



ALBANIA 2017

**WOMEN
COUNT**

Albania's implementation of
UNSCR 1325



WOMEN COUNT ALBANIA 2017

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INTRODUCTION

The UN Security Council Resolution (UNSCR) 1325 on Women, Peace and Security was adopted in 2000 and is binding on all UN member states. Despite this, a lot of work still needs to be done before it can be said that the resolution has been implemented worldwide. Women are still underrepresented in governments and peace negotiations, still exposed to sexual violence in conflict situations, and the security of girls and women is still regarded as a women's issue rather than a security issue.

It is therefore important that civil society monitors the work of each government. There is a need for more data and knowledge on the implementation of the resolution. The Global Network of Women Peace-builders (GNWP) started and coordinated Women Count reports to scrutinize implementation of the resolution. Operation 1325 has continued this work through the creation of Women Count reports that monitor Sweden's commitment to the resolution since 2011.

This is the first time that Women Count Albania is being presented by Operation 1325. The same format and indicators are used here as in other Women Count reports, making it possible to monitor and gather data on the situation of women's rights and the government's implementation of the Women, Peace and Security agenda. It is also possible to compile a comparative annual report in order to evaluate developments in each area. Eleven indicators are usually applied, covering the spectrum of the resolution. However, some of the indicators did not fall within the scope of this report and others were not suited to the reality of Albanian society. For example, Albania is not a conflict country, nor does the country conduct international peace negotiations. The relevant indicators were therefore chosen for the Albanian context. Each country has its specific history and context, affecting women's rights in different ways. Thus each context requires specific measures. There is no blueprint for perfect implementation but there is a need for more data on implementation of the Women, Peace and Security agenda. The present report is intended to be used as a baseline for further monitoring and research, for lobbying, and to develop the implementation of resolution 1325 in Albania.

WOMEN, PEACE AND SECURITY PROFILE

A) NATURE OF THE CONFLICT

Albania is not an armed conflict country but its recent past is colored by serious human rights violations. It is also not considered a post-conflict state, although many facts point in that direction. During the communist period, which started after the Second World War, there was violence against civilians and human rights violations. Albania had political and economic allies such as Yugoslavia, the Soviet Union and China. In 1978, Albania was left without allies and the ruler, Enver Hoxha, used increased and systematic violence against civilians. Albania went through a transitional period during 1990 to a democracy with liberal politics. The post-communist period also resulted in torture, murder and illicit organ sale in parts of Albanian territory.¹ No truth commission or special court was established. Albania lacks truth, justice and reconciliation commissions but some of the people we encountered in Albania state that this type of reconciliation is not an urgent matter compared with other issues that Albania is facing, such as corruption, human trafficking and poverty, which will be discussed further in this report. The argument is that Albania needs to focus on more important things and that it needs to look forward and not backwards in order to develop and make positive and democratic changes.

The *Kanun law*, a medieval blood feud tradition, is still a pressing problem in Albania, affecting the security and freedom of civilians in certain parts of the country. Some people are isolated in their homes due to lack of security, men are often murdered, and children are restricted to their homes, which affects their education. Women do not have the same “blood value” so they are less limited in their daily movement. However, although they are freer than men they also have a heavier work burden since they have to provide income for their families.²

Another factor is that Albania suffered from a short but violent period in the months between January and April 1997. There appears to be no consensus on what to call it; authors have used terms like civil war, armed conflict, a dark period, uprising, anarchy and the most famous term, namely “pyramid schemes”, which is the term that will be used here. Due to a quick transition to a liberal economy and lack of knowledge, many Albanians invested in pyramid schemes. State corruption resulted in officials urging citizens to invest in these schemes. A large amount of money was lost and many Albanians were left ruined. The country entered an economic crisis and protests spread across the country, with people demanding justice and compensation. Easy access to illicit arms and stealing of arms combined with anger resulted in armed conflict. Civilians used armed violence against other civilians, police and the military. During this time threats, kidnapping and trafficking were used as a means of retaliation. No truth commissions were set up, but some perpetrators were prosecuted and others were compensated in part for their economic loss. Many victims of trafficking were girls and young women, some of whom are still missing to this day. This problem leads us to the next section on how these conflicts impact the lives and rights of women.

B) IMPACT OF CONFLICT ON WOMEN

There has been no truth commission in Albania for violations under communist rule. Other Balkan countries such as Yugoslavia, Serbia and Kosovo established truth commissions to reconcile the past and to unite their nations. During the time of the pyramid scheme conflict, girls and women were sometimes used as targets; in some cases, sexual violence and trafficking were used as a threat or weapon. This kind of sexual and gender-based violence is a severe human rights violation. The pyramid scheme is still having an effect on contemporary Albania, as it opened up a bigger trade in humans. Today civil society organizations (CSOs) work to combat trafficking and state that trafficking is still a major threat to the security of Albanian women. Another consequence after 1997 has been economic and social problems affecting human rights, such as poverty and unemployment affecting gender-based violence today. In the coming sections I will further address the connection between past conflicts and human rights problems relating to gender equality.

C) RELEVANT LEGAL AND POLICY FRAMEWORK

During 2008, three important equality and gender-sensitive legal frameworks were adopted, namely the Gender-equality Law, the Electoral Code, and the National Strategy on the Fight against Human Trafficking. These new laws and policies included protection against discrimination, quotas in local and national parliament, and an action plan against trafficking.

