interventions for sexually active women.
- The legal framework should be accompanied by adequate budgets. Periodic amendments to legislation are necessary and should be made in line with the dynamic changes coming as a result of new needs and problems arising in the field of women's health as well as based on consultations with stakeholders.
- Continuing the regular collection of sex-disaggregated data and gender statistics for all matters related to the 12 critical areas of concern of the Beijing Platform for Action.
- Consolidating a monitoring and evaluation system on the quality of services provided. The monitoring system of performance, supervision and quality assurance of the service is deficient, which is reflected in the lack of data and indicators. Monitoring the implementation of laws, orders, protocols in the field of health, etc.
- Ensuring the participation of young women and men in school and outside it for the revision and current implementation of inclusive sexual education in the formal and informal settings.
- Strengthening the monitoring and evaluation system for the implementation of inclusive sex education in schools, taking into consideration the involvement of young women from vulnerable groups.
- Enabling the updating of specific information to organizations and institutions providing sexual and reproductive health services.
- Continuing the work and extend nationwide the organization of informational and educational sessions with parents and community members.

## IV. PARTICIPATION, ACCOUNTABILITY AND GENDER RESPONSIVE INSTITUTIONS

Albania has strived to improve legislation and policies towards achieving equal participation, accountability and gender responsive institutions. Yet, in many aspects it has failed to achieve what has been so much expected from the changes in legislation and the National Policy on Gender Equality<sup>50</sup>.

Women continue to face gender inequality in access to basic services, such as education, employment and health care, and participation in decision-making processes (particularly rural women). Girls from marginalized groups face difficulties to access education (including the high school dropout) and women are concentrated in traditionally female-dominated fields of study at the university level.

The victims of discrimination on various grounds are predominantly female<sup>51</sup>, particularly from marginalised and minority communities such as Roma and Gypsy, lesbian and transgender, women with disabilities, sex workers and single mothers. Despite many recent achievements for women in every aspect of political, social, cultural and economic life of the country, yet Albania is far from achieving equality between men and women. A strong and dominant male culture within political parties and lack of a strong feminist movement, combined with absence of political and budgetary support for women and girls, especially at local level, has created dysfunctional gender-responsive institutions, where women can succeed only if they are supported by men. Although the civil society has been increasingly active to promote women's and girls' participation in public life and decision-making, most of the actions have been taking place in urban areas and hasn't been able to impact the lives of those who live in rural areas or smaller urban areas, where most of the women live in poverty.<sup>52</sup>

### National legislation on women's participation in decision-making

The Constitution of Albania (Art. 18) guarantees equal rights, participation and representation of women and girls in public life and decision-making. Law on Gender Equality, Article 1, "regulates fundamental issues of gender equality in public life, the protection and equal treatment of women and men with regards to equal chances and opportunities for the exercise of their rights, as well as their participation and contribution in the advancement of all social spheres."<sup>53</sup>

In this regard there have been several positive outcomes and changes, mostly accredited to the advocacy work of civil society in Albania. Changes in the Electoral Code of Albania before the Elections of 2008, setup a new minimum gender quota of 30 percent. From 7 women that were elected in the Parliamentary Elections of 2005, in 2017 there were 39 women parliamentarians, one of the highest numbers of women MPs since the fall of communism.<sup>54</sup>

At the time of the writing this report, Albania is under a major political crisis. On 21 February 2019, almost all the members of the opposition parties at the Albanian parliament rescinded their mandates, leaving a huge gap of political representation including many women.<sup>55</sup> Currently from 140 members there are only 122 MPs in the Albanian Parliament and the vacant positions can be replaced after a 6 month-period. **Currently there are 36 women, almost 1/3 of them newly replaced from the opposition party lists of 2017.**<sup>56</sup>

<sup>50</sup> National Strategy and Action Plan on Gender Equality in Albania (2016-2020), is available at the following link: <http://www.shendetesia.gov.al/wp-content/uploads/2018/06/SKGJB-AL-web.pdf>

<sup>51</sup> Universal Periodic Review for Albania, Submission by the UN Country Team, Tirana, 15 October 2018.

<sup>52</sup> Gender Gaps in Albania through the Lens of Poverty and Shared Prosperity: Findings from the 2012 LSMS, World Bank Group, the report can be read in the following link: <http://documents.worldbank.org/curated/pt/237271474265896097/pdf/108250-WP-P144277-PUBLIC-Gender-Albania.pdf>

<sup>53</sup> Law No.9970, date 24.07.2008 "On Gender Equality in Society", the English version could be read in the following link: <https://www.legislationline.org/legislation/section/legislation/country/47/topic/7>

<sup>54</sup> Results of Parliamentary Elections in Albania (2017), Central Election Commission: [http://cec.org.al/zqjedhjet-2017/#tabs\\_desc\\_25113\\_8](http://cec.org.al/zqjedhjet-2017/#tabs_desc_25113_8)

<sup>55</sup> Opposition in Albania Rescinds the Parliamentary Mandates, Voice of America, News of 21 February 2019, <https://www.zeriamerikes.com/a/4798441.html>

<sup>56</sup> A list of all the members of the Albanian Parliament can be found in the following link: <https://www.parlament.al/Anetar/AllAnetar?page=1>

The political infighting and vacuum has further diminished the opportunities for women to have a meaningful role in the workings of the Parliament that above all influences the public life of the country. During the recent days few of the women MP's that decided to continue to be part of the Parliament, have been publicly insulted by their parties and media, as being traitors or incompetent to do their job.<sup>57</sup>

**There have been no cases of prosecutions brought up to the courts or relevant authorities such as the Albanian Broadcasting Media Authority (AMA) on political verbal violence against women politicians, as most of the accusations come from male leaders of the major political parties. The Parliament lacks the strength to hold them accountable as they exercise large influence over their MP's. The Woman Parliamentary Caucus hasn't been able to seriously tackle such issues, neither in Parliament nor publicly, because of lack of bipartisan support and defence of political positions of their own parties from women MP's too.**

The Electoral Code of Albania, since the approval of the gender quota in November 2008, has been amended five times, some of them affecting negatively the gender quota<sup>58</sup>, while others having a more positive impact on the political participation and representation of women across the country. The Code guarantees that women and men are represented in at least 30% of candidates' lists for members of the parliament and city councils. Initially, the lists of candidates of political parties that did not respect this rule were refused by the Central Election Commission (CEC).

However, in 2013 the Code was amended and instead of list refusal, parties would be fined approximately nine thousand USD if their regional candidates' lists did not meet the quota. Civil society strongly opposed this change, based on the assumption that gender quota was becoming merely a financial value. Two more changes were made to the Code during 2015, one of them related to setting up a 50 percent gender quota for Municipality councils, strongly influencing the outcomes of local elections of the same year, where at least in one municipality, that of Tirana, women held 51 percent of the members of the Council. In smaller and some northern municipalities women were almost not at all included in the candidates' lists.

Even in the municipalities where they were elected as members of the city Councils, NGO's observed that several of them were resigning from their public office in order to be replaced by men, thus making gender quota de facto non-applicable. Meanwhile, the 50 percent quota did not apply for Mayors and as consequence men were appointed and elected in most of the 61 municipalities in Albania. Only 15 percent of Mayors elected in the office in 2015 were women.<sup>59</sup>

On 30<sup>th</sup> June 2019 Albania organised highly contested local elections, where the opposition parties did not take part. In at least 31 municipalities there were no contestants apart from the main Coalition led by the governing party. Although the results have not been certified and analysed yet, only less than 12 percent of the candidates for Mayors were women.<sup>60</sup>**In some Municipalities, previous women Mayors were replaced by men, taking away even few achievements made for women so far.** Results on members of city halls have yet to be made public and certified.

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<sup>57</sup> Rudina Hajdari: a traitor or bought by the Government, Koha Jone, 11 March 2019, article is available on the link: <https://www.kohajone.com/2019/03/11/tradhetare-apo-e-blere-rudina-hajdari-ata-ge-akuzojne-jane/>

<sup>58</sup> The Electoral Code of the Republic of Albania (Approved by Law no. 10 019, dated 29 December 2008, amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015)

<sup>59</sup> Data from Central Election Commission on the results of the Elections for the Local Government (2015). The file can be found in the following link: [http://www2.cec.org.al/Portals/0/Documents/CEC%202013/Barazia\\_gjinore/kuota\\_gjinore\\_kanidimet\\_Zgjedhjet\\_%20Vendore\\_%202015.pdf](http://www2.cec.org.al/Portals/0/Documents/CEC%202013/Barazia_gjinore/kuota_gjinore_kanidimet_Zgjedhjet_%20Vendore_%202015.pdf)

<sup>60</sup> Data from Central Election Commission on the Elections for the Local Government (2019). The file can be found in the following link: <http://cec.org.al/wp-content/uploads/2019/06/Kandidatet-per-Kryetar-Bashkie2019.pdf>

### Role of the Parliament on women's participation in decision-making

There is no Gender Equality Commission at the Albanian Parliament, but the role is given to the smaller sub-Parliamentary Commission on Gender Equality and Domestic Violence. The sub-Commission has been extremely active in the area of domestic violence but less on the issue of women's participation in public life and decision-making.

