



CHEMONICS INTERNATIONAL INC.



Women in Development IQC

Women's Legal Rights Initiative

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TABLE OF CONTENTS

Executive Summary		i
SECTION I	Introduction	1
	A. Women's Legal Rights Initiative Objectives	1
	B. Country Selection Process	1
	C. Assessment Objectives and Activities	1
	D. Technical Approach and Methodology	2
SECTION II	Women's Legal Rights Country Overview	3
	A. USAID Programs and Partners	3
	B. International Donors and Organizations	4
	C. Government Agencies	5
	D. Civil Society Organizations	6
SECTION III	Assessment Findings and Recommendations	8
	A. Legislative Framework	8
	A1. Findings	8
	A2. Recommendations	8
	B. Judicial Enforcement	8
	B1. Findings	8
	B2. Recommendations	9
	C. Civil Society Advocacy	9
	C1. Findings	9
	C2. Recommendations	10
	D. Public Awareness	10
	D1. Findings	10
	D2. Recommendations	11
SECTION IV	Implementation Approach and Next Steps	12
	A. Implementation Strategy	12
	A1. Anti-Trafficking Initiatives	12
	A2. Domestic Violence Initiatives	13
	A3. Family Code Initiatives	13
	B. Development of Country Action Plan	14
	C. Next Steps	14
ANNEX A	List of Meetings Held	A1
ANNEX B	Bibliography	B1

EXECUTIVE SUMMARY

The USAID Women's Legal Rights Initiative (WLR) is a task order under the Women in Development (WID) Indefinite Quantity Contract (IQC), which was signed by Chemonics International, Inc. on September 30, 2002. The WLR project is designed to contribute to the Office of Women in Development (EGAT/WID) SO3 goals and intermediate results ("Women's Legal Rights Increasingly Protected"), and strengthen USAID Mission strategic objectives, particularly with regard to democracy and governance.

The WLR project team, in coordination with USAID/Albania, the Europe & Eurasia Regional Bureau, and EGAT/WID, selected Albania as a focus country for WLR activities in the Europe & Eurasia region. The WLR team will work closely with USAID/Albania's Democracy and Governance Team to identify constraints and gaps in women's legal rights and design activities to address them.

To begin the process of designing activities for USAID/Albania to implement with WLR, a two-week assessment and analysis trip to Albania was conducted from June 29 to July 11, 2003, which included visits to Tirana, Vlora and Kruja. Meetings were conducted with USAID/Albania, international donors, government representatives, and civil society. During these meetings, it became readily apparent that respect for women's legal rights has not been a priority in Albania. Corruption in the judiciary as well as at all levels of society remains a pervasive problem. There have been recent improvements in the legal framework to support women's legal rights, including a new Criminal Code, a new Family Code, and trafficking legislation. However, deficiencies remain, including the lack of a domestic violence law, lack of compliance with international norms for women's rights, and weak judicial enforcement of laws. Trafficking in human beings, mostly women and children, and domestic violence continue to be a serious concern for Albania. Given these constraints and gaps, the WLR team identified a number of emerging areas for cooperation and assistance for WLR that included anti-trafficking, domestic violence, and family law issues.

Anti-trafficking. The U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) and Overseas Prosecutorial Development Assistance and Training (OPDAT) are training and assisting police and prosecutors on police-prosecutor relations, human trafficking, organized crime, and ethics. The missing link in the equation is training and technical assistance for the judiciary. WLR can add value by training judges to handle trafficking cases and by developing a "bench book" that will serve as a procedural manual for judges because such cases do not regularly come before the court. A bench book provides a reference resource for judges containing the law and international protocols, commentaries on the law, step-by-step checklists, and additional information about shelters, counseling, job training, and related services.

Domestic violence. Domestic violence is one of the most serious threats to the wellbeing of women in Albania. Women often escape an abusive home only to become a victim of trafficking, where violence is even more pervasive. In order to combat this problem, the WLR team recommends training judges and lawyers to utilize current law that protects women while providing technical assistance for the drafting of a domestic violence law. In addition, we

suggest supporting NGOs in raising awareness about domestic violence and conducting research on its occurrence and community responses.

Family law. A new Family Code was recently adopted in Albania that will be effective January 2004. This new law provides an excellent and timely opportunity for WLR to promote women's legal rights through the training of judges and lawyers on the provisions of the code and to provide public awareness of the rights and obligations under the law. This law provides for significant changes in the property regime and because it could result in the depreciation of a women's economic status, put them at risk of being trafficked. WLR also recommends developing a bench book for all judges who handle family law cases.

The WLR team will work in coordination with other USAID programs, international donors, government, and civil society organizations to avoid duplication of effort. WLR will identify with USAID/Albania and EGAT/WID focus activities for the project based on the recommendations included in this report. Following discussions with USAID/Albania and EGAT/WID, an action plan with specific activity details and timeframes will be developed for project implementation.

