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Albania: Domestic violence, including legislation, state protection, and services available to victims; access to employment and housing for victims (2008-August 2011)

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Several sources indicate that domestic violence in Albania is "widespread" (EU 3 June 2010, 3; Orndorff Feb. 2011, i; UN 14 Mar. 2011, para. 52; AI Mar. 2010, 2). The Vatra Psycho-Social Centre, a Vlorë-based non-governmental organization (NGO) that assists victims of domestic violence and human trafficking, explains that domestic violence occurs throughout Albania and affects "all strata of society" (Vatra 2011, 14). The United Nations (UN) Committee on the Elimination of Discrimination Against Women (CEDAW) has expressed concern about the "continued high prevalence" of domestic violence in Albania (UN 16 Sept. 2010, para. 26).

The National Institute of Statistics of Albania (INSTAT) conducted a national survey on domestic violence, which was funded by the UN Development Programme and the Children's Fund (UNICEF) (Albania Mar. 2009, 89). In the report, INSTAT explains that domestic violence in Albania is connected to "patriarchal traditions," such as the "honour-and-shame system," and "hierarchal ordering with the family and intergenerational family control" (ibid., 92). INSTAT's survey was conducted between November and December 2007, and consisted of interviews with 2,590 women between the ages of 15 and 49 from Albania's 12 districts (ibid., 102-103). The survey found that, of the women who participated in the survey,

- 50.6 percent had experienced emotional abuse;
- 39.1 percent had experienced psychological abuse;
- 31.2 percent had experienced physical violence; and
- 12.7 percent had experienced sexual violence (ibid., 107).

The survey also found that for 82 to 88 percent of the women, the domestic violence began within the first three years of being married or living with a partner (ibid., 137). Many of these women had been living with the abuse for 10 to 30 years (ibid.). Of those that reported physical injuries,

- 48.3 percent had cuts, bruises and/or aches;
- 18.1 percent had eye injuries, burns, sprains or dislocations;

- 5.4 percent had lost consciousness; and
- 1 percent had deep wounds, broken bones, broken teeth and/or serious injuries (ibid.).

The survey also found that husbands or intimate partners who drank alcohol physically or sexually abused their partner at more than twice the rate of men who did not drink alcohol (ibid., 125, 154).

Several sources report that domestic violence is underreported by victims (AI 2011; Orndorff Feb. 2011, i; Albania Mar. 2009, 129; US 8 Apr. 2011, Sec. 6). In fact, according to INSTAT's survey, only 20 percent of the 808 women who experienced physical abuse sought help, while 27.3 percent of 300 women who experienced sexual abuse did (Albania Mar. 2009, 129). Of those that sought help, the majority confided in family members (ibid.). Fewer than 6 percent sought help from any of the following: police officers, doctors, lawyers, judges, religious leaders, or social service providers (ibid.).

According to Useful to Albanian Women, a Tirana-based organization that assists victims of domestic violence, in 2010, 11 women were killed in Albania as a result of domestic violence (*SETimes* 12 May 2011). Official figures supplied to the UN by the Ministry of Labour, Social Affairs and Equal Opportunities indicate that in 2008 and 2009, 15 women were killed as a result of domestic violence (UN 14 Mar. 2011, para. 52). A project officer with the UN Joint Program on Gender Equality and Domestic Violence, in correspondence with the Research Directorate, indicated that several cases of domestic violence in Albania are unsolved (UN 31 Aug. 2011). She also said that there are cases in which victims of domestic violence have disappeared and have never been found by the police (UN 31 Aug. 2011).

Both CEDAW (16 Sept. 2010, para. 26) and Amnesty International (AI) (Mar. 2010, 14) report a problem with victims of domestic violence committing suicide in Albania. Among the sources consulted, the Research Directorate found few statistics on cases of suicides by domestic violence victims in Albania. However, AI reports that, according to local NGOs, in January 2008 there were 12 registered cases of attempted suicide by domestic violence victims in the Elbasan district and, in November 2009, five suicides and 13 attempted suicides by domestic violence victims registered in the Kukës district (ibid.).