The ad-hoc Alliance of Women MP's (Women's Caucus) brings together all the women from political parties, with the main aim to strengthen the role and the voice of women in decision-making. The Caucus has taken several initiatives and positions when it comes to gender quota, violence against women and girls etc.<sup>61</sup> In 2018 it hosted the 1<sup>st</sup> Girls Summit in Albania organised by the Albanian National Youth Network and CRCA Albania. **After the withdrawal of the opposition parties from the Parliament in February 2019, the Caucus seems to have ceased functioning.**

### National mechanism on gender equality in Albania

The law on Gender Equality requires the establishment of a National Council on Gender Equality (Art. 12) that has as the main tasks:

- Advise the government in defining the direction of policies on gender equality with the exception of those issues that fall within the mandate of the National Council on Labour. On issues of special importance, the National Council on Gender Equality may hold joint sessions with the National Council on Labour.
- Ensuring gender mainstreaming in all fields, especially in the political, social, economic, and cultural ones;
- Proposing the CoM main programs for encouraging and achieving gender equality in Albania.
- Evaluating the actual situation of gender equality in the country, coming up with guidelines on the structure of gender equality issues as well as proposals and recommendations to the government on the improvement of the situation.
- Approving the annual report on gender issues produced by the ministry which covers gender equality issues.

**The National Council was reorganised after the parliamentary elections of 2017 as it is required by the law to have new members every four years. Article 11 of the Law stipulates that the council should comprised of 10 representatives from different ministries and three representatives from the civil society<sup>62</sup>.** The meetings of the council are led by the responsible Minister on gender equality. In early 2018 the Government invited NGO's to apply for the three positions in the council and after a month of the publication of the call, three organisations were selected: CRCA/ECPAT Albania, representing a major child and youth rights organisation; CLCI (Centre for Legal and Civic Initiatives) representing a major women's free legal aid organisation and third was the Albanian Women's Empowerment Network.

Between 2018-19 only two meetings of the National Council took place. Despite the good level of the representation of different ministries in the Council, the same cannot be said about the discussions taking place. Most of the representatives of the Ministries come from senior level, however **rarely there are discussions or debates taking place between them. Most of the concerns and recommendations in the meetings of the Council have been generated from the three NGOs and very few from the Government officials. In our opinion lack of discussion in the Council comes from the lack of knowledge, awareness and accountability on gender issues at respective ministries. Albania is**

<sup>61</sup> Albanian Parliament, Women's Caucus, <https://www.parlament.al/Kuvendi/AleancaGraDeputete>

<sup>62</sup> Law No.9970, date 24.07.2008 "On Gender Equality in Society", the English version could be read in the following link: <https://www.legislationline.org/legislation/section/legislation/country/47/topic/7>

**far from achieving gender mainstreaming in all public institutions and as such gender issues are seen by public officials only as a matter of the responsible Ministry (of Health and Social Protection) but not the duty of every branch of the Albanian Government.**

The law on Gender Equality doesn't set the number of the meetings the Council should hold every year. The meetings are called and led by the Minister, making it very difficult for the NGO representatives to call for more periodic meetings, unless there are urgent issues. In the last two meetings that have taken place, one for each year, the central theme has been gender based violence, approval of the Annual Report on Gender Equality and Gender Based Violence and discussions on the new amendments to the Law on Domestic Violence in Albania (2006). The Council Chair, has been highly open and responsive towards all the suggestions made from the NGO sector, setting a positive example for other ministries.

### **Government accountability and support for gender sensitive institutions**

The end of the parliamentary elections of 2017 in Albania, brought major changes to the organisation of the Government, even though the governing party remained the same. The prime minister of Albania reorganised the whole Government, its Ministries and other public bodies. One of the axed ministries was that of Labour and Social Welfare. While labour portfolio was transferred to the Ministry of Finance, the Social welfare one was attached to the Ministry of Health, becoming the new Ministry of Health and Social Protection, one of the ministries with the highest national budget, covering from hospitals and health care to pensions, from cash hand outs to social care.

Part of the Ministry is a modest section working on Gender Equality and Gender Based Violence. Although officially is not known the number of people working for the Section, it is believed that only 3-4 staff are assigned to work on gender equality issues. Other line ministries and municipalities are required by the law to establish "gender focal points". The process to set them up has been supported by the UN Office in Albania and has been considered quite successful.

Thus far, Albania still lacks an overall national office that can advance gender equality in all the branches and bodies of the Government. What it started as a National Committee for Gender Equality, with the power to oversee the whole implementation and advancement of gender equality policy of the Government of Albania in 1998, it has been reduced to a mere modest section with a limited number of people working for gender equality and domestic violence. While the duties and responsibilities assigned by the Law on Gender Equality and the Law on Domestic Violence to the Section have increased year by year, their staff numbers and budget hasn't increased, putting in serious doubt the state of the implementation of the legislation and the National Strategy and Action Plan on Gender Equality (2016-2020).

### **National Policy on Gender Equality in Albania**

In October 2016 the Government of Albania approved a new National Strategy and Action Plan for Gender Equality with support from UN Women and UNDP office and in cooperation with civil society across the country.<sup>63</sup> The vision of the strategy is that of:

"A society that appreciates gender equality as a precondition for sustainable development and aims to have zero tolerance towards gender-based violence and domestic one".<sup>64</sup>

Strategic Goal 2 states that the Strategy aims to "guarantee equal participation and public engagement of women in public life and decision-making" followed by two objectives. Objective 2.1 aim to achieve

<sup>63</sup> Approved by the decision of the Council of Ministers No.733, of 20.10.2016. The Albanian version can be read in the following link: <http://www.shendetesia.gov.al/wp-content/uploads/2018/06/SKGJB-AL-web.pdf>

<sup>64</sup> idem

“Increased participation in decision-making of women, including legislative, decision-making and planning processes”, while objective 2.2 is focused on “Increase up to 40% women’s representation in public processes of policy-making and planning at local level”.

There are 8 major activities that the Ministry should implement between 2016-2020 in order to achieve the goals and the objectives that it set itself in the Strategy. **So far to our knowledge there have been no monitoring reports drafted on the state of the implementation of the National Strategy for Gender Equality, including strategic goal 2 and its two objectives. There is an annual data report that the Ministry presents for approval to the Gender Equality Council, but its contents are neither related to the objectives of the National Strategy nor its indicators.** From a modest point of view, within the framework of this report, we observed that almost six of the activities haven’t taken place, while only two seems to have been happening. It is difficult to have a perspective on the state of the implementation of the Strategy as either civil society organisations who have prepared some monitoring reports, have been focused mainly on the strategic aim no.3 related with domestic violence and the functioning of the National Referral Mechanism in some municipalities of the country<sup>65</sup>.

Women and girls face several obstacles to participate in public life and decision-making. The remoter the area the larger and more difficult are the obstacles that they face. In 2018, a UN Women commissioned report identified the following major obstacles for women’s political representation:<sup>66</sup>

- Legal obstacles are present, with women put in a less competitive position to become representatives and women’s quotas to become representatives working poorly;
- Women struggle to wage their political campaigns, facing threats and lacking rights to express grievances about the electoral process;
- The implementation of the clauses on women’s quotas show severe obstacles;
- Women receive fewer electoral resources than men and have fewer donors;
- There is a sense that women candidates who file complaints are treated less fairly;
- Gender stereotypes are widespread and negative about the role that women can play as representatives;

### **Role of the CSOs on advocating for women’s rights and their participation in decision-making**

Civil society has led most of the efforts and initiatives to strengthen the capacities of women politicians at local and national level. From 2013 to the present major NGOs and Coalitions have advocated for setting up a 50 percent gender quota for every list of candidates, whether local or national.

In 2015 and again in 2018, the Albanian Coalition for Women and Youth in Politics provided written amendments to the ad-hoc Parliamentary Committee on Electoral Reform asking for the Electoral Code to be amended to include the zip principal and refusal of candidates’ lists if 50 percent quota was not respected. As of 2019, the ad-hoc Parliamentary Commission did not respond to any calls of civil society, until it collapsed in February, with the opposition receding their mandates and abandoning effectively the ad—hoc Committee.

In 2015, CRCA Albania and the Coalition for Women and Youth in Politics, assisted all the elected women councillors of the Municipality of Tirana to establish their Alliance of Women Councillors. On February

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<sup>65</sup> We have into consideration here the Report of Monitoring the National Strategy for Gender Equality 2016-2020 for some municipalities, prepared by Gender Alliance for Development Centre (GADC) and Albanian Women Empowerment Network (AWEN), 2018, in the frame of the regional programme against violence against women in Western Balkan Countries and Turkey “Implementing Norms, Changing Minds” implemented from UN Women with financial support of European Commission. Some findings from these reports are already mentioned in the section 3 of this report .

<sup>66</sup> Title: “Obstacles to Women’s Participation in Elections in Albania - A National Index of Women’s Electoral Participation, including across 12 Regions”, 2017

2017 the Alliance was formally established and publicly presented to the media and the general public. Similar Alliances were established almost in all city councils of the municipalities of Albania. With support from UN Women in 2018 a National Alliance of all Women Councillors was established with the main aim to progress women rights and participation in public life and decision-making.

### **Women of minorities and their participation in public life and decision-making**

Women from minorities, especially from Roma and Gypsy communities, are almost non-existent in the public life and decision-making, except for Greek minority. Neither the Electoral Code nor the Law on Gender Equality contain any provision that could guarantee the implementation of special measures for women and girls of minorities. Despite there have been several initiatives to strengthen Roma women participation in politics, they have been mainly focused on voting rights rather than their political empowerment. Under such circumstances Albania has missed some of the benefits that brings political diversity and minority participation in decision-making. There are no assessments on minorities' women participation in public life and decision making in Albania.