SECTION I

Introduction

A. Women's Legal Rights Initiative Objectives

The Women's Legal Rights Initiative (WLR) team, in collaboration with the Office of Women in Development (EGAT/WID) and USAID Missions worldwide is working to strengthen and promote women's legal rights and participation by enhancing opportunities for women to meaningfully participate in the economic, social, and political dimensions of society. To achieve these goals the project coordinates with international donors and local stakeholders to provide strategies to identify constraints, discern gaps, and document best practices in knowledge and practice related to women's legal rights.

B. Country Selection Process

In collaboration with EGAT/WID, the WLR team met on April 1, 2003 with representatives of the Europe & Eurasia Regional Bureau to initiate the country selection process. Jose Garzon, Claudia Dumas, Jennifer Stuart, and Ruth Pojman of the Europe & Eurasia Regional Bureau advised the team on focus countries and recommended contacting missions by cable to determine interest. An introductory cable was sent to Albania, Macedonia, Bosnia, Moldova, Caucasus (Azerbaijan, Georgia, Armenia), and CAR (Tajikistan, Kazakhstan, Uzbekistan), requesting expressions of interest in participating in the project. Shortly thereafter, USAID/Albania expressed an interest and Albania was selected as the WLR focus country for the Europe & Eurasia region. In order to begin identifying an appropriate role for the project, conversations were held via e-mail and in Washington, DC with Eric Richardson, USAID/Albania's Senior Advisor for Democracy and Governance.

C. Assessment Objectives and Activities

The WLR team worked closely with USAID/Albania to identify and organize activities for the assessment and analysis phase conducted in Albania between June 29 and July 12, 2003. USAID/Albania's Democracy and Governance Team provided guidance and assistance to identify on-going programs, constraints to women's legal rights, gaps in knowledge and practice, and the current social, political, and economic context. Consultations were conducted with government agencies, civil society groups, international organizations, and other stakeholders to identify priority issues, potential partners, and existing activities.

Results from the assessment and analysis trip will be used to design a country action plan that meets the needs of USAID/Albania and complies with the scope of work of the WLR task order. The action plan will target issues to be addressed utilizing local and international resources available to achieve the determined goals and objectives that strengthen women's legal rights, reinforce USAID/Albanian's objectives, and dovetail with ongoing activities.

D. Technical Approach and Methodology

The WLR technical approach and methodology to assess the needs, opportunities, and constraints related to women's legal rights in Albania include:

- Background research and document review on the economic, political, social, and legal context related to women's legal rights in Albania prior to the initial assessment and analysis trip
- Presentation of WLR program to USAID/Albania staff and discussion of Mission strategic objectives, constraints to women's legal rights, current programs in place, and identification of existing successful models
- Discussions and consultations with key civil society groups, government agencies, and other stakeholders to identify program priorities, concepts, and issues
- Collection and review of existing reports, studies, legal texts, and training materials related to women's legal rights

The assessment and analysis team consisted of David Vaughn, WLR Project Director, and Teresa Cannady, WLR Gender and Legal Specialist. In Albania, the team met with numerous civil society organizations, international donors, representatives of the judiciary and government agencies, personnel from USAID-funded projects, and USAID/Albania staff. (See Annex A, Meeting Notes, for a comprehensive list of individuals and organizations). These meetings provided the background for the current status of women's rights in Albania, identified current programming and assisted the team in determining activities that may be undertaken as part of this project.

Following the assessment and analysis trip, the WLR team will:

- Debrief with USAID/Albania, EGAT/WID, and E&E Regional Bureau on preliminary assessment and analysis findings and recommendations
- Identify local and foreign consultants and resources required for implementation
- Prepare and submit assessment and analysis report to USAID/Albania, EGAT/WID, and E&E Regional Bureau
- Prepare and submit draft country action plan to USAID/Albania, EGAT/WID, and E&E Regional Bureau
- Conduct roundtable discussion on the draft country action plan with USAID/Albania, EGAT/WID, and E&E Regional Bureau, and local counterparts
- Finalize country action plan incorporating comments and suggestions

SECTION II

Women's Legal Rights Country Overview

A. USAID Programs and Partners

USAID/Albania focuses on six strategic objectives on the following general development topics:

- Economic growth and agricultural sector development by increasing private investment, improving the availability of credit to entrepreneurs, and strengthening the banking system
- Democratic reform to support civil society by increasing citizen awareness of public issues, assisting in elections, strengthening legal institutions, and supporting the GOA decentralization program
- Improve primary health care by developing and implementing quality models, strengthening management capacity, and encouraging community participation

USAID/Albania's Rule of Law program promotes civil society participation and a strengthened judicial system through support to: the School of Magistrates; the National Judicial Conference; the Chancellery (Court Clerks); judicial organizations with the Ministry of Justice; the Albanian Civil Society Coalition Against Corruption; and the Citizens Advocacy Office. In addition, under a special initiative the mission will support the establishment of a sustainable network for the return and reintegration of Albanian victims of trafficking.