Albania is in the process of becoming a candidate for EU membership.³ An agreement between the EU and Albania on gender equality, titled *Guidelines on violence against women and girls and combating all forms of discrimination against them*, was also adopted in 2008. Albania wrote a third periodic review in 2010, and the country has ratified The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).⁴

In terms of the international legal framework, Albania has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and the Beijing Declaration. The UN's Universal Periodic Review on Albania has resulted in some policy and political changes with regard to women's rights. Finally, the work for implementation of UNSCR 1325 is being carried out by CSOs, personnel of the security sector, and politicians. Drafting a National Action Plan (NAP) was started in 2011 and continued in 2012.⁵ It was meant to be coordinated by the Ministry of Labor, Social Affairs and Equal Opportunities, but was not finalized.⁶ At the time of writing this report another NAP process is being undertaken by a CSO.

This is merely a brief summary of the relevant legal and policy framework. The section on Indicator 7 provides more detail on the national, regional and international framework and explains things in a more elaborate manner.

DATA PRESENTATION AND ANALYSIS

■ **INDICATOR 1 :** *Index of women's participation in governance*

There has been improved gender equality in political participation, with more development here than in any other sector. Due to new legislation, women's participation in local and national governance has increased in a short time. New equality laws in Albania were implemented in 2008, one of the most important changes being the Electoral Code law on quotas for political party nominees. According to this Code, political party lists must reflect 30% of candidates from the underrepresented sex. Unfortunately, no mention was made of where the candidates must appear on the list. Normally, the three first candidates on the list are elected into parliament. This has led to a small increase in the number of women in parliament; numbers from 2012 state that 12% of parliamentarians were women. However, this has improved due to changes during 2015. In April of that year new amendments were made with the aim of raising gender quotas to 50% on lists of candidates for municipal councils. Following the elections in 2015, 21% of parliamentarians are now women. This is a significant improvement from 2012.⁷ Unfortunately, gender equality is not as good at the local level. Although improvements have been made, only 9 out of 61 mayors elected in the municipalities were women.⁸ According to the Albanian Helsinki Committee (AHC), more needs to be done at the local level to improve gender equality and political representation.⁹ For more information on the political changes see Indicator 7.

ANALYSIS

The successful work of increasing women's political representation over a short time period has set a good example for equality and justice. Quotas and increased representation will not change norms and realities overnight. However, success in this area has set an example for future generations and afforded a measure of justice to those who have been without representation and thus without power.

■ **INDICATOR 2 :** *Percentage of women in peace negotiating teams and detailed breakdown of gender issues addressed in peace agreements*

Public sources do not mention Albanian activity in peace negotiations.¹⁰

■ **INDICATOR 3 :** *Index of women's participation in the justice sector, security sector, and peacekeeping missions*

This chapter focuses on the Albanian security sector, and not the justice sector or peacekeeping missions. A review of the security sector from a gender perspective revealed an uneven gender balance among employees. In general, men dominate the labor market and women are more likely to be unemployed than men. The number of women in leadership positions is very low, even nonexistent. Male-dominated labor sectors have higher income than female-dominated labor in Albania. This is evident in the Police Force as well as in the Albanian Armed Forces (AAF).¹¹ These gender issues are seen around the world but the situation and solutions are always dependent on the specific context of the region or country. So what is specific about the context of women, peace and security in Albania? What specific issues are present? And how can civil society and the government work towards a more gender-inclusive future?

THE ALBANIAN SECURITY SECTOR

Since the transition to liberal democracy the Albanian security sector has been through three generations of reform. In short, the first generation of security sector reform aimed to introduce new structures and chains of responsibility, and new institutions. The second generation of reform was broader, and included inter alia disarmament, involvement of civil society, efficiency, border protection, and fight against corruption.¹² According to a report by the Ministry of Foreign Affairs, the third generation of security sector reform aims to strengthen and ensure the role of women in the security sector.¹³

Women were part of the AAF before the 1990s, during the communist period. They were an integrated part of the army and one source writes that they had combat duties, but this practice is non-existent today.¹⁴ In 1967, women were accepted and introduced into the AAF, a change that marked the spirit of the time in Albania, namely liberation of women.¹⁵ After the fall of the communist regime and the transition to democracy, the AAF undertook reformatations that affected women. Some of these women retained their positions, and some lost their rank and moved to more administrative and clerical duties. As a result of these reforms many women took early retirement.¹⁶

Today the AAF has three missions, namely in Afghanistan, Kosovo, and Bosnia-Herzegovina. The number of soldiers is not big and has decreased by one-third since 2014. Previously Albania had 324 military personnel in the mission countries, but after 2014 this was reduced to 85 military personnel. The majority of the personnel are based in Afghanistan (74 personnel), with 10 personnel in Kosovo and only 1 in Bosnia-Herzegovina (which is a peacekeeping mission).¹⁷ Between 2008 and 2011, Albania sent hundreds of people on peacekeeping missions, 12 of whom were women. None of these women participated in combat operations; they had caretaker roles on the missions.¹⁸

TABLE 3.1: PERCENTAGE OF WOMEN IN THE ALBANIAN MILITARY, 2013

Security Sector	% of women
Army/Military Sub-total	15.20
Active duty	11.20

THE ALBANIAN ARMED FORCES

Table 3.2 shows that the percentage of women in the AAF has increased over the past years. In 2013, none of these women held leadership positions, 29.8% held decision-making positions, and 51.2% held specialist positions.¹⁹ During 2014, 7.2% of applicants to the AAF were women, which is quite low compared with other NATO member states (Czech Republic 29% and Croatia 18%).²⁰