On October 2017 the Parliament approved a very up-to-date law on minorities in Albania. The law guarantees protection from discrimination and exercise of the minority rights without prejudice by any minority living in Albania, including women.<sup>67</sup> The law provides guarantees for the minorities' languages, cultural development and participation in public life for both men and women. Nevertheless, there are few political parties and even fewer CSOs working for women's rights in areas inhabited by minorities in Albania.

While there are no specific indicators, including on the percentage of women and girls with disabilities in decision-making, to measure and then identify/report on gender equality for girls and women with disabilities in each of the four areas, in particular, there is a lack of measures for their empowerment, including economic empowerment and participation in decision-making processes and positions at all levels. The CEDAW Committee is concerned that women belonging to marginalized groups, such as ... women with disabilities, continue to face barriers that prevent them from participating in political and public life, including the exercise of the right to vote.<sup>68</sup> One of the measures provided for in the NSGE Action Plan (4.4.3) is updating of data that enable the (gender) analysis of the situation and of measures addressing the inequalities of different women's groups, the latter being considered virtually impossible to be realized while no specific indicators have been set for it in this action plan<sup>69</sup>

### **People's Advocate and promotion of women rights**

The People's Advocate of Albania plays a major role to address the violations of human rights in the country. It defends the rights, freedoms and lawful interests of individuals from unlawful and incorrect acts or omissions of public administration bodies as well as third parties acting on its behalf.

On 22 May 2017, the Parliament elected its first ever Ombudswoman (in Albanian People's Advocates), a position held previously only by men.<sup>70</sup> On several occasions the Office of the People's Advocate has publicly backed equal representation of men and women in decision-making, including written recommendations for the ad-hoc Parliamentary Commission on Electoral Reform in Albania. The new ombudswoman has also outspoken on difficult issues such as lesbian and trans women participation in political life, rights of women from minorities etc.

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<sup>67</sup> Law No. 96/2017 on the Protection of National Minorities.

<sup>68</sup> Concluding observations on the fourth periodic report of Albania, Adopted by the Committee on the Elimination of Discrimination Against Women at its sixty-fourth session (4-22 July 2016).

<sup>69</sup> Information provided from Albanian Disability Rights Foundation

<sup>70</sup> Profile of the Peoples' Advocate can be read at the following link: <https://www.avokatipopullit.gov.al/en/about-us/about-us-details>

## Girls' participation in public life and decision-making

Albania has done very little to increase safe spaces for a girl's participation in public life and decision-making. On 11 October 2018, 1<sup>st</sup> Girls Summit was held, organised by CRCA/ECPAT Albania, Albanian Coalition for Education and the Albanian National Youth Network.<sup>71</sup> The Summit was hosted by the Albanian Parliament and the Alliance of Women MP's on the International Girl's Day, and the Global Campaign #Girl2Leader. The Parliament welcomed 25 girls aged 15-21 years old, 15 women ambassadors (national politicians and CSO representatives) and over 140 representatives of girls' organisations and groups from all over Albania.

Meanwhile, in several cities, such as Tirana, Peshkopi, Korçë, Durrës and Shkodër, with support from CSO's, Youth Parliaments have been or are being established to support youth empowerment and participation of girls in decision-making from a very young age.

## Women's access to expression and participation in decision-making in the media, including through information and communication technologies (ICT)

A report prepared by a well-known woman journalist in 2018, revealed some interesting facts about women's access to media. The report stated that: "Women represent the majority of journalists in Albania (51.7%), with an average age of 32.54 years; half of the journalists were younger than 31 years and they often hold a degree in journalism or related field of study (72.4%). The dominating group in the media consists of reporters 30 to 39 years old (42.2%) and young journalists who just graduated (42%). Experienced journalists over 50 make up only 5.3 percent, while those who are 40 to 49 constitute 10.6 percent. With regard to the education level, 64.1 percent of interviewees hold a bachelor's degree, 32.2 percent have a master's and 1.7 percent have obtained a doctorate."<sup>72</sup>

**During the last two years attacks against women journalists have increased, with the emphasis on investigative ones.<sup>73</sup> On the night between 29-30<sup>th</sup> August 2018, the house of a well-known investigative journalist, known to have been investigating Government links with drug lords and organised crime, was sprayed with bullets, while her children and family were asleep. Although it is almost a year since the crime was reported, no one has been arrested. The Police hasn't been able to find any suspects on her case.<sup>74</sup>**

**As the main opposition party withdrew from the Parliament in February this year, several protests were held against the Government, some of them violent. Yet the police failed to notify reporters, most of whom are women, to get prepared in case tear gas was used against protesters. When the gas was used during the protests in more than one occasion, several women journalists were reported to have fallen ill.<sup>75</sup>**

There is more information available in relation to the space that women's political participation gets in media compared with men. **Two consecutive reports in 2016/17, from the Women's Network Equality in Decision-Making, found that "Men dominate the Albanian media landscape. Men received 84 percent of the time, while women got only 16 percent, as following: 11 percent**

<sup>71</sup> Albania hosts the 1<sup>st</sup> Girl's summit and #GIRL2LEADERCampaign <https://www.crca.al/en/vepro-per-femijet-news/albania-hosts-1st-girls-summit-and-girl2leader-campaign>

<sup>72</sup> Godole J., Country Report: Journalists in Albania, Tirana 2018. Full report can be read in the following link: [https://epub.ub.uni-muenchen.de/31745/1/Country\\_report\\_Albania.pdf](https://epub.ub.uni-muenchen.de/31745/1/Country_report_Albania.pdf)

<sup>73</sup> European Federation of Journalists, Mission preliminary findings: press freedom is deteriorating in Albania, 20 June 2019. Link to the findings can be found: <https://europeanjournalists.org/blog/2019/06/21/albania-preliminary-findings-of-joint-freedom-of-expression-mission/>

<sup>74</sup> Erebara Gj., Attack on Albania Crime Journalist's Home Condemned, Balkan Insight, 30 August 2018. Link to the article: <https://balkaninsight.com/2018/08/30/attack-against-albania-journalist-home-condemned-08-30-2018/>

<sup>75</sup> Taylor A., Journalists and Photographers Injured by Albanian Police During Anti-Government Protest, 13 April 2019. Link to the article: <https://exit.al/en/2019/04/13/journalist-rendered-unconscious-by-use-of-tear-gas-by-albanian-police/>

mentioned in newspaper articles, 12 percent in primetime news of national TV's, 19 percent in talk shows and 17 percent of online media platforms."<sup>76</sup>

Social media in Albania is becoming a source of fast news but also fake ones. Women portrayal varies in different competing images, from extremely sexualised ones to strong women leaders in national and international political arena. Young women and girls often have complained on the issue of their online safety. A flagship report of the National Centre for Internet Safety in Albania, found out that more than 60 percent of the complaints made to the online Platform [www.SIGURT.al](http://www.SIGURT.al) were from girls and women, mostly complaining on hate speech and online bullying.<sup>77</sup> The Centre has called on the authorities to strengthen the legislation that regulates online crimes against girls and women.

### Gender sensitive budget and funding of the national policy on gender equality

With strong support from UN Women, the Albanian Government for the last 3 years has been developing the methodology and policies for a better gender responsive system, and accompanying indicators to the National Budget **and mid-term one**. As a result, gender equality is now a core principle in the Law on Organic Budget (since 2016). In addition, the approval of law "On Local Government Finances", paved the way for gender responsive effective inclusion in budget programming, monitoring, reporting and evaluation.

Support has been provided to local institutions over the past years also to mainstream gender in policy planning and budgeting. The initiatives included enhancing national and local governments' capacities in analysing, designing and executing gender-responsive plans and budgets, while tools and capacities were provided to key institutions to track budget allocations and expenditure from a gender perspective.<sup>78</sup>

### Data collection on women political participation

The Albanian National Institute of Statistics is legally mandated to collect, analyse and publicise official data on women's political participation, including in appointed and elected positions.<sup>79</sup> INSTAT publishes annually its flagship Report "Men and Women in Albania" where it delivers extensive and comparative statistical information on gender equality in Albania in almost every aspect of life, from births to employment and political participation. The last published report brings data for the year 2018 and it contains extensive on the state of women rights in Albania.<sup>80</sup> The Report has a chapter on the Gender Index which compares the level of equality between both genders and their parity in different sectors of life, economy, employment, political participation, etc.

Meanwhile there are other public institutions that collect and analyse data on women's political participation, such as the Central Election Commission, that publishes gender-sensitive reports on women's participation in elections, as voters and as candidates, in local and national elections<sup>81</sup>. **Several NGO's also collect and analyse data on women's and girl's participation in politics, application of gender quota, family voting and voting outcomes etc.**

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<sup>76</sup> Women Network Equality in Decision-making, statistics on media, can be found in the following link: <http://www.platfomagjinore.al/statistika/#statistika-media>

<sup>77</sup> Crimes without Punishment, A Report on Online Safety in Albania, NCIS & CRCA Albania 2019.