Principal contractors and grantees currently implementing USAID/Albania's democracy and governance activities include the American Bar Association's Central and East European Law Institute (ABA/CEELI), Management Services International (MSI), Institute for Development and Research Alternative, IREX, Financial Management Institute (FMI), and East-West Management Institute (EWMI). Of these programs and partners, the following implement activities with possible linkages to women's legal rights:

ABA/CEELI is working to promote rule of law issues in Albania and has coordinated with the Faculty of Law at the University of Tirana to include a legal analysis and writing course to the curriculum. They also provide trainings for legal professionals and recently held an anti-trafficking seminar focusing on international conventions and case studies of recent court decisions in Albania.

East West Management Institute (EWMI) is responsible for the Albania Judicial Training/Strengthening Project which is strengthening the court system to fully carry out judicial branch responsibilities in an efficient, impartial, knowledgeable, and transparent manner. Through the Magistrates School, EWMI provides training to judges, court chancellors, and court administrators on commercial law principles, international contracts, court administration, and computer usage.

Management Systems International (MSI) spearheads the USAID anti-corruption initiative in Albania. Through the Albanian Coalition Against Corruption (ACAC) project, six key areas are supported: public procurement, privatization and property; budget and legislative process; taxation and customs; judicial reform; public service delivery; and freedom of information. Within this framework, emphasis lies on public outreach, NGO coordination and strengthening, survey activities, government monitoring, legal reform initiatives and municipality capacity building. MSI has recently begun to support anti-trafficking efforts through grants, discussion forums, assessments, and through an NGO network.

The *IREX ProMedia* program in Albania has been working to support independent media as a key component of a democratic society. The project focuses on strengthening the skills of print and broadcast professionals, providing business management training to local stations, and advocating for reform of media legislation. As a component of the project, IREX has introduced media professionals to the sensitive subject of trafficking and produced a television talk show focusing on combating corruption and human trafficking

In addition to USAID, the U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) and Overseas Prosecutorial Development Assistance and Training (OPDAT) are providing training for police and prosecutors and coordinating with various national and international law enforcement agencies in an effort to combat trafficking.

B. International Donors and Organizations

Cooperation between USAID and other donor organizations in Albania is active and growing. The United States is Albania's third largest bilateral donor, after Italy and Greece. Other major contributors include Germany, the World Bank (WB), International Monetary Fund (IMF), European Union (EU), European Investment Bank, European Bank for Reconstruction and Development (EBRD), Open Society Foundation, United Nations Development Program (UNDP), UNICEF, Swedish International Development Agency (SIDA), Food and Agriculture Organization (FAO), Organization for Security and Cooperation in Europe (OSCE), Stability Pact, International Office of Migration (IOM), and International Fund for Agricultural Development (IFAD). Key elements of donor support focus on democratization and institutional development, with an emphasis on the judiciary, political cooperation, media, local government, and civil service reform.

International organization and donor activities related to women's legal rights include the following:

OSCE, since 1997 has provided advice and assistance to the Albanian authorities on democratization issues, development of free media, promotion of respect for human rights, and preparation of elections. In the area of human trafficking, OSCE provides advice to the government of Albania on the implementation of a national strategy against trafficking, legal review and advice on cases for the judiciary, legal assistance to victims, and coordination with local police, prosecutors and NGO activists.

IOM plays a key role in combating trafficking in Albania. They have provided direct support to victims through the establishment of shelters, psychological counseling, social services, and job

training. In addition IOM has conducted numerous awareness campaigns, trained police to appropriately handle trafficking cases, and provided technical assistance to the Government of Albania and neighboring countries in developing anti-trafficking strategies and bilateral agreements.

UNICEF's comprehensive trafficking approach focuses on prevention, protection, repatriation and reintegration of trafficked children in southern Albania. They work closely with Greece and Italy, destination countries, on providing social services and repatriation to victims. UNICEF provides programmatic and advocacy support to All Together Against Child Trafficking (BKTF), a coalition of international NGOs.

Swedish International Development Agency (SIDA) support anti-trafficking programming throughout the Balkans to organizations working in capacity building, reintegration service provision, and awareness raising. In Albania, SIDA provides grants to a number of local and international NGOs.