TABLE 3.2: PERCENTAGE OF WOMEN IN THE ALBANIAN ARMED FORCES, 2009-2014

Year	Women in AAF (%)
2009	10.90
2012	11.20
2013	15.20 ²¹
2014	13.20 ²²

TABLE 3.3: WOMEN MILITARY PERSONNEL ON ACTIVE DUTY IN THE ALBANIAN ARMED FORCES, 2012

Service within AAF	Women in AAF (%)
Navy	9.64
Air Force	14.7
Army	9.2
Total	11.2

Source: www.gsstraining.ch

TABLE 3.4: NUMBER OF FEMALE OFFICERS IN THE ALBANIAN ARMED FORCES ACCORDING TO GRADE AND TRENDS, 2008-2010

Ranks	2008		2009		2010		2008-2010 trend	
	M	F	M	M	M	F	M	F
General	8	-	12	-	12	-	+ 50 per cent	-
Colonel	80	-	82	1	79	2	-1.3 per cent	+200 per cent
Sub-colonel	297	17	348	22	371	33	+25 per cent	+94 per cent
Major	542	70	544	77	499	66	-7.9 per cent	-5.7 per cent
Captain	310	24	327	22	475	24	+53.2 per cent	-
Lieutenant	732	89	528	138	336	134	-54.1 per cent	+50.6 per cent
Sub-lieutenant	128	124	238	96	284	109	+121.9 per cent	-12.1 per cent

Source: NRWGE their source Ministry of Defense, 2010

Table 3.4 shows that the number of women in higher-ranking positions in the AAF increased between 2008 and 2010. The highest rank held by most women was sub-lieutenant; unfortunately the number of women in this rank decreased over the period. A small percentage of women held the rank of colonel and sub-colonel. In 2016, the AAF appointed its first woman general, Manushaqe Shehu.²³ This was a historic moment for Albania, but also for the Balkans as Shehu is the first woman general in the peninsula.²⁴

Another issue that needs to be addressed is the kind of duties women perform in the AAF. Around 95% of women in the AAF work in support sectors and the remaining 5% work in the operational sector.²⁵

In 2013, Albania appointed the first female Minister of Defense,²⁶ which had a positive impact on women in power, mostly as a symbol.²⁷ The sector responsible for addressing and coordinating gender-equality issues is the *Sector of Social Care* under the *Directorate of Education and Social Care for the Military*.²⁸ The Ministry of Defense has a specialist who works with gender issues, among other duties, at the Directorate of Education and Training. The AAF does not have this kind of specialist nor do they have a Gender Adviser.²⁹

The association *Women in the Armed Forces of the Republic of Albania* was created in 2011; one of its goals is to implement UNSCR 1325 “Women, Peace and Security”.³⁰ The association has been working on a handbook on gender equality for the AAF.

As mentioned earlier, Albania has international operations. Eight women have participated since 2011, which is not a high figure,³¹ and women constituted 1.2% of participants in Albania’s peacekeeping mission during 2012.

The Ministry of Defense undertook a *gender self-assessment* in 2013. The intention of this process was to self-evaluate AAF gender mainstreaming.³² According to Colonel Suzana Jahollari, a *mind-set problem* exists within the AAF, namely that its gender-equality work is done. The AAF includes 13% women, which is a quite high number. For this reason there is no plan to equalize higher ranks or to support women in getting assigned to combat or international operations.³³

RECRUITMENT, FAMILY POLICIES AND SEXUAL HARASSMENT

There is no law hindering women from obtaining higher rank, placement in a specific service, or from joining a combat branch. However, the AAF interviewed women who said that women often get the indoor jobs and are informally discriminated against for combat jobs.³⁴ Apart from that the AAF does not have discriminatory laws that stop women from advancing in rank; at the same time it must be said that the AAF does not have affirmative action or policies to increase the number of women in the military.³⁵ According to the interviews previously mentioned, the problem is more about informal discrimination, and by not having gender-equality goals in the AAF one could say that they are contributing to the low number of women recruits. The AAF does not have a gender perspective on recruitment, explained by the mindset that does not see this as a problem. At this time there are no programs or initiatives to support women's involvement in missions and peace operations.³⁶

Family policies for employees are not well designed or well adapted for parents. The AAF sees the employee's family and the work place as separate. It is not possible to have flexible work hours for parents,³⁷ there are no school child care facilities on the camps,³⁸ and it is not clear how long paternity leave is. Maternity leave is one year, and parental leave is not transferable between parents.³⁹ These conditions are not ideal for parents. In the case of heterosexual parents, the AAF family policy makes it more difficult for fathers to be absent, and there is more pressure for women to have longer leave. According to the Gender and Security Reform Training Resource the main reason why women leave the AAF is family responsibility.⁴⁰ The AAF may not be acting intentionally here but women are leaving the Army because of its poor family policies. However, according to a National Report by the NATO HQ Office of the Gender Adviser, the main reasons why men and women leave the AAF are emigration and/or better employment opportunities. The same report states that there is no specific retention program for women.⁴¹ The reason women leave the AAF could be both family responsibility and better employment opportunities; if a woman gets offered employment with better parental leave, for example, her leaving the AAF could be defined as a better employment opportunity. Thus the gender issue underlying why women leave the AAF becomes invisible.