<sup>78</sup> UN Women Regional Programme "Promoting Gender-Responsive Policies": Results, <http://eca.unwomen.org/en/what-we-do/national-planning-and-budgeting/regional-programme-results>

<sup>79</sup> <http://www.instat.gov.al/>

<sup>80</sup> Women and Man in Albania 2018, INSTAT. Full report can be read in Albanian and English in the following link: <http://albania.unwomen.org/en/digital-library/publications/2018/06/women-and-men-in-albania-2018>

<sup>81</sup> Data on Women in Elections, <http://cec.org.al/ne-organet-e-zqjedhura/>

## RECOMMENDATIONS

- Albania needs to improve considerably the protection of women in politics by setting up codes of conduct and positive guidelines on women's role and participation in politics. Despite major achievements within a short time, Albania needs to do more to mainstream gender equality in political parties, National Parliament, City Councils and the central and local Government. This should include also setting up of an equal gender quota in elections for both genders and for every public office;
- The national gender equality mechanism needs serious improvements to be able to achieve its aim. As such Albanian Government should establish the National Coordinator for Gender Equality accompanied by a National Committee on Women's and Girls' Rights, both responsible of mainstreaming gender equality policy in every branch of the Government at national and local level, monitoring of the implementation of the national gender policy, gender sensitive budgeting and empowerment of women and girls across Albania;
- Albania needs to strengthen gender accountability from every elected public official and improve the record of senior politicians towards respecting women's and girls' rights. In this regard the Government should support CSO's role to setup gender-equality indicators, draft monitoring and evaluation reports, publicise scorecards for every municipality and of a national index on women's and girls' advancement across Albania, could only improve the current situation.
- Albania needs to take serious measures to support in every aspect women journalist and their equal participation in the media. The Parliament and the Government have a special duty not only to guarantee their rights and protection, but also support the women to organise themselves in unions and independent organisations, publicise their work for gender equality and gender mainstreaming in media, while work with the School of Journalism and Journalists organisations to empower women and girls for better reporting and portrayal of women and gender issues in mainstream, online and social media.
- Mainstreaming girls' rights should become a national priority. Albania has done very little to protect and advance the status of girls within the family, society, education, social and health services. Education on the rights of the girls should become mandatory for all early childhood services and schools in the country, while gender equality should become the leading principal in all decision-making structures in school. Further to this a national index of girls' rights could be established with a set of indicators that measures all the aspects of life. In particular the Government and Municipalities should provide every kind of support needed for girls' organisations in rural and urban level.

## V. PEACEFUL AND INCLUSIVE SOCIETIES

On 11 October 2018, Albania approved the National Action Plan on women, peace and security, in response to the UN Resolution 1325, through a Council of Ministers decision.<sup>82</sup> Although the Resolution was approved some 18 years ago, Albania saw no role in the implementation of this resolution, probably because of being a small country that has never been at war since the end of the 2<sup>nd</sup> World War. However, the membership of Albania to NATO as of 1<sup>st</sup> April 2009, brought new roles and responsibilities that, even a small country should consider as important, including women, peace and security. Bears mentioning that an important role in the incitement of the state to draft and approve the National Action Plan was played by the organizations of civil societies, led by the «Gender, Peace, Security» Association, which, through the support of UN Women FGE, made possible the creation of a «Woman, Peace, Security» Coalition, composed of 32 organizations.

As of 2019, Albania is participating in several peace missions across the world, where women in danger from military conflicts and civil unrests. Since Albania joined NATO in 2009, Albania's contribution to UN peacekeeping operations were to send 3 representatives to the UN Observer Mission in Georgia (UNOMIG), while 63 troops and 5 military observers participated in the UN Mission in Central African Republic and Chad (MINURCAT).<sup>83</sup>

The Ministry of Defence is responsible for drafting and promotion of new policies for Albania's agenda on women, peace and security, including gender promotion within the armed forces. **The new strategy on "Human Resource Management Strategy in the Armed Forces, 2015-2019", approved in 2015, the professional military personnel that are women in the Armed Forces should be up to 15% of the general number and for every structure, in the function of the mission and tasks according to the required operational levels. The current percentage of military women serving in the Armed Forces of the Republic of Albania at the end of 2017 was 13,2% of the total number of military personnel.**<sup>84</sup>

An evaluation report on the implementation of the UNSCR Resolution 1325 (prepared by the «Gender, Peace, Security» Association, in close collaboration with the Swedish organization «Operation 1325» in the framework of the initiative supported by UN Women FGE) was published with critical views on the work of the Government to make the resolution a functioning document of the Albanian Government and more specifically of the Ministry of Defence, Ministry of Interior and the Ministry of Health and Social Care.<sup>85</sup>

Among others the report stated that: "AFF {The Albanian Armed Forces} ... have plans and goals for gender equality, but their gender-equality reality is not as positive as their goals. What seems to be problematic, specifically for the AAF, is that their personnel are not up to date with their gender commitments. Underlying problems for gender equality are that: 1) women generally occupy low rank in the AAF, 2) they occupy support positions but not positions in the operational sector, 3) they do not get positions in the combat field, 4) they are seldom chosen for international operations, and 5) the AAF family policies and sexual harassment policies are not gender-sensitive. Women's roles in the AAF are of the administrative, caring and non-combat type. Few women obtain leadership positions. There are

<sup>82</sup> National Action Plan on Women, Peace and Security, approved by the Council of Ministers Decision No. 524, dated 11.09.2018, published in Official Journal 134/2018, can be read in the following link: <https://qgz.gov.al/eli/fz/2018/134/1c74d443-02de-4107-b531-d15a3a3330d4:g=VENDIM%20Nr.%20524.%20dat%C3%AB%2011.9.2018>

<sup>83</sup> Peacekeeping contributor profile: Albania, <http://www.providingforpeacekeeping.org/2015/03/30/peacekeeping-contributor-profile-albania/>

<sup>84</sup> Information Exchange on the OSCE Code of Conduct on Politico-Military Aspects of Security Republic of Albania (Valid for 2017), Permanent Mission of the Republic of Albania to the International Organisations, Vienna, 13 April 2018. The document can be found in the following link: <https://www.osce.org/forum-for-security-cooperation/380281?download=true>

<sup>85</sup> Albania 2017 Women Count Albanian's Implementation of UNSCR 1325. Report can be read in the following link: [http://siguria-paqja.al/sites/default/files/Final%20WOMEN%20COUNT\\_shqip%20anglisht%20%285%29%20%281%29.pdf](http://siguria-paqja.al/sites/default/files/Final%20WOMEN%20COUNT_shqip%20anglisht%20%285%29%20%281%29.pdf)

some serious flaws in the curriculum of the Albanian Police Force. Inevitably this affects how the police view their colleagues and civilians, and how they view crimes such as prostitution.” Currently, the «Woman, Peace, Security» Coalition is supporting the member ministries lead by the Ministry of Health and Social Protection, for the drafting of the second monitoring report, to implement Resolution 1325 in Albania.

The situation is not much different in the Albanian Police Force. The INSTAT Report ‘Women and Men in Albania 2018’, revealed that: “The number of female employees is very low... and it has not undergone major changes during the last three years. In 2017, out of 10,629 police employees... 14.2% are women. No woman has held the job position Major Leader or Senior Leader in the senior management levels. In 2017, out of 122 leaders in total, only 8.2% are women, with only one woman holding the Senior Leader position. The number of women employed in police structures is gradually increasing for the lower-grade employees, thus reaching the highest levels, which are Deputy Commissioner and Inspector, namely 12.0% and 9.5%.”<sup>86</sup>

### **National Action Plan on Women, Peace and Security**

The Albanian National Action Plan on women, peace and security considers the National Strategy for Gender Equality (2016-2020) as the guiding document on all aspects of promotion of gender equality. The directive of the Ministry of Defence and the Head of the Armed Forces is to increase the women’s participation in armed forces from 10 percent that was during 2017 to 15 percent by the end of 2020.<sup>87</sup>

The Plan has as its main vision the following:

...a society where women have a reinforced role and are actively participating in preserving peace, preventing and resolving conflicts, as well as a contributing to a sustainable society internationally that guarantees the rights of women involved in situations conflict.

Meanwhile the main goal of the Action Plan is:

“...implementation and monitoring of Resolution 1325 through its promotion at every level: local, through preventing any crisis situation, as well as strengthening gender awareness of the population; national, as well part of the government program; as well as international, through active involvement of the country in the international activities. This Action Plan aims in consolidating existing achievements and implementation of measures with a clear and concrete objective improving gender equality and empowering the position of women in the security and increasing their role for peace and security, in Albania and abroad.

The Action has four concrete objectives such as the following: a) Improve policy documents and raise awareness for Resolution 1325; Increasing the participation of women in the field of security at home and abroad; Establish a regulatory framework and capacities that enable better protection and rehabilitation of women in the field of peace and security; Taking measures for a better monitoring and reporting of Resolution 1325.

### **Communication strategies to increase awareness of the women, peace and security agenda**

Although the number of CSOs which started to work on the advocacy and awareness of the women, peace and security agenda was small, they have been successful in their endeavours. A National Conference on the issue was organised on the occasion of the approval of the Action Plan, meanwhile

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<sup>86</sup> Women and Man in Albania 2018, INSTAT. Full report can be read in Albanian and English in the following link: <http://albania.unwomen.org/en/digital-library/publications/2018/06/women-and-men-in-albania-2018>

<sup>87</sup> Albanian National Action Plan on Women, Peace and Security, Tirana 2018.

training and information sessions have been held with women in armed forces, police and at civil society organisations. A network of NGO's (Coalition "Women, Peace, Security") was also established for the same purpose, composed of 32 organizations. During the three-year work (2016-2019) of this coalition (supported by UN Women FGE), a number of informative and educational activities have been organized in the whole country, for the awareness on the agenda for women, peace and security. Thus, mentioned in general: 57 activities with 4248 benefiteres, 12 trainings with 292 benefiteres, 8 informative sessions with 2525 benefiteres, 16 awareness campaigns with 732 benefiteres, 4 coordinative workshops with 99 benefiteres, 3 advocacy activities with 340 benefiteres, public events with 52 benefiteres, coordinative meetings for the preparation of the National Action Plan with 105 benefiteres and 3 journalist forums with 97 benefiteres<sup>88</sup>.