Legislation and implementation by government

Sources indicate that domestic violence is not specifically recognized as a criminal offence in Albania's criminal code (AI 2011; CLCI 6 Sept. 2011), although the general charge of assault can be brought against an alleged abuser (Advocates for Human Rights Jan. 2009). In cases of "[s]erious intentional injury," the criminal code calls for three to ten years imprisonment, while in cases of "[n]on-serious intentional injury," the criminal code stipulates a fine or up to two years imprisonment (ibid.). According to AI, unless the violence leads to serious injuries or the death of the victim, perpetrators of domestic violence are only prosecuted on the request of the victim (2011).

Albania's Law on Measures Against Violence in Family Relations was passed in 2006 and includes a statement calling for its entry into force on 1 June 2007 (Albania 2006, Art. 26). The purpose of the law is "[t]o prevent and reduce domestic violence in all its forms by appropriate legal measures" and "[t]o

guarantee protection through legal measures to members of the family who are subject to domestic violence, paying particular attention to needs of children, the elderly and the disabled" (ibid., Art. 1). The law allows for victims of domestic violence to be issued protection orders, establishes special units for domestic violence in police departments, and outlines specific responsibilities for the ministries of the Interior, Health, and Justice, as well as local authorities (ibid., Art. 7, 13). Amendments to the law were added on 30 September 2010 (AI 2011; CLCI 6 Sept. 2011). These call for the establishment of a shelter for victims of domestic violence and a coordinated system of referring cases of domestic violence among authorities (ibid.; AI 2011).

The Ministry of Labour, Social Affairs, and Equal Opportunities is the agency responsible for implementing laws and programs related to domestic violence and gender equality (Albania n.d.). The Minister leads the National Council on Gender Equality, an advisory body comprised of nine deputy ministers and three civil society representatives (ibid.). The Ministry is also responsible for implementing and monitoring the National Strategy on Gender Equality and Domestic Violence (ibid.; AI Mar. 2010, 8).

In correspondence with the Research Directorate, a representative of the Center for Legal Civic Initiatives (CLCI) --a Tirana-based organization that offers free legal services and psycho-social support to victims of domestic violence and participates in the drafting of laws and state policies for gender equality (CLCI n.d.) -- stated that many of the services guaranteed by law have been implemented effectively and have brought greater protection and access to justice for victims of domestic violence (ibid. 6 Sept. 2011). However, the CLCI representative noted that the government still needs to establish some services for domestic violence victims, including free legal assistance to victims, local governmental 24-hour hotlines, and local governmental rehabilitation centres for victims and abusers (ibid.). She also expressed the opinion that neither the social services provided by local governments or the health services provided by health service centres are "effective[ly]" serving victims of domestic violence (ibid.).

The European Union (EU) reports that although Albania has made progress in establishing a "legal and institutional framework" to prevent domestic violence, resources to support the laws and policies are "insufficient" at both the national and local level (EU 3 June 2010, 3). The EU adds that this lack of resources hampers the effective implementation (ibid.). In a joint shadow report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, three Albanian NGOs -- the Gender Alliance for Development Center (GADC), the Albanian Women Empowering Network (AWEN), and the Network Against Gender-based Violence and Trafficking -- indicate that the implementation of the domestic violence law is still in the "initial stages" at the local level (GADC et al. June 2010, para. 130). However, they note that some municipalities have launched pilot projects to create a referral system that will assist domestic violence victims (ibid.).

Sources indicate that many women who initially apply for protection orders do not complete the process (AI 2011; Orndorff Feb. 2011, 4; CLCI Nov. 2010, 7). The CLCI reports that between June 2009 and June 2010, 406 claims for warrants of protection and immediate warrants of protection were presented at court in Tirana (ibid.). But of those 406 claims, 116 were withdrawn by the claimant and 162 were closed when the claimant did not appear in court (ibid.). By November 2010, the court had issued a decision in only 128 of the 406 cases, 97 of which resulted in an admission of the claims (ibid.). Providing somewhat similar figures, AI reports that in 2010, the Tirana District Court received 538

petitions for protection orders, but it issued only 129 (2011). According to AI, many women withdraw their requests for protection because of social and economic pressures and the absence of free legal aid (2011).

The GADC, AWEN, and Network Against Gender-based Violence and Trafficking shadow report indicates that the law envisages protection for all family members, regardless of age or gender, and includes former family members, such as former spouses and partners (GADC et al. June 2010, para. 108). However, the NGOs note that protection orders are not granted in cases of other romantic relationships, such as between girlfriends and boyfriends or engaged-to-be-married couples (*ibid.*, para. 109).