Stability Pact is an initiative to streamline existing efforts for assisting south eastern Europe's political, economical and security Integration in Europe. The Pact does not implement, but rather coordinates and accelerates partner programs (EU, NATO, OSCE, etc.). Through the South Eastern Europe Anti-Trafficking Ministerial, regional ministers meet yearly to coordinate intra-governmental activities, assure regional and international cooperation, and review activities. Blendi Klosi, the Minister of State, serves as the Albanian representative.

C. Government Agencies

Albania is still a developing democracy where respect for and implementation of the rule of law remains deficient. Widespread corruption and organized crime continue to be serious threats to the stability and progress of the country. Albania has not shown a desire to uphold human and minority rights. The judicial system has serious deficiencies and is viewed by the public as corrupt, unprofessional, and ineffective. The President, elected by a three-fifths majority of Parliament, is the head of state but plays only a limited executive role. In the recent parliamentary elections in June 2001 the Socialist Party and its allies won 88 out of 140 seats. The opposition coalition, "the union of victory" led by the Democratic Party, won 46 seats. Local elections are slated for fall 2003.

There are approximately 300 judges in Albania with 29 district courts, six appeals courts, one Constitutional Court, and one Supreme Court. Although there are no specialized courts in Albania, legislation that would create a Serious Crimes Court to handle organized crime and trafficking cases is currently pending. The High Judicial Council makes appointments of judges and provides discipline as well. All candidates for judgeships and prosecutor positions must complete a three-year training program at the Magistrate's School. The School was created by law in 1996 and began operations in 1997. There are four full-time professors and 15 local staff. They also provide continuing legal education courses for judges and prosecutors, as well as training for court staff. In 2002, they held 45 sessions with an average of 25 participants. The School conducted some training in ethics for judges based on the Code of Judicial Conduct.

The Supreme Court has 17 justices of which five are women. There is presently one vacancy and the Chief Justice indicated his hope that this position will be filled by a woman. Slightly more than half of the judges are women. Court statistics kept by the Ministry of Justice are not disaggregated by sex, making it very difficult to identify the severity of problems like domestic violence which disproportionately affect women.

The prosecutors have a centralized system independent of the other branches of government. There are 29 district prosecutor offices, six appeal offices, and one at the Supreme Court level. There are 270 prosecutors appointed by the President of the Republic upon the recommendation of the General Prosecutor. The General Prosecutor is appointed and discharged by the President with the consent of the Parliament.

The Government of Albania does not yet fully comply with minimum standards for the elimination of trafficking; however, it is making significant efforts to do so and has moved from Tier 3 to Tier 2 on the U.S. State Department's rating of countries in the June 2003 Trafficking in Persons (TIP) report. The Anti-Trafficking Sector and the Organized Crime Sector investigate trafficking but police corruption hinders anti-trafficking efforts. The Office of Internal Control investigates police participation, but according to a study by international organizations, 10 percent of foreign victims trafficked through Albania reported that police were directly involved. Few police or government officials are prosecuted. With respect to protection, the police no longer treat victims as criminals and instead, routinely refer victims to shelters operated by NGOs and international organization.. With assistance from NGOs and local businesses, the chiefs of police in Fier and Durres established temporary shelters for witness protection within their prefectures. The Government does not, however, have a comprehensive witness protection program. There are no government-sponsored prevention efforts, but the Anti-Trafficking Sector is preparing a study of trafficking patterns and methods that may aid in future prevention strategies.

The Ministry of Justice does not have any specific women's rights office or division within the Ministry. However, due to their involvement in the drafting and introduction of new laws, their support is critical to any future legislative issues related to women's rights.

D. Civil Society Organizations

The NGO community in Albania is active in a variety of civil society issues including women's legal rights. Some organizations complained of cuts in funding, particularly to women's organizations, making it difficult for them to successfully complete their missions. Unlike in other countries in the region there has been no real feminist movement in Albania. Given the very traditional nature of society and view of the family unit many women are unaware of their rights. Women often feel that abuse is a natural phenomenon and do not feel victimized or seek redress for this crime. Despite these barriers, the NGO community has developed a network of services for women that include counseling centers, legal aid providers, two trafficking shelters, and one domestic violence shelter.

The Citizens Advocacy Organization (CAO) is one of the largest and most active NGOs in the country. They are currently opening satellite offices in a number of cities throughout Albania. They play the leading role in the Anti-Corruption Coalition, a network of NGOs. CAO provides

legal and psychological support to victims of corruption and trafficking. In the past year they have handled more than 1,000 cases. They collaborate with IREX on the *Hapur* media program designed to inform the public about important issues affecting the country.