### **Budgetary allocations for the implementation of the women, peace and security agenda**

There is no information on the budgetary allocations for the implementation of the Action Plan on women, peace and security agenda. As the Plan falls under the National Strategy for Gender Equality it is a duty of the Ministry of Finances and the Ministry of Health and Social Care to take the appropriate steps to allocate funds for this aspect. There is lack of information of one or more indicators that are used by both Ministries on gender responsive budgeting to include issues related to women, peace and security agenda.

### **Reduce excessive military expenditures. Re-allocated funds from military pending to social and economic development.**

As a member of NATO, Albania is required to increase its budget on military spending above 2 percent of the GDP per year. In 2018 the country spent 1,2 percent of GDP on military, far below the NATO mark.<sup>89</sup> Following the pressure exercised by the USA on NATO to increase its military spending, there would be extremely difficult for Albania to lower its military budget expenditure and allocate them to the social and economic development of the country.

### **Supported inclusive and gender-sensitive conflict analysis, early warning and prevention mechanisms**

The National Action Plan on Women, Peace and security Agenda (NAPWPSA) has assigned the Ministry of Health and Social Protection as the main agency to develop new policies while the National Council on Gender Equality serves also as a national mechanism also for the NAPWPSA. So far there have been no meetings of National Council on Gender Equality organised on the issue nether any new policies to support inclusive and gender sensitive conflict analyses, early warnings and prevention mechanisms. However, during the drafting period for the National Action Plan were organized periodical meetings of the coalition member organizations with representatives of line ministries and international organizations (OSBE, BE, Dutch Embassy). Matters such as the advocacy for the approval of the plan and the effective methods of its implementation have been part of these meetings.

### **Actions taken to increase the leadership, representation and participation of women in conflict prevention, resolution, peacebuilding, humanitarian action and crisis response, at decision-making levels in situations of armed and other conflicts, and in fragile or crisis settings.**

**There have been very positive steps Albania has taken in this regard, yet they are not critical enough to guarantee equal participation and representation of women in conflict prevention, resolution, peacebuilding, humanitarian action and crisis response, at decision-making levels in situations of armed and other conflicts, and in fragile or crisis settings.**

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<sup>88</sup> Data from the «Woman, Peace, Security» Association, received during the report drafting process.

<sup>89</sup> Military Expenditure Albania, World Bank, <https://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS> Albania's implementation of Resolution 1325, Women Count: Albania 2017.

The Albanian Armed Forces for the first time in their history during 2018 promoted a woman in the rank of the general, meanwhile in the Police Force, a woman became one of the main Directors at the National Police Authority. Yet, Albania is far from achieving gender equality in armed and police forces.

**Albanian Armed forces participating in peace missions and operations are required to: “conduct a specific training before deployment. Part of this specific training are well acquainted with the costumes, traditions and culture of the country where they will serve, and the issues related to the protection of the rights of girls and women in the conflict areas. Gender issues, protection of women’s rights and gender discrimination, sexual violence issues are included in the programs of education for the military personnel in Armed Forces.<sup>90</sup>”**

**The Albanian Army is legally to commit to respecting the Albanian laws even when they serve in international peace missions. The Criminal Code of Albania provides severe punishments for sexual crimes against women and children. The new amendments to the Criminal Code in 2013 made it possible criminalisation of sexual harassment, that was not regulated previously.**

International donors have been supporting the Police to become more gender sensitive and a Gender and Diversity Focal Point has been appointed in the National Police Authority. Nevertheless, there are no such focal points in police directorates in 12 regions of Albania and it is not clear who does what in terms of gender equality and diversity promotion across Albania, where the largest number of police forces are serving to the public, including women and girls.

**Civil society in Albania with support from the UN Women and in collaboration with the Police Authority, and several international police missions, have been organising short and medium training courses of policewomen for leading operational and management positions.<sup>91</sup> Meanwhile the Ministry of Interior has openly expressed their support for more women in the police force. There is no Policewomen’s organisation within the Police force and there are no current plans to establish one.**

Civil society has played a major role in promoting women’s participation in conflict prevention, resolution, peacebuilding, humanitarian action and crisis response, at decision-making levels in situations of armed and other conflicts, and in fragile or crisis settings. As stated above, the Coalition composed of 32 organizations and led by Association « Gender, Peace, Security » has advocated for changes to take place in all responsible government structures, which have been slow to act for the implementation of the Action Plan. CSOs have organised information and awareness sessions with women in police force and women CSOs, among others to discuss a better representation of women in decision-making and the implementation of the Action Plan. Meanwhile, the coalition is continuing its lobbying work with the line ministries, with the purpose of inciting the effective implementation of this plan.

Women’s human rights defenders do not enjoy any particular protection compared to other human rights defenders. They are often victims of prejudices and negative coverage in media and social networks. The Albanian Parliament on March 2019, after consultations with the civil society approved the Parliamentary Resolution on the Protection of Human Rights Defenders.<sup>92</sup> Among others the Parliament of Albania aims

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<sup>90</sup> Information Exchange on the OSCE Code of Conduct on Politico-Military Aspects of Security Republic of Albania (Valid for 2017), Permanent Mission of the Republic of Albania to the International Organizations, Vienna, 13 April 2018. The document can be found in the following link: <https://www.osce.org/forum-for-security-cooperation/380281?download=true>

<sup>91</sup> Ceremony of competition of training course on women leading operations in Police Force, Tirana 2016. Link to the article can be found in the address: <https://www.asp.gov.al/index.php/component/content/article/275-slideshow-home/10470-ceremonia-e-perfundimit-te-trajimit-te-trete-integrimit-i-punonjeseve-femra-te-policise-se-shtetit-ne-role-drejtuese-operacionale-shtator-nentor-2016>

<sup>92</sup> Parliamentary Resolution for the Recognition and Support of the work of Human Rights Defenders in the promotion, encourage and protect human rights and freedoms, strengthening rule of law and consolidate democracy. The full text of the resolution in Albanian can be read in the following link:

to increase its parliamentary control and accountability towards the Government on issues such as women rights, children, persons with disability, minorities, LGBTI persons, migrants etc.

**Actions to enhance judicial and non-judicial accountability for violations of international humanitarian law and violations of the human rights of women and girls in situations of armed and other conflicts or humanitarian action and crisis response.**

Albania has never been a country in military or civil conflict<sup>93</sup> and as such the country lacks expertise on transitional justice. Yet all the legal instruments that Albania has approved from 1995 onwards are mostly in full compliance with the UN and Council of Europe human rights standards, including those for women's rights.

**Albania has reported periodically to the UN and Council of Europe on the state of implementations of the ratified human rights norms and several UN and CoE committees, notably CEDAW and GREVIO have provided series of recommendations for the state party (Albania) to improve its legislation and mechanisms in respect of the compliance with the human rights norms including humanitarian law.**

They also include references to the judicial and non-judicial accountability of public institutions and actions of citizens of Albanian nationality for violations of international humanitarian law and violations of the human rights of women and girls in situations of armed and other conflicts or humanitarian action and crisis response.

Law on Gender Equality, Law on Domestic Violence, Law on the Rights and Protection of Children, Law on Free Legal Aid etc., guarantee that Albania is in line with all the requirements of the international humanitarian law.

Further to this Criminal Code and the Criminal Procedure Code guarantee that violations of international humanitarian law and violations of the human rights of women and girls in situations of armed and other conflicts or humanitarian action and crisis response are considered criminal offences punishable by law. The same goes for criminal acts such as sexual violence and exploitation, illicit arms trafficking, production, use of and trafficking in illicit drugs, trafficking in women and children.

**Yet, according to several NGO reports on the state of armed and police forces in Albania, there are some critical aspects that need careful consideration and addressing by both forces.**

**The Global Network of Women Peacebuilders (GNWP) in their first report on Albania, stated that: "Article 284 of Albania's Criminal Procedure Code, sexual harassment is an offence in common law. Sexual harassment was also addressed in the new law on Military Discipline in the Armed Forces, but the AAF does not have any protocols for investigation of harassments or protocols for victims. In writing this report we did not find any data on sexual harassment in the AAF. These are signs of poor interest in the wellbeing of the employees. Another specific problem relating to sexual harassment is that the AAF does not have a specific complaints file for sexual harassments, and the general complaints file goes to an immediate superior. Thus, if the perpetrator is the superior, the victim will be less likely to file a complaint."<sup>94</sup>**

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<http://www.parlament.al/Files/Projekte/20190306153612rezolute%20per%20mbrojtjen%20e%20mbrojtjesve%20te%20te%20drejtave%20te%20njeriut%20d%20t.%205.3.2019.pdf>

<sup>93</sup> Albania 2017, Women Count Albania's implementation of the UNSCR 1325, Stockholm 2017, The full report can be read in the following link: [https://operation1325.se/sites/default/files/women\\_count\\_albania\\_2017\\_-\\_final\\_0.pdf](https://operation1325.se/sites/default/files/women_count_albania_2017_-_final_0.pdf)