According to Article 284 of Albania's Criminal Procedure Code, sexual harassment is an offence in common law.⁴² 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.⁴³ 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.⁴⁴

The *"National strategy on gender equality and reduction of gender based violence and domestic violence 2011-2015"* states that there is a lack of reports on gender statistics, lack of collection of statistics, and that these statistics need to be reported on a regular basis.⁴⁵ There are no legal obstacles for women to enter all sectors of the AAF and there is no specific discipline or program that women choose over others.⁴⁶ The only formal distinction that the AAF makes between its employees is the number of years that they should serve before retirement. For men this is 15 years and for women it is 12 years.⁴⁷ Based on collected data, statistics and interviews, there is no official discrimination against women in the AAF. On the other hand, there is no affirmative action to change gender inequality either. There are no quotas to increase or ensure women's role in the AAF.⁴⁸ There are few laws and policies to increase the number of women in the AAF or to increase the very low number of women in high-ranking positions.

NATO

Albania is a member state of NATO and according to a 2012 document Albania's future goals for gender equality are as follows: *In the future, AAF intends to have personnel trained in gender equality, ready to be deployed in various peacekeeping operations. For this purpose, continuous contact will be kept with OSCE and UN Women. We have also sought expertise from NATO countries and in particular the U.S, which assists in the development, transformation and maintenance of a consulting company of the troops trained on these issues to implement Resolution 1325 as well as Resolutions 1820, 1888, 1889, UNSC 1960*

According to figures from 2012, no woman joined the combat units, and 12 women were sent on missions.⁴⁹ In 2013, NATO compiled a report on *Women's involvement in the Albanian Armed Forces*. NATO has a Committee on Gender Perspectives that aims to promote UNSCR 1325, and something called an Office on Gender Perspectives.⁵⁰

ALBANIAN POLICE

The Albanian State Police (ASP) included a low number of women, similar to the situation in other security sectors. In order to change this, the ASP undertook an active campaign to increase the number of women in the Police Force. The campaign made it clear that the ASP wanted more women, and this was stated in their recruitment. Another active change was that they abolished the driver's license requirement; few women in Albania have a driver's license and previously this was an obstacle to women applying. The goal of the campaign was to create a positive and empowering image of women police. The new recruitment policies were widely covered by local and national television. The campaign was a success since it increased the number of women applicants by 800%. Not only did the environment become more woman-friendly, but the campaign also started discussions about gender and the role of girls and women in Albanian society. According to *The National Report on the Status of Women and Gender Equality*, this campaign was triggered by UNSCR 1325 as well as other national laws and statistics.⁵¹ In 2016, Ms. Anila Popa was appointed the first female Chief Police Commissar in Albania.⁵² The ASP drew up an action plan to support the Gender Equality legislation in the country. This was called "Action Plan on the Development of Diversity in the State Police 2011-2013". One of the goals was to have between 6% and 7% women in the ASP, which is odd since there were 9.6% women in the ASP in 2011.⁵³

POLICE ACADEMY CURRICULUM

According to Elona Dhëmbo, the Police Academy curriculum needs more gender mainstreaming. Gender and women's issues are on the periphery of the Police Academy's education.⁵⁴ In 2005, a change in gender mainstreaming started with community policing. These changes led to the Police Academy curriculum also starting to have a more gender-equal approach. In her case study, Dhëmbo analyzed the years 2009-2010 and found some criticisms of the curriculum.⁵⁵ There is a lack of reference to the accomplishments of women in the subject area in the Police Academy, women seem invisible as professionals.⁵⁶ Another problem is that women are described as a minority group subject to discrimination and prejudice. Women are also portrayed as stereotypical victims in the curriculum; victims of trafficking, rape and domestic violence. Women's role as agents in society is not acknowledged in the curriculum, and it would be important that this is changed.⁵⁷ For example, the use of language and words can shift this perspective, such as using the term *survivor* instead of *victim* of domestic violence. Another language change that should be implemented is the masculine ending of words like instructor. Here a more inclusive term should be used so that it is evident that both women and men can be instructors.⁵⁸ When describing trafficking in the curriculum, the term is equated with prostitution.⁵⁹ To not understand the difference between sex-work on the one hand and being kidnapped or tricked into forced sexual work on the other, is problematic. Another critique is that the police courses on domestic violence are too short: "*addressing domestic violence requires far more information, awareness and skills than one or two isolated topics.*"⁶⁰

MINISTRY OF DEFENSE

The Albanian Ministry of Defense is one of the few ministries with a gender strategy. During the years 2011-2015, a 15% quota was instituted for recruitment of female personnel in each structure of the armed forces.⁶¹ This ministry also has a gender equality officer in its human resources department, and according to a report, they have had a high level of women employees in both the civil and military sectors.⁶²

ANALYSIS

Albania is a young democracy and a candidate country for the EU. Several people we met told us that Albania's new legislation is very good because the country has copied laws from other European democracies. Gender-equality issues are not centered on bad legislation, it is rather a question of implementation. The same can be said about the AAF; they have great 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 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.

Gender inequality does not resolve simply by changing the law; it is a complex problem and complex problems take time to resolve. It is about changing attitudes and gender cultures. However, the willingness to change is present in the security sector. The lessons to be learnt from the different security sectors have been identified in this chapter. The APF undertook a successful campaign and changed certain requirements in order to recruit more women. This could also be done by the AAF and the Ministry of Defense. The Ministry of Defense implemented a quota in order to increase gender equality among their personnel; this could in turn be replicated by the AAF and the APF.