Another leading NGO is the Women's Advocacy Center (WAC). Founded in 1997 by the Association of Women Jurists, WAC provides legal services, conducts training programs, and publishes a periodical on issues affecting women's legal rights. WAC has provided legal assistance and support services to more than 1,000 women. They have worked in cooperation with the OSCE to improve the system for training police in Albania and with IOM in the development of a business enterprise that provides jobs to victims of traffickers. WAC has been active in providing protection to victims and organizing a Balkans regional conference focusing on trafficking as a social, legal, and administrative problem. They have recently obtained funding from Soros to develop an awareness campaign on the new Family Code.

The Hearth Center in Vlora is an NGO working in the field of anti-trafficking. Their work has three focus areas including a shelter for victims of trafficking, public awareness campaigns aimed at the prevention of trafficking, and rehabilitation and reintegration services for victims. Through their cooperation with CAO they provide legal consultations for victims who choose to file charges with the police. They have conducted roundtables with police, prosecutors, judges, and the media in order to find solutions and methods of collaboration. They have worked in cooperation with MSI and UNICEF in their anti-trafficking program. SIDA and Council of Europe will provide future funding for the continuation of these programs.

The Legal Clinic for Minors provides legal assistance to minors in both civil and criminal matters as well as psychological and social services, and monitoring of detention facilities where minors are housed. One of their primary areas of focus has been on the new birth registration law that requires all births be registered and imposes a fine for failure to do so. They have branch offices in Kruja and Shkodra and three attorneys, two psychologists, and two social workers at the Tirana center. Members of the organization participated as experts in the working group that drafted the new Family Code.

SECTION III

Assessment Findings and Recommendations

After a careful review of all the information obtained in the assessment and analysis process, the WLR team makes the following findings and recommendations for assistance related to legislative framework, judicial enforcement, civil society advocacy, and public awareness.

A. Legislative Framework

A1. Findings

The equal rights of all citizens are guaranteed by the Albanian constitution. In addition, a number of international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, have been ratified and consequently have equal legal status as national law. However, implementation of those laws is severely lacking. Moreover, there are gaps in the legal framework which include the lack of a domestic violence law and the failure to comply with international standards and norms. A witness protection law has been drafted and is currently being reviewed by experts from ICITAP and OPDAT. Another significant development was the adoption of a new Family Code that will become effective at the beginning of next year.

Government agency support is crucial for making progress in the area of women's legal rights. As Albanian government agencies set policy and enforce and implement laws, their cooperation is vital to the improvement of conditions for women in the country. To date the number of women in key positions, particularly in Parliament, remains quite low. A committee on equal opportunities has been developed within the Ministry of Labor and Social Policy, but according to most accounts has not made significant progress. Given the low level of women in key positions in the government, past commitments toward improving the status of women appears to have been minimal. However, officials interviewed indicated their awareness of the issues facing women, and a willingness to work on improving the legal rights of women.

A2. Recommendations

We recommend cooperation with government and NGOs to provide technical assistance for the drafting of domestic violence legislation. We also propose to provide training for legal professionals regarding the new Family Code in an effort to ensure its effective implementation.

B. Judicial Enforcement

B1. Findings

Corruption and improper professional behavior in the judiciary remain a serious problem. Judges, lawyers, and administrative staff are not sufficiently trained, particularly in the implementation of international treaties and protocols. According to the EU Stabilization and Association Report for Albania in 2003, five judges were dismissed from duty and two were

reprimanded during 2002. During the same period 12 prosecutors were dismissed and disciplinary measures taken against another 23. The lack of successful prosecution of serious crimes is of concern. In 2002, 176 cases against traffickers were dismissed due to insufficient evidence or procedural errors. Convictions typically resulted in only the minimum sentence, showing a lack of willingness on the part of the courts to recognize the seriousness of the crime. Lack of enforcement of judicial decisions is also a serious concern with a high number of non-executed rulings. In addition, judges in remote areas do not always apply national law. A judge in northern Albania recently decided a case involving a woman based on the *Kanuni in Leke Dukagjinit*, a customary legal code that severely limits the rights of women; the decision was reversed on appeal.

Parliament has taken some initiative to improve the functioning of the judicial system including passage of the Law on the Organization and Functioning of the High Council of Justice. This law provides for the inspection of the courts and disciplinary mechanisms. In addition, the Criminal Procedure Code was amended in an attempt to enhance the fight against organized crime and the Statute of Rome on The International Criminal Court was also ratified.

The Magistrate's School has held seminars on a variety of topics including court administration and case management systems in courts, civil and commercial procedures, European Community law, ethics, and trafficking. The quality of legal education remains poor due to the limited capacity of the Faculty of Law at the University of Tirana, which adversely affects the quality of legal professionals and their level of ethics. Judicial training efforts and law student education need to be strengthened in order to raise the level of professionalism in the judiciary and prepare future generations of competent lawyers and justice sector officials.