<sup>94</sup> Albania 2017, Women Count Albania's implementation of the UNSCR 1325, Stockholm 2017, The full report can be read in the following link: [https://operation1325.se/sites/default/files/women\\_count\\_albania\\_2017\\_-\\_final\\_0.pdf](https://operation1325.se/sites/default/files/women_count_albania_2017_-_final_0.pdf)

Albania has taken steps to fight trafficking in human beings, especially among women and children. The government has assigned a National Coordinator to coordinate the response to human trafficking. However, as stated to the USA State department report on the Trafficking in Human Beings: “The Government of Albania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore, Albania remained on Tier 2. These efforts included updating standard operating procedures (SOPs) for victim identification and referral, allocating funding for victim coordinators in every prosecution office starting in 2019, and institutionalizing training on trafficking within the Border and Migration Police (BMP). The government also doubled the budget for the Office of the National Anti-Trafficking Coordinator (ONAC) and adopted the 2018-2020 national action plan. However, the government did not meet the minimum standards in several key areas. The government continued to investigate, prosecute, and convict fewer cases, leading to the lowest level of reported law enforcement actions in four years. Additionally, the government lacked proactive identification efforts and law enforcement, in particular, did not consistently participate in mobile victim identification units or consistently screen vulnerable populations. The government continued to delay funding for NGO-run shelters and did not consistently apply victim-centred approaches to investigations and prosecutions”<sup>95</sup>

CSOs in Albania report their concern regarding the right of compensation for the victims of trafficking in human beings. « There have been cases when it was impossible to file a request to the competent bodies for compensation for moral and material damage due to the expenses such a filing would incur. In the cases when the right to compensation was granted by the court, there is no executed decision due to the gaps in the law and/or the inaccurate understanding of the respective legislation »<sup>96</sup>.

NGO's have played a major role to fill the gaps left from the lack of the actions of the Government and its institutions. The National Anti-Trafficking Coalition of Shelters<sup>97</sup> has been assisted for the last 20 years women and children victims of trafficking. All identified cases or those who have reported sexual violence and have required help beyond the report, were referred and assisted by the shelters of this coalition. Several shelters for battered women and girls have been established in major cities of Albania. In December 2018 a National Centre for Women victims of sexual abuse was inaugurated in Tirana by the Government. In April 2019 a National Advocacy Centre for Children and Adolescents victims of sexual abuse was established in Tirana by CRCA/ECPAT Albania. In May 2019, the Government improved bylaws that make possible the funding of NGO social delivery services. Two National Helplines, one on Children and the other on Women, were among the first beneficiaries of the Social Fund.

Yet, despite all the positive developments in this area, Albania has still a lot to do to meet all the national and international requirements that guarantee gender equality and protection of women's and girls rights. The country is in the right track to achieve this, only if serious measures are taken to mainstream gender equality in every aspect of political and public life, including stronger support for CSO's working to advance women's and girls' rights.

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<sup>95</sup> USA State Department, 2018 Trafficking in Persons Report: Albania, 28 June 2018, Full report on Albania can be read in the following link: <https://www.state.gov/reports/2018-trafficking-in-persons-report/albania/>

<sup>96</sup>The shadow report for UPR, for the period 2014-2018, with reporter The Center for Legal Civic Initiatives in collaboration with the Network of Monitoring against Gender-based Violence, <https://rjetikunderdhunesgjimore-monitorime.al/2019/01/21/upr-shadow-report/#more-474> . p.5.

<sup>97</sup> Composed of Psycho-Social Center “Vatra”, “Different and Equal” Organization, “Other Vision” Association and National Reception Center for Victims of Trafficking

## RECOMMENDATIONS

- Albania needs to monitor the implementation of its National Action Plan and report periodically on women, peace and security agenda. This should include setting up strict rules on women's participation in every decision-making body in armed and police forces, women's advancement within each force, setting up and implementing gender quotas for every level etc. This should be combined with rigorous training of senior level male officers / commanders, both in the army and police force, on human and women's rights, child rights, gender and LGBTI concepts.
- The Ministry of Defence and the Ministry of Interior must make it mandatory human rights, women and children's rights training for every army / police personnel at every level, by accredited training programmes of CSOs or Universities. This should include also on-job training, coaching and on the spot advise. As the Albanian army will grow its participation in NATO or UN missions, it is important for the army personnel to have such training and also a resource centre where it can find advice on questions that arise during or from such missions.
- The Ministry of Defence and the Ministry of Interior need urgently to enact Protocols and Codes of Conduct on Violence against Women and Children, particularly sexual abuse and harassment. Every army or police officer needs to sign a code of conduct on protection of human rights of men, women and children, do's and don'ts on cases of violence and sexual abuse, how and where to report, case registration and follow up etc. This standards of care and protection shall be mandatory not only within the country but in every international humanitarian or peace mission.

## VI. ENVIRONMENTAL CONSERVATION, PROTECTION AND REHABILITATION

The right to a healthy environment and to organizing public consultations at a European level, is known for the first time through the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Issues (Aarhus Convention)<sup>98</sup>. Albania, in accordance with Articles 70 and 180 of the Stabilization and Association Agreement (SAA), has taken positive steps towards the approximation of national environmental legislation with the EU *acquis*.

**Yet, environmental issues, though of particular importance, seem to remain far from discussion with civil society organizations that focus on the protection of women's rights and gender equality. Considered as "gender neutral", the discussion on environmental policies and public consultations in this regard, is often made without the presence of women and young girls, but other vulnerable groups remain excluded as well.**

This section of the report will present **concrete examples** from the daily work of the Albanian Helsinki Committee regarding the monitoring of complaints or follow-up in court of cases addressed by citizens who have claimed violation of their legitimate interests as a result of environmental pollution from the activities of private entities.

### Example 1: Strategic Environmental Assessment on integrated management of recycled waste.

Discussion and planning for building landfills and incinerators have been more intense in Albania, especially the last two years. However, despite the initiatives taken in the framework of international obligations, it is found that currently waste management and their inadequate disposals one of the most serious environmental problems<sup>99</sup>. According to INSTAT data, in total in 2017, Albania produced 1.8 million tonnes of solid urban waste, but managed to administer only 1 million 250 thousand tons, while the other 563 thousand tons were distributed across the environment<sup>100</sup>. Waste collection, treatment and recycling in Albania are not yet carried out in accordance with modern technologies and logistics. To address this concern, the Ministry of Infrastructure and Energy in the framework of the financial cooperation with Germany, prepared in November 2018 the Strategic Environmental Assessment "Sectoral Study on the Need for Investment in Integrated Solid Waste Management in Albania"<sup>101</sup>. The Albanian Helsinki Committee was one of the civil society organizations that contributed to the alignment of the Study with the *acquis communautaire*, as it is the EU Directive 2018/850<sup>102</sup>. In relation to this process, AHC suggested that particular attention should be paid to the implementation of the investment plan for local and regional infrastructure for the phased integrated solid waste management (ISWM). For example, implementation of the "transfer and transport" component should be carried out on less crowded periods of the day, such as in early morning or evening (currently, the realization of this process is found also at midday hours). Another suggestion is related to bearing in mind the provisions of the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention)<sup>103</sup>, which recommends giving priority to the use of waste treatment techniques, in order to minimize the formation and release of dangerous chemicals (especially in the framework of sanitary landfills as an element of novelty in our country).

During this process, regarding the public consultation component AHC found as follows:

1. Notwithstanding the fact that consultations were being carried out during the study (this being a positive and commendable element of the approach to state-owned institutions in the development of different

<sup>98</sup>Ratified by Albania under Law no. 8672, dated 26.10.2000

<sup>99</sup> Page 8, [http://infrastruktura.gov.al/wp-content/uploads/2018/12/ISWM-Investment-Albania-Draft-SEA-Study-20181126\\_Albanian-2.pdf](http://infrastruktura.gov.al/wp-content/uploads/2018/12/ISWM-Investment-Albania-Draft-SEA-Study-20181126_Albanian-2.pdf)

<sup>100</sup><https://hashtag.al/index.php/2018/09/20/shqiperia-nje-landfill-563-mije-tone-mbetje-nuk-trajtohen/>

<sup>101</sup>Preliminary draft for consultation was made available on November 9, 2018. For more see [http://infrastruktura.gov.al/wp-content/uploads/2018/12/ISWM-Investment-Albania-Draft-SEA-Study-20181126\\_Albanian-2.pdf](http://infrastruktura.gov.al/wp-content/uploads/2018/12/ISWM-Investment-Albania-Draft-SEA-Study-20181126_Albanian-2.pdf)

<sup>102</sup>This Directive, published on 05.30.2018, amended Directive 1999/31 / EC "On the landfill of waste"

<sup>103</sup>The Republic of Albania has acceded to this Convention on 06/29/1999.

project-evaluations or project-studies), the significant lack of representatives of civil society as a whole, was an **indication of almost entirely formal organization of these consultative meetings**.

2. **Participation of women and young girls left much to be desired**<sup>104</sup>. The few women participants present were officials at a ministerial level, while there were no women and young girls representatives of civil society, an element that reinforced the gender stereotype of considering environmental issues as a mainly men's domain and specialty.

In this context, it is recommended that:

1. In the future, **state-owned institutions at central and local levels should take the necessary measures to respect the right of the citizens to be actively involved in the preparation, implementation and evaluation of environmental policies**. Public consultation should be given due attention and formal meetings should be avoided.