■ INDICATOR 4 : *Number and percentage of women participating in each type of constitutional or legislative review (including security sector review)*

Legislative review in Albania has developed since the transition to liberal democracy. The legislative body has been constantly updated to meet similar national and international legal frameworks as in other European and western countries. Albania signed a Stabilization-association Agreement with the EU that came into force in 1999, and has subsequently worked towards harmonizing national legislation with that of the EU. A plan for harmonization is adopted annually. Investigation of the participation of women was not within the scope of this report but is recommended for further research. See Indicator 7 for a more elaborate overview of the legal framework.⁶³

TABLE 4.1: NUMBER AND PERCENTAGE OF WOMEN PARTICIPATING IN SECURITY SECTOR REVIEWS

	Number of women	Number of men	Percentage of women
Security sector reviews	1 487	9 063	14.1 %

Note: Data in the above table include civil personnel in the State Police.

TABLE 4.2: PERCENTAGE OF WOMEN PARTICIPATING IN SECURITY SECTOR REVIEWS

	2013	2014	2015	2016
Percentage of women in security sector reviews	8.9% total 5.2% policewomen	9.9% total 5.8% policewomen	11.9% total 7.7% policewomen	14% total 8.7% policewomen

Note: The “total” percentage includes civil staff, whereas the percentage of policewomen includes only the female police workers in the ranks.

In 1993, women were admitted into the ranks of the Police Academy for the first time, and after a three-year education, they became police officers. However, the tasks assigned to the graduated women were mainly of an administrative nature and not tasks on the ground.

In subsequent years, after completing three years of study, women were appointed to various police services, mainly crime investigations, but their number was still limited. In 2014, the Basic Police School attempted to increase the number of females in the police services by introducing gender criteria to their recruitment campaign, namely that 50% of recruits should be male and 50% female. Thus, in 2015, after completing their studies in the Basic Police School, 500 female police workers were appointed in various positions of various basic roles. These workers were appointed mainly to general patrol, road police services, etc. In addition to narrowing the gap in the ratio of men and women in the police services, the presence of female employees working on the ground had a positive impact on the community.

Besides the presence of women and girls in the police service, another initiative of the State Police has been the presence of females in leadership positions. In 2015, the State Police, in cooperation with the ICITAP program and UN Women Albania, undertook an initiative to integrate female police employees in leading operational roles. A comprehensive training program aimed to provide female employees with sufficient knowledge of management and leadership to undertake leadership roles in the operational sector. The program did not have selective criteria, but was open to all police officers with the rank of Commissar, Chief Commissar and Leading Officer. In 2016, with the support of the Director of the State Police, the initiative was opened to workers with the rank of Vice-Commissar.

During 2015, the program was completed by five female police employees, and the first female Chief Commissar was appointed. In 2016, the program was completed by 28 female police employees.

The presence of female police workers on the ground has had a positive influence not only on the community, but also within the organization.

The process for the recruitment of women in the police services is ongoing, evidenced by the number of female participants in the testing process for admission to the Basic Police School and the number of female participants currently studying.⁶⁴

■ **INDICATOR 5 :** *CSOs in task forces/committees/working groups on UNSCR 1325 and 1820 (out of total task force members)*

CIVIL SOCIETY ORGANIZATIONS

The women's rights movement is big and important in Albania. Several women's rights civil society organization (CSOs) are members of the *Albanian Women Empowerment Network* (AWEN). The CSO "Association for Women with Social Problems" (AWSP) has worked with women's rights since 1998. They have dedicated part of their work to the women, peace and security area. They initiated and led the project "Women's Rights – From Concept to Albanian Reality", also popularly known as *Rezoluta 1325*. The project focuses on strengthening awareness of the resolution and advocating for a National Action Plan (NAP) for Albania. AWSP works to build capacity and strengthen UNSCR 1325 with three stake holders, namely 1) agents within media, 2) representatives of CSOs working with women's rights, and 3) politicians, decision makers and other influential people. *Coordination meetings* for 1325 NAP in Albania have been established as a mechanism for cooperation and inclusivity. This is a high-level work group on UNSCR 1325, including civil society and decision makers from a number of ministries.

■ **INDICATOR 6 :** *Number and percentage of SGBV cases reported, investigated, prosecuted and penalized*

In our research into women's rights in Albania, several representatives of local CSOs mentioned that the most urgent threats to the security of girls and women are trafficking and domestic violence. Albania is not a conflict country, but since domestic violence and trafficking are such a great threat to the security of girls and women we chose to write about this under Indicator 6, Sexual and Gender-Based Violence (SGBV). It should be borne in mind that these issues are based on structural norms that exist in every society in the world.

GENDER-BASED VIOLENCE

International CSOs such as the Albanian Helsinki Committee⁶⁵ and Amnesty International⁶⁶ have identified domestic violence as a major human rights violation. Most domestic violence or gender-based violence in homes is perpetrated by men against women. This is not always the case, but it accounts for the majority. Since these persons are survivors of violence, the term "survivor" will be used instead of victim. A study done by the Commissioner for Protection against Discrimination (CPD) concluded that approximately 59.4% of women had suffered domestic violence during family life in marriage or intimate relationships,⁶⁷ and 31% of women in Albania are submitted to physical violence in their homes. Some domestic violence leads to homicide within the home or within the family. During 2014, 34% of murders occurred within families.⁶⁸ The Albanian Statistical database has gathered broad and detailed statistics on domestic violence for the year 2013. On their webpage one can break down the statistics into categories such as sexual violence, psychological violence, and physical violence. Using the database it was only possible to see statistics from 2013 and a category labelled "ever",⁶⁹ therefore it was not possible to compare statistics across years. Using these tools it is not possible to see changes and developments in domestic violence.

