



## European network of legal experts in gender equality and non-discrimination

### FLASH REPORT

**Country:** Albania  
**Title:** Legal developments in gender equality  
**Date:** 18 March 2019  
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**Context**  
**Issue at stake:** Legislative improvements regarding gender equality  
**Ground of discrimination:** Sex  
**Source:** Legislation  
**Field of application:** Violence against women, other

### Content

**Adopted Laws:** During 2018 several laws were adopted in Albania aimed at addressing gender equality and gender related violence. A list of the legal approvals follows.

- Law Nr. 111 / 2017 on 'State guaranteed legal aid' (*Për ndihmën juridike të garantuar nga shteti*).

On 14 December 2017 the Albanian Assembly adopted the law 111/2017, "On the legal aid guaranteed by the state", which entered into force on 1 June 2018.<sup>1</sup> This law foresees beneficiaries of state-guaranteed legal aid, regardless of their income and wealth, including victims of domestic violence, sexual abuse victims and victims of trafficking in human beings, in addition to other categories such as minor victims and minors in conflict with the law, persons in social care, persons without legal capacity to act and victims of discriminatory behavior. It establishes a system for the organization and provision of free legal aid guaranteed by the state institutions including the Minister of Justice, the Free Legal Aid Department, the National Chamber of Advocates, the competent courts and the Primary Legal Aid Service Centers that offer primary and secondary legal aid. It specifically foresees that lawyers nominated by the National Chamber of Advocates offer the secondary legal aid.<sup>2</sup> This law is expected increase the number of female victims of violence receiving free legal aid. The sublegal acts required as per this law to be adopted within three months upon entrance into force of the law, are already drafted but still awaiting official approval by the council of Ministers.

- Law no 47/2018, "Amendments to law no. 9669, "On Measures Against Violence in Family Relations", as amended (*Për disa shtesa dhe ndryshime në ligjin nr. 9669, datë 18.12.2006, "Për masa ndaj dhunës në marrëdhëniet familjare", i ndryshuar*).

On 23 July 2018, the Albanian Assembly adopted the Law "On some additions and amendments to Law no. 9669, dated 18.12.2006, "On Measures Against Violence in Family Relations", as amended.<sup>3</sup> The aims of this legal amendment are; prevention and reduction of cases of domestic violence; increasing the efficiency and cooperation of responsible

<sup>1</sup> See the official publication in the Albanian Official Journal at:  
[http://www.qbz.gov.al/botime/fletore\\_zyrtare/2017/PDF-2017/241-2017.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2017/PDF-2017/241-2017.pdf).

<sup>2</sup> A nonofficial English translation can be accessed at:  
<http://komentarielektronik.magjistratura.edu.al/en/eli/fz/2017/111>.

<sup>3</sup> See the Official Journal publication at:  
<http://www.qbz.gov.al/Botime/Akteindividuale/Janar%202018/Fletore%20115/LIGJ%20nr.%2047-2018,%20date%2023.7.2018.pdf>.



institutions; increasing the participation of perpetrators in specific rehabilitation services; increasing judicial support for victims of domestic violence. Specific definitions and concepts in this law concur with the 2011 Council of Europe Convention 'On preventing and combating violence against women and domestic violence' (Istanbul Convention). Positive adopted rules to be noted are those related to issuing the Preliminary Immediate Protection Order, a court order to be issued immediately before a domestic violence case is even registered, as well as the presence and participation of a psychologist in cases of domestic violence and the preparation of a report by the psychologist when the case is submitted to the police. The amendment was prepared with the support of international actors, UNDP Albania, and through wide consultations with institutions and civil society.<sup>4</sup> Such legal amendments were highly necessary considering the situation of domestic violence in the country and the eminent need to effectively address such cases. A publication from "Women and men in Albania - 2018" National Statistics Institute (INSTAT) reports that domestic violence against women in Tirana (capital of the country) amounts up to 35.8 % of the total amount of abused women. As per this publication, during 2017, there were 94 minors amongst the victims of domestic violence, the majority of which were girls (36 boys and 58 girls). INSTAT statistics show that homicide killings constitute 22.5 % of intentional killings in 2016. Domestic violence is an offense as per the Albanian Criminal Code.<sup>5</sup> Statistics show that men are the main perpetrators in domestic violence offences: during 2016-2017, out of 3 093 perpetrators of this offense, 2 813 are men and 280 women.<sup>6</sup>

In compliance with these legal amendments, the Minister of Health and Social Protection Instruction No. 816, dated 27 November 2018 on "The approval of service provision standards and functioning of crisis management centers for cases of sexual violence" has been adopted. It is the first time that standards for crisis management centers for sexual violence are regulated, opening up the possibility for such centers to be established. Two other acts, as per this law, are being drafted.