2. In particular, **attention should be paid to the active inclusion and mainstreaming of the concerns and perspectives of different groups of women (including women from rural areas, women with disabilities, women from minorities, LGBTI, etc.), in all environmental decision-making levels**. Ensuring participation and activation of women and young girls from these groups in environmental meetings, depends on a number of factors ranging from logistical aspects (place, time, way of organizing meetings, ways of notification, use or not of different media sources and social media) up to the responsibility and accountability as to what extent, how and why the concerns raised by them are taken into consideration (or not).

3. We deem that the **collaboration of institutions with NGOs representative of women's rights and community-based ones**, would serve for the realization of such meetings upon a holistic approach. The important point here is given to **strengthening the collaboration between environmental NGOs and those NGOs focused on women's rights**.

### **Example 2: Construction of the incinerator in the Verri village of Fier**

AHC monitoring of complaints submitted by residents regarding the planning for the construction of the incinerator in the Verri village of Fier, **found non-compliance with the Aarhus Convention regarding consultation on environmental issues**. Accordingly, **there is also a decrease in agricultural production, but also in residents' desire to work and cultivate their lands, precisely because of their vicinity to the incinerator and can be contaminated by the pollution it causes**. This concern was addressed especially by the women of this area, who felt the consequences that the construction of the incinerator would bring in their daily lives. Damage or non-use of land for crops has greater socio-economic effects on the family as a whole and especially on women, for their own responsibilities regarding the maintenance of their family life. **Of concern is also the issue of life and health of inhabitants living close to where this incinerator is being built. The greatest risk is posed to pregnant women and breastfeeding mothers**. The polluted air is a commonly known phenomenon with a direct impact on damage to the foetus, increasing the risk of premature birth<sup>105</sup> and a low birth-weight baby<sup>106</sup>. The impact of air pollution on breastfeeding mothers is reflected in increased respiratory tract diagnoses, mainly asthma in small children. Organic and inorganic pollutants already present in the environment can penetrate into living organisms. A new born baby, who is still developing his/her organs and defence mechanisms is particularly vulnerable to this pollution. A very important component during this phase are cytokines, which are polypeptides acting in a complex network.<sup>107</sup> Researchers hold that

<sup>104</sup>Found by AHC during the consultative meeting organized on July 11, 2018

<sup>105</sup>David M. Stieb, Ambient Air pollution, birth weight and birth preterm: A systematic review and meta-analysis, Vol. 117, August 2012.

<sup>106</sup>Article in The Guardian: "Air pollution may harm to unborn babies EU global health catastrophe, warn doctors"

link:<https://www.theguardian.com/environment/2017/dec/05/air-pollution-harm-to-unborn-babies-may-be-global-health-catastrophe-warn-doctors>

<sup>107</sup>Garofalo R (2010) Cytokines in human milk. J Pediatr 156: S36-S40

the effects of negative factors such as stress or toxic compounds (i.e., heavy metals) can cause disruption in the production of cytokines.<sup>108</sup> **From this point of view, the stress phenomenon that may be caused by the immediate termination of income and with a direct impact on the well-being among women inhabitants of this area, is inevitable.** In rural areas of our country, including Verri village, the main and sometimes the only financial sources are the incomes from crops and agricultural activities. This situation causes stress, while persistent organic pollutants such as dioxins and polychlorinated biphenyls are very difficult to eliminate from the environment. The construction of the incinerator in such a significant vicinity of residential areas will have non-temporary consequences.

### **Example 3: Polluting oil processing activity by private operators - the case of the former Metallurgical Plant in Elbasan**

On 20 February 2018, the AHC verified on-site the degree of air pollution due to the heavy oil smell and the pollution of waters in irrigation canals, as a result of the emergence of hydrocarbon waste. Based on the data obtained from the verification carried out, among other things, the AHC found that **inaction by competent bodies, which the relevant laws and bylaws assign responsibilities and functions to monitor, inspect and undertake temporary or permanent measures in order to stop polluting activity by operators active in the area, respect the environmental principle that “polluter pays” and ensure criminal or civilian accountability of perpetrators, is unjustified and disproportionate to the needs of the created environmental situation.** Failure to exercise legal competences to inspect the compliance with the environmental permission and conditions of private operators managing hydrocarbon processing refineries in the area, may not be based on instructions by supervisors related to restructuring of subordinate bodies, in the circumstances when they run counter to legislation in force and may violate the exercise of competencies and the proper functioning of institutions that are important in protecting the environment and the health of citizens.

**The most important facts about the non-inclusion of women during the public consultation phase are reflected in the report drawn up by the local institutions, through which is documented the process of the environmental impact assessment of the bitumen production plant that requires a type B environmental permit.** During the presentation of the collective employment contract, the administrator of this entity stated that employment would primarily target women and young girls from the village. Surprisingly, however, **in the probative minutes of participants in this public consultation procedure no woman is found to have taken part but for 21 men.** Ironically enough, it is noted that the subject of discussion is the perspective of women's involvement in decision-making of the community and their contractual relationship with the private entity. Practically, only women were not present in this decision-making to give their own opinions. This is a significant indication of the women's role and position in decision-making in this area.

**Meanwhile, going further to analysis of this situation, we cannot be indifferent even to the consequences of such investments on the health of local inhabitants, especially the health of pregnant women or breastfeeding mothers.** From the information made available to AHC by the Health Centre Papër, data on the type of morbidity for the period 2004 - 2017 show a significant number of women diagnosed with health problems. *Concretely, 96 cases result with circulatory diseases, 45 with cardiovascular diseases, 1 with digestive tract diseases, 15 with central nervous system diseases, 16 with respiratory diseases, 11 with bronchial asthma and 11 with different tumors.* It is found that the number of women versus men for all sorts of diseases is higher except central nervous system

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<sup>108</sup>Kendall-Tackett K (2007) A new paradigm for depression in new mothers: the central role of inflammation and how Breastfeeding and anti-inflammatory treatments protect maternal mental health. *Breast Int J* 2 (6): 1-14

diseases<sup>109</sup> and different tumors<sup>110</sup>. What is noted as a concern in this area are the cases of breast cancer. Although no direct link between pollution and this type of cancer is proved, doctors and nurses of the area think that compared with other administrative units, data are worrying<sup>111</sup>. fulfilment In fulfilment of its mission and aimed at the protection of the environment from persistent pollution and consequently the protection of the health as well as quiet family and private life of the inhabitants in the Papër Administrative Unit, Elbasan, the AHC is pursuing this issue on a regular basis, which is currently on the preliminary investigation phase at the Prosecutor' Office of First instance Elbasan.

#### **Example 4: The Case of inhabitants affected by the pollution of Gjanica river and requesting their rights through legal means.**

The Convention "On Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Issues, and the Convention on Economic, Social and Cultural Rights, Article 12, paragraph 1 and paragraph 2, subparagraph "b" thereof, binds the Albanian State to recognize the right of each citizen to have the best health, physical and mental state possible they are able to achieve, by taking the necessary measures to ensure the improvement of all aspects of environmental and industrial hygiene.

Given the concerns made public in the media, the AHC has been, for more than 3 years, following and verifying on-site the complaints of inhabitants whose dwellings are found along the Gjanica riverbed - a worrying source of environmental pollution from extraction and hydrocarbon processing by private entities, urban, solid and liquid wastes discharged over the flow of this river by the industrial sector, businesses, citizens but also from the enterprises of waste collection and processing of the respective municipalities. Faced with lacking information, failure to take concrete measures to identify polluting operators and environmental rehabilitation in accordance with the principle 'polluter pays', the AHC, as a representative of the three inhabitants of Fier city and the public interest, has been pursuing this issue since January 2019 through legal means.

**The environmental pollution in Gjanica River, which lies in three municipalities, namely Mallakstra, Patos and Fier, directly and seriously affects the health and quiet private life of every inhabitant of these areas, contrary to what is guaranteed by constitutional and convention provisions, mandatory for implementation by the Albanian administration bodies.** The degree of morbidity impacted by exposure to air pollution levels, mainly from the emission of hydrocarbon-based elements, has been the subject of study by the Institute of Public Health, during the period of the accident that occurred in Marinzë in April 2015. As a sample of this study has served the data obtained from 99 families in the area. The low birth weight, a direct impact of environmental pollution is observed in this case in 14% of the families interviewed. The average weight of babies born underweight is 1.9 kg ± 0.4 kg. As a result of the exposure to air pollutants mainly emitted from hydrocarbon compounds a range of respiratory airways symptoms can develop. Even in this case, **it is acknowledged by the state institutions that prevalence to damages caused due to environmental pollution is greater among women.**

From data made present by the Health Centre of Marinzë in 2015, it resulted that women and young girls displayed eye impairment problems in 54 cases, hearing loss in 12 cases, dizziness symptoms in 80 cases, drowsiness in 65 cases, nausea in 90 cases and sweats and tremor in 37 cases. Likewise, frequently among women, younger women and girls were noticed headache symptoms (93 cases); mouth drying (71 cases); fainting (60 cases) and abdominal pain (36 cases). From data of the analysis at the

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<sup>109</sup>Nr. The male is 18.

<sup>110</sup>Nr. The male is 22.

<sup>111</sup><https://www.reporter.al/rafineri-jo-parfumeri-banoret-rreth-metalurgjikut-ngrejine-zerin-kunder-ndotjes/>

laboratory of Industrial Toxicology in the Occupational Disease Sector (at University Hospital Centre in Tirana/QSUT), it results that a study sample of 3 female urine specimens was taken (one housekeeper<sup>112</sup>, one hairdresser<sup>113</sup> and one student<sup>114</sup>). Phenyluera values are above the norm, reflecting the presence of biomass gases and the exposure degree of this gender.