As contacting authorities and pressing charges are stigmatized in Albania, this has resulted in a large number of women not reporting domestic violence.⁷⁰ The Albanian government has worked on this issue in a number of ways. The Commissioner for Protection against Discrimination (CPD) has worked with gender-based violence through reports which conclude that the violence is increasing but so is the

number of prosecutions.⁷¹ Although there is a lack of comparable data, it can be said that awareness has increased with regard to reporting of gender-based violence.

The government introduced an online system where survivors can report gender-based violence. The system is currently working in 29 of 61 municipalities. Although most cases go unreported, an increase has occurred in the number of reports, which is interpreted as increased trust in the system.⁷² Another obstacle for survivors is that the husband usually provides the income and can leave the wife without income and social security.⁷³ Thus women can be forced to stay in violent relationships due to their economic situation. An examination of recent cases shows that 3 195 reports of domestic violence were reported from January to September 2016.⁷⁴

With regard to the protection of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, the Albanian government has a lot of work to do. For a start, they have to collect data on hate crimes. In Albania it is not socially accepted for people to be openly LGBTI. They are subjected to discrimination and abuse, even by the police, who are supposed to protect all citizens.

According to an opinion poll, 32% of the LGTBI community have been submitted to physical violence and 76% have been submitted to verbal harassment because of their identity. The European Commission against Racism and Intolerance requested that the Albanian government start collecting data on hate crimes towards the LGTBI community. Some progress was made in 2015 when Parliament approved a resolution for the protection of the rights and freedoms of persons belonging to the LGBTI community in May. In December 2015, the first LGBTI shelter was opened in Tirana, called STREHA.⁷⁵ STREHA shelters young people who have been subject to violence and/or who have been evicted from their homes.⁷⁶

TABLE 6.1: PERCENTAGE OF SGBV CASES REPORTED IN ALBANIA, 2013

Type of SGBV	Reported (%)
Sexual violence	7.90
Psychological violence	58.20
Physical violence	23.70
All domestic violence	59.40

TRAFFICKING

The fight against trafficking is an “uncompromised fight against modern slavery” (Ministry of Interior, 2016, p. 3) according to the Prime Minister, the Ministry of the Interior and the Albanian Government. The prohibition of labor and sex trafficking is found in the *Criminal Code* article 110 (A) and 128 (B). The government has a *National Strategy on the Fight against Trafficking of Human Beings and the Trafficking of Children, 2014-2017*.⁷⁷ Trafficking is a grave human rights problem in Albania. As mentioned in the introduction, trafficking started during the crisis in the 1990s and has continued to affect girls, boys, women, men and other citizens in the country. Albania is part of international trafficking as an origin country. This means that people are being trafficked from Albania to other countries. However, international trafficking has recently decreased, and national trafficking has increased.⁷⁸ People being trafficked internationally are mostly sent to the UK, Germany, France, Belgium, Italy, Switzerland and the Netherlands, but also to neighboring countries.⁷⁹ People living in poor economic conditions run a higher risk of being trafficked, as do people from the Roma and Egyptian communities.⁸⁰ Trafficking of children is also a serious human rights violation. Criminal gangs kidnap children, mostly girls, and force them into prostitution, child labor or organ transplantation in other countries.⁸¹

According to the US Department of State’s report on trafficking in Albania, the government has made some progress to stop and prevent trafficking. However, trafficking is still prevalent and there is more the government should and could do to improve its work.⁸²

Table 6.2: **NUMBER OF TRAFFICKED PERSONS IN ALBANIA, 2014**

Number of SGBV cases reported, investigated, prosecuted and penalized in 2014

Type of SGBV	Identified	Investigated/ Victim status	Prosecuted	Convicted	Percentage penalized
Trafficked person	125	37	18	9	No data
Forced prostitution	78	No data	No data	No data	No data
Forced prostitution & forced labor	10	No data	No data	No data	No data
Forced to beg	13	No data	No data	No data	No data

As shown in Table 6.2, nine people were convicted for human trafficking in Albania during 2014, and 18 were prosecuted. This is an improvement from the previous year when only two persons were convicted and nine traffickers were prosecuted. Those convicted received tough sentences of between 10 and 20 years.⁸³ The European Commission's report from 2015 gives different numbers for trafficking; the report states that 11 cases were prosecuted in 2014 and only two cases in 2013.⁸⁴ Although there are relatively few data, it is difficult to evaluate progress when there is no consensus on the current statistics. The Albanian Statistical Service should therefore extend its database to include cases on trafficked children and adults. One of the main problems in attempting to stop trafficking has been the prosecution of perpetrators who belong to criminal organizations with political allies. Investigations and judicial changes are also difficult due to corruption. This in turn affects survivors, who are afraid of testifying and pressing charges.⁸⁵ Some improvements have been made by the state. The government has worked to improve measures against human trafficking by training the judicial sector and the police. During 2014, 333 police, judges and prosecutors were trained in victim identification and protection, and investigation and prosecution of traffickers. Government also strengthened the law; a new healthcare law for trafficking victims was given a budget for 200 persons per year in order to meet the psychological and physical care needs of the victims and survivors. The government recently opened a free mobile app and hotline to make the reporting of trafficking more easy and efficient.⁸⁶

The US Department of State's main critique of the Albanian government has been its lack of funding for anti-trafficking policies, and failed programs and protection of victims. Due to bad prioritizing of funds an important shelter for trafficked children had to be closed down temporarily. The government failed to implement guidelines for healthcare, rendering the law for healthcare of trafficking victims useless. Another worrying critique involved a work program that aimed to encourage companies to hire survivors. It turned out that some of the companies forced these persons to work without appropriate pay.⁸⁷ When working with survivors of trafficking, and especially when working with some sort of rehabilitation to legal society, these mistakes are not acceptable. The government must undertake this work with careful planning and cannot involve partners that use illegal work conditions.