B2. Recommendations

We recommend cooperation with the Magistrate's School to enhance its capacity to train judges and other legal professionals. Judges need specific training on managing cases involving human trafficking. Judicial ethics would be a key component of such training. In addition to training, we also recommend the development of a "bench book" or manual on trafficking that will provide judges with specific legal and procedural requirements for considering such cases.

We further recommend training for both judges and lawyers on the new Family Code and the development of a "bench book" on family law matters. Additional training to raise gender awareness and sensitize legal professionals to these specific issues should also be a part of the training program.

C. Civil Society Advocacy

C1. Findings

Civil society in Albania is fairly well developed with NGOs working on a variety of issues related to women's legal rights. Although most of the civil society structures exist they need further development in order to efficiently contribute to Albania's political, economic, and social development. Funding of these NGOs is typically provided through the international

donor community. Given the poor economic situation in Albania, it is difficult for NGOs to find local support. There is an NGO network led by the Citizen's Advocacy Organization (CAO). The NGO community utilizes the media, both print and electronic, in order to disseminate their message. The NGO sector provides services such as counseling, shelters, legal assistance; conducts monitoring of human rights issues; and serves the role of advocate. There is one shelter for victims of domestic violence and two for trafficking victims. Support for these shelters comes mainly through international donors.

C2. Recommendations

As a number of other activities and groups support the NGO sector, we recommend limited direct assistance. We can complement ongoing or pending advocacy campaigns by providing technical legal expertise. This will be particularly important regarding future campaigns regarding trafficking and the newly adopted Family Code. We can also support research efforts by the NGO sector to determine the level of violence within the country.

The WLR team can further provide technical assistance, such as legal materials or qualified trainers, to NGOs who are conducting training on gender issues. We can also provide technical expertise regarding domestic violence to NGOs or government agency working groups in the form of sample laws and experts to review drafts.

D. Public Awareness

D1. Findings

Women have a low level of awareness of their rights, particularly outside of Tirana and often accept violations of their rights as a normal way of life. The Albanian phrase, "if he beats me, he loves me," was quoted several times. At least one NGO survey reported that 64 percent of the 1,000 women questioned had been a victim of domestic violence. Incidents of violence appear to be on the increase and reporting of violence has also become more common. This issue is considered very much a family matter, and therefore reporting has generally been very low.

Another issue that reveals the lack of awareness by women is the high incidence of trafficking in the country. However, extensive anti-trafficking campaigns are now underway to increase that awareness. Given the recent reduction in the number of persons being trafficked, these campaigns appear to be having a positive effect.

Women in rural areas are particularly affected by a lack of awareness. Cultural norms and legal traditions, such as the *Kanun i Leke Dukagjinit*, relegate women to second class citizens and prevent them from knowing or pursuing their rights. With the adoption of the new Family Code, many changes regarding the rights of women and children will be introduced. If women are not made aware of their rights, they risk losing ownership of property and suffering economic damage to their already diminished capacity.

D2. Recommendations

As the local NGO community has already undertaken this activity, we recommend limited WLR project participation in public awareness campaigns. The NGO community appears competent to handle public awareness activities through a variety of print and electronic media. We propose to provide technical expertise to NGO awareness campaigns by providing legal information for a possible “know your rights” campaign.

SECTION IV

Implementation Approach and “Next Steps”

A. Implementation Strategy

The issue of trafficking in persons in Albania has a wide-reaching negative effect. Not only are the lives of victims adversely affected, but social, legal and economic institutions are greatly challenged and diminished by this phenomenon. A number of factors converge to create an environment where trafficking continues to flourish. The lack of legal systems to effectively deal with the problem, particularly the lack of implementation of laws, is a key factor. Poor economic conditions, violence against women, and the disintegration of families provide the “push” factor that leads women to become victims of trafficking. In order to combat this problem we recommend the following three areas of focus for WLR in Albania: anti-trafficking, domestic violence, and family law.

A1. Anti-Trafficking Initiatives

The first recommended area of focus involves the judiciary’s ability to handle trafficking cases that come before the court. Our assessment revealed a serious lack of expertise on behalf of the judiciary in this particular field of law. While the ICITAP and OPDAT programs are training prosecutors and police, specific activities geared to judges are being left out of the equation. We propose to work in cooperation with the Magistrate’s School to provide training for judges and court personnel on how to better manage trafficking cases. As these cases do not regularly come before all courts we recommend developing a “bench book” to serve as a reference tool for judges. This bench book would be a practice manual providing judges with relevant national and international law, commentaries, step-by-step procedures, and information on resources such as shelters, witness protection programs, and other forms of assistance. This would provide a valuable tool to judges who could easily refer to the manual as they proceed through cases.