According to information on the UN Secretary-General's database on violence against women, the Albanian government ran nationwide public education campaigns to raise awareness of domestic violence in 2007 and 2008 and provided training about violence against women to teachers in 2008 and to police officers in 2006 and 2008 (UN n.d.).

Police response

Sources report that the police established specialized units for handling cases of domestic violence in the major cities of Albania (AI Mar. 2010, 3; UN 14 Mar. 2011, para. 55). According to an academic source, special reporting requirements for domestic violence cases are in place at police stations, and officers have received at least one training session about domestic violence between 2007 and 2010 (Orndorff Feb. 2011, 3). However, sources also report that the police are underfunded (Faculty Member 24 Aug. 2011) and lack sufficient resources to address domestic violence (EU 3 June 2010, 4; US 8 Apr. 2011, Sec. 6; AI Mar. 2010, 7; UN 14 Mar. 2010, para. 58).

The EU and AI have also noted that police require further training and resources to ensure that protection orders are enforced, particularly in rural areas (EU 3 June 2010, 4; AI Mar. 2010, 7). While the police often initiate civil cases for protection orders, they do not always pursue criminal charges when it is the more appropriate response (*ibid.*; EU 3 June 2010, 4). AI notes that in 2008, the Tirana District Court initiated 228 civil cases for protection orders, but only 32 cases included criminal charges against the abuser (AI Mar. 2010, 15). According to AI, the Albanian police generally neglect to press criminal charges against abusers who violate protection orders, despite it being a criminal offence punishable by a fine or up to two years imprisonment (*ibid.*, 4, 7).

Judiciary

Court statistics do not show how many cases related to domestic violence are prosecuted and how many result in convictions (AI Mar. 2010, 14).

The EU indicates that the Albanian judiciary needs "systematic training and capacity-building" in handling cases of domestic violence (EU 3 June 2010, 4). AI reports that although the law allows for it, some judges "are reluctant" to evict abusers from the home (AI Mar. 2010, 7). Because there is a housing shortage and low income levels in Albania, still other judges order the perpetrator to live in one part of the home and the victim in the other (*ibid.*).

Several sources report that victims of domestic violence do not have access

to government-funded legal aid (GADC et al., para. 124; Vatra 2011, 13; CLCI 6 Sept. 2011), although access to free legal aid is required by law (ibid.; Vatra 2011, 13).

Support services

Sources report that the Albanian government operates a national shelter for victims of domestic violence (CLCI 6 Sept. 2011; Vatra 24 Aug. 2011; UN 31 Aug. 2011). In correspondence with the Research Directorate, a project officer with the UN joint program on Gender Equality and Domestic Violence explained that the shelter, which opened in Tirana in April 2011, can accommodate approximately 30 to 35 women and children (up to the age of 14) (ibid.). The Executive Director of the Vatra Psycho-Social Centre said that the national shelter can accommodate up to 40 people per day and that there is no time limit for how long they can stay at the shelter (Vatra 24 Aug. 2011).

Sources report that some NGOs also operate shelters for victims of domestic violence (ibid.; UN 31 Aug. 2011; US 8 Apr. 2011, Sec. 6). Three sources indicate that there are NGO-operated shelters in Tirana, Elbasan, and Vlora (ibid.; UN 31 Aug. 2011; Vatra 24 Aug. 2011). Although Vatra maintains that these are the only three NGO-operated shelters for victims of domestic violence in Albania (Vatra 24 Aug. 2011; ibid. 2011, 12), the UN project officer reports that there are also NGO-operated shelters in Shkodra and Pogradec (UN 31 Aug. 2011). *Country Reports 2010* also indicates that, in addition to the ones in Tirana, Elbasan, and Vlora, there is another in Gjirokaster (US 8 Apr. 2011, Sec. 6).