ANALYSIS

Sexual and gender-based violence is one of the most urgent human rights and women's rights violations. It is a structural problem present in all societies. Thus it is crucial to fight against these crimes, to establish protection and healthcare for survivors, and to work preventatively. The Albanian government has worked actively to stop trafficking and domestic violence. As mentioned earlier, the most difficult aspect in attempting to stop trafficking organizations is their ties to politicians and powerful people. The Albanian government is trying to stop corruption by incorporating vetting and justice reform. Justice reform

is welcomed by Albanians as well as the international community. Hopefully this move toward transparency will have its effect on trafficking.

Some legislative improvements have also been undertaken to stop domestic violence. However, since the number of perpetrators of domestic violence is larger than the number of traffickers, it is a problem that takes more time to resolve. Domestic violence involves a normative perspective on power and a belief that issues within the family should stay in the family. This can exert social control over women, and cause them to feel shameful about pressing charges. In addition to normative power/control over women, the survivors who do leave violent home situations are left without economic security. These social, economic and structural problems need to be addressed on several levels. A new legislation or new strategy will not automatically change the realities that survivors face.

The political will of the government is in the right place, but further resources must be dedicated to taking care of the survivors of trafficking and domestic violence. Shelters and healthcare must be well-funded and there must be a functioning judicial system in order to offer the minimal justice to survivors.

Another pressing human rights issue is the protection of LGBTBI people against discrimination. Crimes against people in this community must to be recorded and action must be taken by the government.

■ **INDICATOR 7 : *Number and quality of gender-responsive laws and policies***

This chapter looks at Albania's gender-responsive laws and policies. The country is known for its high-qualitative legislation and legal framework; all of the reports on human rights state that Albania's legal framework is close to that of other European countries. The focus in this chapter will be on the content of legislation and policies and not on the quantitative perspective.

NATIONAL LEGAL FRAMEWORK

Over the past 10 years there has been a great change in gender-equality legislation in Albania. It is clear that the political will has been to change the national legal framework in order to address contemporary gender-related problems.

MEASURES AGAINST DOMESTIC VIOLENCE (Law No. 10329/30.09.2010) is an amendment to the same law from 2006; it provides for measures to create a network of institutions responsible for the support, security and rehabilitation of survivors of domestic violence.⁸⁸

ON PARDON (Law No. 10295/01.07.2010) provides that people convicted of trafficking, exploitation and prostitution are not to be granted pardon.⁸⁹

Amendments to **THE CRIMINAL CODE** (Law No. 23/2012 and No. 144/2013) provides several updates, among others, harder sentences for crimes committed against women or within the family. It set harder sentences against sexual abuses, sexual harassments including within relationships or marriage, trafficking, and the exploitation of prostitution.⁹⁰

The Amending **LAW ON SOCIAL ASSISTANCE AND SOCIAL SERVICES** (Law No. 399/17.03.2011) states that abused women who have protection are also entitled to benefits.⁹¹

THE NATIONAL COUNCIL ON GENDER EQUALITY supervises reforms pertaining to the empowerment of women. A network of employees at ministries and municipalities monitor the implementation of government commitments to gender equality at their place of work.⁹²

THE NATIONAL STRATEGY ON GENDER EQUALITY AND THE FIGHT AGAINST DOMESTIC VIOLENCE 2007-2010 was also revised for 2011-2015. The strategy led to some general gender-equality policies but there is a need for more mainstreaming.⁹³ A new strategy was drafted for 2016-2020.⁹⁴

THE GENDER EQUALITY LAW was passed by parliament in July 2008. It includes definitions of gender, gender discrimination, women's rights in the workspace, equality in education, discrimination by the media and equal representation.

THE ELECTORAL CODE adopted in December 2008 incorporates aspects of the 30% quota for the underrepresented gender found in the Gender Equality Law into local and national party lists. This law did not specify quotas for women; instead it referred to the underrepresented gender, which shows a well-thought-out perspective on power.

THE NATIONAL STRATEGY ON THE FIGHT AGAINST HUMAN TRAFFICKING was adopted in July 2008. This has resulted in improved identification of victims of trafficking and improvement to the national victim referral mechanism. Albania is no longer a major country of origin in international trafficking. However, domestic/national trafficking is reported to be increasing.⁹⁵

THE LAW ON PROTECTION FROM DISCRIMINATION (Law No. 10221/04.02.20120), including gender discrimination, was adopted in 2010.⁹⁶

THE NATIONAL COUNCIL ON GENDER EQUALITY AND DOMESTIC VIOLENCE was established as a coordinating body and inter-ministerial working group on gender statistics.