To complement this activity we recommend coordinating activities with OPDAT and ICITAP training programs. We also propose cooperating with both OPDAT and ICITAP on the new witness protection law by providing additional comments and suggestions on the draft. Upon passage of the law, we will incorporate it into training for judges as well as making it a part of the bench book.

Expected Results. Training of judges and the development of a bench book on trafficking cases will lead to the proper enforcement of legislation that protects women’s legal rights by increasing judicial knowledge and the ability of judges to effectively handle these cases (IR 2). This training in coordination with OPDAT and ICITAP activities will lead to the increased enforcement of laws and practices that conform to international human rights treaties and standards regarding trafficking of persons (IR 2).

A2. Domestic Violence Initiatives

The second recommended area of focus is the issue of domestic violence. Domestic violence is often the impetus for women to become involved in trafficking. Abused women often try to escape their abuser only to become a victim of trafficking in the process. Unfortunately, the violence continues as traffickers use violence and threats of violence against family members to retain control over trafficked women. The true extent of the domestic violence problem is not known due to a lack of research and any system of sex-disaggregated statistics. However, experts we consulted noted that it was a very substantial problem and one of the most serious ones currently facing women in Albania. We propose to partner with local NGOs and the Faculty of Law at the University of Tirana to conduct research that would provide a statistical basis of the problem, as well as a survey of the attitudes among the public and the resources and responses available.

While the development of a draft law on domestic violence is a long-term goal for which we can provide technical assistance, it is more important to train legal professionals to use the current law to protect women. This will achieve real short-term results that ensure that women have an effective, appropriate, and reliable means of protection. Legal professionals should be trained to utilize current national law as well as international law, including CEDAW and other human rights treaties and laws, as tools to protect women. At the same time, we can support the NGO community and government in drafting new domestic violence laws by providing technical expertise, roundtables, sample domestic violence codes from other European and Western countries, and awareness training.

Expected results. Technical assistance to local organizations for the development of an effective domestic violence law will increase the promotion of gender sensitive and equitable legislation (IR 1). Providing additional technical expertise that will educate the public and government on this topic will lead to increased community cooperation with justice sector institutions, law enforcement, administrative agencies, and legislative bodies (IR 4). Teaching legal professionals to utilize current laws in the protection of women against violence will improve the ability of CSOs/NGOs to provide legal services to women (IR 3), as well as ensure the proper enforcement of legislation that protects women's rights (IR 2).

A3. Family Code Initiatives

The third area of focus is the newly adopted Family Code. The timing of our project provides us with a unique opportunity to become involved with the implementation of this important piece of new legislation. The new code contains significant changes regarding the ownership of property. Under the new law, parties must decide at the time of marriage who will hold title of the property. This system could be ripe for manipulation and may result in women's rights being severely diminished. It is imperative that the public be aware of their new rights and obligations under the family code. It is also essential that judges and lawyers be properly trained in order to effectively implement the code and ensure that those rights are protected. Proper utilization of this law can lead to empowerment of women and improve their economic and social status thereby decreasing the likelihood that they might fall prey to traffickers.

We recommend cooperation with the Magistrate’s School to provide training for judges and lawyers. Additionally, as a part of this training, a bench book on family law practice will be developed and made available to all judges. This bench book, a practice manual available to all judges handling family law cases, will include checklists, step-by-step procedural requirements, relevant law with commentaries, and related resources.

As NGOs and international organizations undertake public awareness campaigns regarding the new Family Code, we can provide technical assistance regarding legal rights. Examples of such activities would include “know your rights” brochures that would provide information about the legal rights of women.

Expected results. Training for judges and legal professional regarding the provisions of the new family code will ensure proper enforcement of legislation that protects women’s legal rights (IR 2), as well as improve the ability of CSOs/NGOs to provide legal services to women (IR3). The preparation of a bench book for judges will develop the capacity of judges and lead to increased enforcement of laws and practices that conform to international standards (IR2). Providing technical assistance to the CSOs/NGOs regarding the legal rights of women pursuant to the family code will increase public awareness of rights (IR 4) and improve the ability of CSOs/NGOs to promote and facilitate administrative and legal changes (IR 3).

B. Development of Country Action Plan

After comment and review of the assessment and analysis report by EGAT/WID and USAID/Albania, an action plan will be developed based on the activities selected for implementation. The action plan will detail the specific activities, the methods for completing those activities, and time frame for completion. These activities will reinforce USAID/Albania’s relevant strategic objectives and coordinate with other Mission activities.

C. Next Steps

Following the initial visits to Albania, collaborative design of action plans, and USAID/Albania and EGAT/WID approval of the action plan, the WLR team will begin implementation of the project. Implementation will take place within two years and will be guided by USAID/Albania and EGAT/WID strategic objectives. In all cases, the WLR team will ensure maximum collaboration and coordination with USAID programs and partners.