**Even the data of the Regional Directorate of Public Health Fier, for the 9 months of 2017, speak to a significant number of women, younger women and girls with blood disorders (out of 14 patients, 10 of them are women).** Despite public institutions being unable to realize direct causal links between environmental pollution and this diagnosis, we deem that industrial processes due to the nitrogen dioxide (NO<sub>2</sub>) combustion serve as a catalyst for undesirable effects on health. This gas can directly damage not only the lungs, the liver but also the blood.

#### **Example 5: Waste collection and incineration in Tërkuza River, Kamëz.**

On 28.07.2017 the Albanian Helsinki Committee verified on-site the situation created by the waste collection and incineration in this area and **the environmental expert found a high degree of pollution in this setting.** Vicinity to the waste collection area along the banks of the Tërkuza river, Kamëz, made it possible to see the fumes coming from the combustion of waste deposited along the banks and the riverbed in question, at a distance of only 200 m from the dwellings. From this monitoring was also estimated that land, air and waters of the Tërkuza river area, are highly contaminated by polluting and poisonous substances produced by various chemical and organic pollutants as well as urban waste.

The AHC has estimated that state institutions such as Kamza Municipality, the State Inspectorate on the Environment, Forests and Waters, and the National Environment Agency should have taken effective measures long ago, in terms of immediate administrative or operational interventions to prevent similar cases in the future, isolation of the territory and covering the waste with soil layers and impermeable materials from contaminating elements in the environment, waste disposal from the landfill on the banks of Tërkuza river and its rehabilitation, as well as the protection of public health from harmful effects of the environment in compliance with the Law on Public Health. Findings resulting from the AHC verifications were made officially known to these central and local authorities endowed with the monitoring, inspection, evaluation and supervision competencies related to the activities affecting the environment. AHC considers that under Article 26 of Law no. 139/2015 "On local self-government", municipalities are responsible for ensuring local level measures to protect the quality of the constituent elements of the environment.

**In the absence of a proper institutional response by the governing bodies at local and central level, for environmental rehabilitation and prevention of pollution in the future, by the end of 2017, AHC filed a lawsuit in court in accordance with the environmental legislation and administrative proceedings and the issue is being followed at the Tirana Administrative Court of Appeals. In this process, a woman expert on environmental issues has been engaged in monitoring and evaluation through an expertise act on the situation of pollution caused by waste.**

Damage and contamination of soils near Tërkuza river, but also more distant sites, which are irrigated by polluted water of the river, adversely affect both the fulfilment of family obligations and providing safe products for consumption, as well as **increase of the women's dependence relationships on men (spouses, brothers, children, etc.), due to the decrease in the degree of their economic independence. However, it seems a full analysis of the link between environmental issues and**

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<sup>112</sup> The value of phenol hunger is 154 mg / g vs the norm 80 mg / g.

<sup>113</sup> The value of phenol hunger is 168 mg / g vs the norm 80 mg / g.

<sup>114</sup> The value of phenol hunger is 158 mg / gr vs the norm 80 mg / gr.

women, has not been properly conducted in the institutions responsible for the environment or those for the empowerment of women in Albania. In this regard, key priorities should be the waste segregation, increased recycling level, capacity building for waste management, complete assimilation of waste disposal in insecure landfills and complete assimilation of waste incineration, construction of landfills according to EU standards, ensuring facilities for hazardous, medical or construction waste, as well as providing new investment.

#### **Example 6: Severe environmental damage caused by illegal activity of lime furnaces in Burizana village, Kruja**

Given the problems and serious environmental damage caused by illegal activity of lime furnaces in the village of Burizana and Kadias of Kruja, Albanian Helsinki Committee, conducted a study on the investigative and judicial activity of the Prosecutor's Office and the District Court of Kruja, regarding the offense "Air pollution", provided by article 201 of the Criminal Code. This analysis made it possible to indirectly assess the activity of the bodies charged with criminal and administrative responsibility for the environmental protection and control, such as the Police, Inspectorates of Control, Kruja Municipality, etc. The study highlighted in particular the **impunity of environmental crime in the case of lime furnaces, but also the fact that even in cases where it is punished, no effect was yielded on the general prevention of the criminal offense related to these activities.**

In none of the decisions made available to the AHC, it results that the State Inspectorate on the Environment, Forests and Waters, Durrës (Inspectorate) or Kruja Municipality have ever denounced negative interventions committed by different citizens or subjects which have damaged the environment. **The analysis of the decisions evidences that the Kruja Judicial District Prosecutor's Office has been put in motion for the pollution caused by lime furnaces, mostly from Kruja Police Station with criminal charges or referrals, namely in 14 cases. Despite statistics of such criminal charges and the number of criminal investigations or trials for these activities, it is generally noted that in almost half of the cases, the Kruja Judicial District Prosecutor's Office has decided the dismissal of the criminal case or non-initiation of the criminal proceeding.**

Study of the materials made available by the Prosecutor's Office leads to the general conclusion that **the investigation conducted was not complete, expedited, effective and comprehensive, but that it is mainly based on the materials sent from Kruja Police Station and extended to conducting the technical and environmental Expertise Act. It does not result that investigations have been extended to questioning the private parties, to conducting confrontations, obtaining and providing material evidence, and so on.** In none of the cases surveyed, were local inhabitants, who may be aware of the happenings in these areas and who are directly affected or damaged by the environmental pollution, questioned. In this regard, investigations have not been complete also due to the fact that, under the second paragraph of Article 201, this same offense, when causing serious consequences to the health and lives of people, is sentenced up to 10 years of imprisonment. In none of the cases subject to this study, has been investigated by the Prosecutor's Office if there was damage to the health and lives of people as a result of pollution caused by lime furnaces.

From the documentation made available by the Police and the Prosecutor's Office, **it does not result that Kruja Police Station has appealed any of the Prosecutor's Office decisions on non-initiation of the criminal proceedings or dismissal of the case to the court or to a higher-ranking prosecutor.** The Police enjoys legal standing to appeal these decisions and, in our assessment, failure to exercise such a right is worrying and has influenced the increased impunity of this harmful activity on the environment as well as life and health of inhabitants in villages of Kruja Municipality.

For 14 criminal cases, the prosecution body has filed charges at the District Court of Kruja against several defendants for committing the criminal offense provided by article 201 of the Criminal Code. In 13 of the cases tried before this court, the defendants were declared guilty and sentenced for the offense of "Air pollution". This figure evidences a high level of punishability by the court, where only for one case the judgment was dismissed due to the application of the law on amnesty. When the court has ruled on a sentence decision, the latter has accepted an abbreviated trial, which resulted in an automatic reduction of imprisonment sentence or fine. Out of the 15 defendants tried on charges of criminal offense of "Air pollution", 14 of them bear no previous criminal records. This information draws attention in circumstances where the operation of lime furnaces has been repeated and worrying throughout the period over which this study report was conducted. In relation to the fact that this phenomenon has been repeated, it is questionable whether the persons taken as defendants are those who have been involved with putting these furnaces into operation (workers) or whether they were the owners or organizers of these activities. In the information referred to by the Local Police Directorate of Durrës, it results that 11 subjects licensed and registered with the NLC as taxable subjects, exercise their activity as quarry subjects or lime burning furnaces. From an analysis of extracts of these subjects, it results that none of them has an administrator or a female partner.

**The fact that the activity of lime furnaces or quarries is considered as "men's work" has influenced the non-maintenance of the gender conciliation in the inhabitants' representation in court by the AHC, since the only ones who have admitted to give a power of attorney were just men (similarly, in the case mentioned above for the pollution of Gjanica river, the power of attorney was taken by men only - another indicator that evidences the women being neglected in relation to environmental issues in these areas, even when she is a victim of environmental polluting activities by different people or subjects.**

The AHC, following the relevant issue, has received information concerning the morbidity and mortality of inhabitants due to tumoral and cancerogenous diseases in Kruja Municipality and specifically in Burizana village, Administrative Unit Thumanë, from the University Hospital Centre Mother Teresa, the Institute of Public Health and the Regional Hospital "Stefan Gjoni" Kruja, for the period 2013-2018. From the information provided mainly by Kruja Hospital it resulted that respiratory diseases in this area make up a very high number compared to other diseases. Therefore, during the 2013-2018 period it results that 66 people suffered from respiratory diseases compared to 5 people suffering from cardiovascular disease, 2 with skin disease and 1 with tumor disease. Based on the information received from the Institute of Public Health, it results that 4162 inhabitants were treated in Burizana village, of whom 2133 were males and 2029 females. During the 2013-2018 period, respectively 12 males and 6 females were registered with tumoral and cancerogenous diseases at the village ambulatory care clinic. Regarding the direct link between tumoral/cancerogenous diseases and exposure to fumes in this area, only 2 cases are recorded; however, **there is no sex-disaggregated data for this indicator, making it difficult to analyze the impact of pollution on women's health.**

Also from the data on morbidity throughout the Kruja town it results that during the 2013-2018 period, 11 males and 10 females were affected by tumors, and 31 men and 26 women from cardiovascular disease. On the other hand, people affected by respiratory diseases were at an extremely high number, respectively 737 males and 745 females, while the number of those affected with skin disease resulted to be lower, with respectively 21 males and 16 females.

However, it is worth noting that institutions which have presented the above data have not conducted an analysis or a specification of the cause of diseases and such figures are not necessarily related to environmental pollution from the operation of lime furnaces.

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