RESPONSIBLE AUTHORITIES: The Ministry of Labor, Social Affairs and Equal Opportunities is responsible for implementation of government policies pertaining to gender equality. The Directorate of Equal Opportunities Policies is responsible for overseeing and monitoring implementation of the National Strategy on Gender Equality and Domestic Violence.⁹⁷ The Ministry of Interior is responsible for implementation of the National Strategy on Human Trafficking. The People's Advocate (ombudsperson) is responsible for monitoring human rights (including women's rights) and making recommendations that mitigate human rights violations. And the National Council of Gender Equality is responsible for advising the government on the direction for state policies on gender equality.⁹⁸

THE UNSCR 1325 NATIONAL ACTION PLAN (NAP) is a gender-responsive policy. In 2011, government planned to draft a NAP under the overall coordination of the Ministry of Labor, Social Affairs and Equal Opportunities (MoLSAEO),⁹⁹ but this was not finalized. A UN Women assessment report from 2011 recommended that actual NAP drafting be completed by the ministries of Defense and Interior. According to the report, the NAP will be a good way to mainstream gender within the security sector. The report assessed the NAP plan, and elaborated on gender and the security sector in the country.¹⁰⁰ One of the suggestions in the report was to create a NAP Implementation Unit (NAPIU) in order to have a specific group for the implementation and monitoring of a NAP.¹⁰¹ Some of the main obstacles to drafting and implementation of the NAP are lack of resources and knowledge and the prioritization of other political issues. Another important problem is that the security sector, perceived as realist, is not aligned with gender advocacy, which has a structural foundation. The distance between the two sectors needs to be

reduced in order for them to work together, which is the goal of UNSCR 1325.¹⁰² During 2012, the government worked on a draft for a NAP,¹⁰³ but the plan was not completed and progress stopped. At the time of writing this report the government has not resumed the drafting of a NAP.

LGTBI RIGHTS: Same-sex relations were decriminalized in Albania in 1995. The Constitution does not mention or protect the rights of the LGTBI community. The law for Protection from Discrimination was adopted in 2010 and includes the protection of intersex and transgender people. It is the only law protecting this community.

According to article 113, Section VIII of the Criminal Code, selling sex is a criminal offence. This affects the lives of sex workers, which includes women and people belonging to the LGTBI community in Albania. Many transgender individuals are sex workers due to lack of other income. As a consequence, sex workers are forced to work in the criminal world and their lives are not secure due to this legislation. In 2015, the Council of Europe and the Ombudsman began the first drafting of Legal Gender Recognition. At the time of writing this report no proposal had been submitted to Parliament.¹⁰⁴

INTERNATIONAL LEGAL FRAMEWORK

The most central international human rights agreements were signed right after the fall of communism, at the start of the 1990s. Due to instability in the late 90s the reporting and monitoring were poorly completed. However, this has improved substantially during the past years.¹⁰⁵

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) has been ratified by Albania. According to article 18 (B) of the convention, state parties must report on progress in the area at least every four years.¹⁰⁶ In 2002, Albania delivered its first and second reports together to CEDAW. The latest (fourth) report was written in 2014.

THE BEIJING PLATFORM FOR ACTION has been ratified by Albania.

EU: The Council of the European Union adopted *Guidelines on violence against women and girls and combating all forms of discrimination against them* in December 2008. The purpose of the guidelines is to promote gender equality, to combat discrimination against women, to think of effective strategies, to fight against the impunity of perpetrators of violence against women, and to ensure justice for victims. The agreement came into force between the EU and Albania in April 2009. According to the strategy, Albania has an adequate legal framework and has ratified the important international instruments. Albania wrote a third periodic review in 2010. Albania has ratified The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).¹⁰⁷

ANALYSIS

National legislation can reflect and formalize a country's values and political will; however, it is a rather superficial way of understanding the complexity of a nation. In the history of western feminism, change in legislation and the right to vote were the starting point of a more just and equal society. The Albania of today is well versed in the ideas of Western Europe and began its democracy-building by improving national gender equality. During the past decade the government has worked to address the challenges faced by girls and women, such as domestic violence and trafficking. The change in legislation and creation of strategies has been a sign of progressive will and decisiveness. In a short time, the decision makers have shown that they are willing to address inequality and stand up for human rights values. Unfortunately, these human rights are not applicable to all within the national legislation, as HBTQI persons

are not given the same legal rights and protection as other citizens, and they experience discrimination and violence. A similar discriminatory situation applies to ethnic and religious minorities such as the Roma people.

■ **INDICATOR 8 :** *Number and nature of provisions/recommendations in the truth and reconciliation commission (TRC) and other transitional justice reports on women's rights*

This indicator does not apply to Albania as the country has no truth and reconciliation commission or other transitional justice report on women's rights.

■ **INDICATOR 9 :** *Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes*

This indicator is not applicable as Albania does not receive economic packages and does not give out packages. Albania is neither a recipient of aid nor a donor country to countries in conflict and crisis.

■ **INDICATOR 10 :** *Number and percentage of pre-deployment training and post-deployment programs for military and police incorporating UNSCR 1325, UNSCR 1820, international human rights instruments and international humanitarian law*

The Albanian Armed Force has no existing gender training. There is one UNSCR 1325 and gender-related training program within the AAF. It is a pre-deployment course for OF 3-5 (Major, Lieutenant-Colonel and Colonel) and OF 1-2 (Second lieutenant and Lieutenant). Around 30 personnel in the AAF participated in a *Gender and Building Integrity* course in 2014 arranged by the Sarajevo Regional Centre, Bosnia-Herzegovina. The aim of the course was to gain understanding and increase awareness of gender issues in the security sector.¹⁰⁸ The Albanian Police Force has one course on gender-based violence in their Police Academy curriculum. Apart from these courses we did not find other training, and therefore no statistics and figures are presented on this indicator. This lack of gender training points to the improvements that the security sector needs to work on, as shown in the previous chapters.

■ **INDICATOR 11 :** *Allocated and disbursed funding marked for women, peace and security (WPS) programs to CSOs and government*

This indicator was outside the scope of this report.

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