The project will be implemented through local Albanian staff, who will coordinate activities and serve as WLR project representatives. The local staff will be supported by short-term experts and act under the supervision of the WLR Project Director while implementing the action plan.

Our core home office team members will travel to Albania regularly to provide supervision and technical assistance as required. In addition, they will be in regular communication—by email, phone and fax—from with the field. The core team may identify technical experts on a specific topic to provide short-term field assistance and/or training for staff or implementation partners.

ANNEX A: LIST OF MEETINGS HELD

- 7/1/03 USAID/Albania - Eric Richardson (D & G Office) and other team members (Pamela Wyville-Staples, Suzana Cullufi, Arian Giantris)**
Sheraton Hotel, Sheshi Italia, Tirana; Tel: 355 4 266395, ext. 1151; Fax 355 266394; e-mail: erichardson@usaid.gov
- 7/2/03 Albanian Rehabilitation Center for Trauma and Torture – Adrian Kati-director**
Rr Kont Rurani, 11, Tirana; Tel: 355 4 256 522; Fax 235488, e-mail arct@albmail.com;
- 7/2/03 ABA/CEELI – Mark Lasser**
Str. Ismail Qemali, No. 30, Tirana, Tel: 355 4 234624 and 233197; fax 355 4 234940; cell 355 (0) 682023618, e-mail mlasser@ceeli.icc-al.org
- 7/2/03 ICITAP – Bruce Hintz**
Rr. Elbasanit, No. 103, Tirana; Tel: 355 437-6115, ext. 2411; Mobile 355-68-202-5557; e-mail: hintz.b@icitap-albania.org
- 7/2/03 Ylli Pango – Dean of School of Social Sciences, University of Tirana**
Rr. Ali Visha, No 60/1, Tirana; Tel: 355 4 230369; Mobile 068 20 39239; e-mail ypango@xs4all.soros.al
- 7/2/03 Citizens Advocacy Office (CAO) – Kreshnik Spahiau (and Marina)**
Blv. Zhan D'ark, Kulla eL-re blu, 3rd Floor, Tirana; Tel: 355 4 267 457/ 253 999; Fax.: 355 4 267 457; e-mail; leginet@albaniaonline.net
- 7/3/03 Hearth Center in Vlora**
- 7/3/03 International Anti-Trafficking Center in Vlora – Matthew Jones, ICITAP**
Rr. Elbasanit No. 103, American Embassy, Tirana; Cell: 355-68-205-4646; Fax 355-4-375165; e-mail: jones.m@icitap-albania.org
- 7/4/04 Magistrate's School**
Rr. Elbasanit, Faculty of Geology and Mining, Tirana; Tel: 355 4 364943; Fax: 355 4 364940
- 7/7/03 General Prosecutor – Theodhori Sollaku**
Rr. Qemal Stafa, Tirana; Tel: 355 4 234850, Fax: 355 4 229085; e-mail: thsollaku@abissnet.com
- 7/8/04 Minister of Justice- Spiro Peci**
Tel: 25-93-95; Fax: 23-45-60
- 7/8/03 Dean of Law School – Dr. Kudret Cela**
Tirana; Tel: 355 42 22537; Fax 355 42 22537
- 7/8/03 OPDAT - Tony Catalona**
US Embassy, Rr. Elbasanit 103, Tirana; Tel: 355 4 237285 ext. 1720; fax 355 4 232222; e-mail: catalanoa@state.gov
- 7/9/03 Chief Justice of Supreme Court – Thimjo Kondi and the Chancellor of the Court (Court Administrator) – Violanda Theodhori**
Deshmoret 4 Shukrtit, Tirana; Tel: 22-83-27; Fax 22-88-37; Chancellor tel: 355 4 25 73 02; Fax 355 4 22 99 03; e-mail: theodor@albmail.com

7/10/03 Magistrate School – Araiana Fullani, Director

Rr. Elbansanit, Faculty of Geology and Mining, Tirana; Tel: 355 4 364943; Fax: 355 4 364940; e-mail: ariana_fullani@xs4all.soros.al

7/10/03 Women’s Advocacy Center (WAC) – Vjollca Mecaj, Executive Director

Rr. Sami Frasheri, P. 20, Shk. 2/19, Tirana; Tel: 355 4 260605/241914; e-mail: avokatore@albmail.com

7/11/03 Legal Clinic For Minors – Holta Kotherja, Executive Director

Blv. Gjergj Fishta, Kulla 5, Tirana; Tel/Fax: 355 4 269307; Mobile: 355 (0) 69 20 46461; e-mail: legalclinic@albaniaonline.net

7/11/02 Chief Judge Adriana Bera of the Kruja District Court

Kruja, Albania

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