- Law No. 22/2018 on 'Social Housing'

The Albanian Parliament adopted the Law No.22 / 2018 "On Social Housing",<sup>7</sup> which is considered a further step to meeting the standards of the Istanbul Convention.<sup>8</sup> The law has expanded and strengthened support among others for victims of domestic violence; victims of trafficking and potential victims of trafficking for social housing programs.

- Council of Ministers Decision Nr. 524 dated 11 September 2018 on "On approving the action plan on the implementation of Resolution 1325 of the United Nations Security Council 'On Women, Peace and Security', 2018-2020' (*Për miratimin e planit të veprimit për zbatimin e Rezolutës 1325 të Këshillit të Sigurisë së Kombeve të Bashkuara 'Gruaja, Paqja dhe Siuria', 2018-2020*).

Recognising the importance of the role of women in strengthening security and conflict prevention, one of the international commitments that mainstreams women's empowerment in maintaining peace and security, the Albanian Government adopted with the Council of

<sup>4</sup> See: <http://www.parlament.al/Files/ProjektLigje/RELACION-SHTESA-9669-DHUNA-NE-FAMILJE.pdf>.

<sup>5</sup> See the non-official English translation of the Albanian Criminal Code, at: <http://komentarielektronik.maqjistratura.edu.al/en/eli/fz/1995/7895>.

<sup>6</sup> See the publication, in Albanian, at: <http://www.instat.gov.al/al/publikime/librat/2018/burra-dhe-gra-n%C3%AB-shqip%C3%ABri-2018/>.

<sup>7</sup> See the publication at the Albanian Official Journal: <http://www.qbz.gov.al/Botime/Akteindividuale/Janar%202018/Fletore%2079/LIGJ%20nr.%2022-2018,%20date%203.5.2018.pdf>.

<sup>8</sup> See the Albanian NPO, 'Qendra për Nisma Ligjore Qytetare', opinion at: [http://www.qag-al.org/publikime/ligji\\_strehimi.pdf](http://www.qag-al.org/publikime/ligji_strehimi.pdf).



Ministers Decision Nr. 524 on 11 September 2018<sup>9</sup> the first National Action Plan on the implementation of the United Nations, Security Council, Resolution 1325 on 'Women, Peace and Security' (UNSC Resolution 1325). This action plan aims to put forth the country agenda for women, peace and security. It was prepared by the Government of Albania in close consultation with representatives of local authorities, international organizations, and with contributions from civil society representatives,<sup>10</sup> including field experts. The action plan entails nine objectives and forty measures and cooperation with CSOs working for Albania's Resolution 1325 is envisaged in 66 % of the objectives and 55 % of these measures.

The main objectives of this Plan are:

- improving policy documents and raising awareness on Resolution 1325;
- increasing the participation of women in the field of security at home and abroad;
- establishing a regulatory framework and capacities that enable better protection and rehabilitation of women in the field of peace and security;
- measures to improve monitoring and reporting of Resolution 1325.

The Action Plan includes several measures which Albania intends to implement, such as:

- encouraging the exchange of experiences at various regional, national and international levels;
- cooperating with civil society for the implementation of Resolution 1325;
- raising awareness on the role of women in maintaining peace and addressing post-conflict situations, through joint activities, such as public debates, campaigns, roundtables and other forms of public information;
- increasing women's involvement and role in security policies and the participation of women experts in political activities in peacekeeping, security, regional co-operation in peacekeeping missions, as well as capacity building in this regard, etc.;
- establishing a reporting system for the implementation of the Action Plan and starting work to draft the National Action Plan for the Implementation of Resolution 1325;
- fostering general interest for Resolution 1325.

The Government is now in the process of implementing this Plan.

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<sup>9</sup> Published in Official Journal 134/2018. See at: <http://www.qbz.gov.al/Botime/Akteindividuale/Janar%202018/Fletore%20134/VKM%20nr.%20524,%20date%2011.9.2018.pdf>.

<sup>10</sup> The civil society has also established a Coalition "Women, Peace, Security" which is active in the Action Plan implementation. For more information see at: <http://www.siguria-paqja.al/?q=sq/content/rreth-nesh>.