In correspondence with the Research Directorate, the Vatra executive director explained that her organization operates a shelter, which can accommodate up to 20 people, and provides other services in Vlora for victims of domestic violence (Vatra 24 Aug. 2011). The Executive Director also indicated that the shelter in Tirana, the Centre for Women and Girls, can accommodate up to 14 people (ibid.). She added that whether they have a protection order, both of these shelters provide services and accommodation for victims of domestic violence (ibid.). She also noted that the "Hena e Re" shelter in Elbasan has the capacity to house 14 people, but requires the women seeking refuge to have a protection order against the perpetrator (ibid.). The UN project officer indicated that the NGO-operated shelters can accommodate 10 to 12 women and children (UN 31 Aug. 2011).

Several sources indicate that the number of shelters in Albania is inadequate (AI Mar. 2010, 11; UN 14 Mar. 2011, para. 57; Vatra 2011, 12; EU 3 June 2010, 4; Albania Mar. 2009, 93). In a telephone interview with the Research Directorate, a faculty member at the School of Public Health and Health Services, George Washington University (GWU), who completed field work on domestic violence in Albania, explained that some organizations help victims who are in an emergency find a safe place to stay through informal networking (Faculty Member 24 Aug. 2011). Similarly, AI reports that in Durrës, some NGO employees, lawyers, or police officers provide temporary accommodation to victims in their own homes because of a lack of other options (AI Mar. 2010, 11).

Sources report that NGOs providing services to victims of domestic violence rely on funding from donors (GADC et al. June 2010, para. 131; UN 14 Mar. 2011, para. 55, 57). The GWU faculty member explained that these NGOs have "limited and tenuous funding" and that, after a woman has filed for a

protection order, they are limited in how they can help (24 Aug. 2011). An example of this is found in the AI report, which indicates that between July 2009 and January 2010, a funding shortage meant that the NGO-operated shelter in Tirana could provide shelter to only a few victims who were in an emergency situation (AI Mar. 2010, 10-11). Albanian NGOs indicate that, according to the law, the government should provide funding to NGOs that offer legal and psycho-social support to victims of domestic violence; however, as of June 2010, the funding had not been implemented (GADC et al. June 2010, para. 131).

Access to long-term housing and employment for survivors

The GWU faculty member stated that since Albania still has a subsistence-based culture with high unemployment, access to long-term housing and employment is "nearly impossible" for survivors of domestic violence, and that job prospects, even for educated women, are "dismal" (Faculty Member 24 Aug. 2011). She noted:

When there are jobs, they are mostly in Tirana and are commonly in boutiques, markets or even travel agencies. The highest paying, though more difficult, jobs to find are often limited to younger single women and are in cafés or telecommunications. Job prospects for older married or divorced women with children are extremely limited. (ibid.)

According to Vatra's annual report, the majority of their clients requiring services to deal with domestic violence had never worked and were economically dependent on their spouse or partner; many remained in violent relationships for fear that they could not support their children (Vatra 2011, 21).

AI similarly indicates that Albanian women lack economic independence and that those who leave violent relationships face difficulties finding housing and employment and retaining custody of their children (AI Mar. 2010, 12). According to AI, the government does not provide any preferential access to social housing or health care services to survivors of domestic violence (ibid.). AI states that

until systemic institutional and social discrimination against women, including access to employment, housing and health care, is addressed by the government, many women, and their children, will be unable to escape from violence in the family. (ibid.)

The CEDAW expressed concern that, despite legislation for equal employment opportunities for women, Albanian women have a "significantly higher" unemployment rate than men, experience a "wide gender wage gap" and lack support mechanisms to help them balance the demands of work and family life (UN 16 Sept. 2010, para. 32). The CEDAW also noted that although 70 percent of women living in rural areas work in agriculture, only 6 percent of farms are owned or managed by women (ibid., para. 36). The CEDAW added that only 8 percent of women own property (ibid., para. 36).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Attempts to contact an official with the Albanian Ministry of Labour, Social Affairs and Equal Opportunity, and a representative of Useful to Albanian Women were unsuccessful within the time constraints of this Response.

Internet sites, including: *Balkan Insight*; European Country of Origin

Information Network; Factiva; Freedom House; Human Rights Watch; International Crisis Group; International Federation for Human Rights; Open Society Foundation; Organization for Security and Co-operation in Europe; Radio Free Europe/Radio Liberty; Reflexione; Transitions Online; United Nations - Refworld, ReliefWeb; Useful to Albanian Women; World Organisation Against Torture.

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