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ALBANIA TRIP REPORT

WOMEN'S LEGAL RIGHTS INITIATIVE UNDER THE WOMEN IN DEVELOPMENT IQC

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Anti-Trafficking in Persons Roundtable, October 10, 2005

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SECTION I

Travel Dates, Destination(s) and Purpose

From September 26 – October 12, 2005, Mary Theisen, Deputy Chief of Party (DCOP), and Haven Ley, WLR Manager, were in Tirana, Albania, conducting WLR-related activities with the local Legal Advisor, Emira Shkurti, and the local Administrative Assistant, Ms. Manjola Orgocka.

The primary purpose of this trip was to participate in and assist with the implementation of two WLR-sponsored roundtables. The first roundtable consisted of technical experts gathering to review and refine WLR's draft assessment of Albania's compliance with the United Nations Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). The second roundtable was dedicated to improving implementation of Albania's anti-trafficking laws.

In addition to these activities, home office and field office staff met with USAID/Albania to discuss progress in WLR programs and results achieved to date. The WLR team also met various partners and stakeholders to solicit feedback on both past programs and to plan future activities. WLR staff also planned in more detail implementation of Year Four activities. Ms. Ley reviewed field office administrative and financial procedures and monitored compliance with Chemonics' and USAID's requirements for field office management.

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SECTION II

Trip Results

A. CEDAW Assessment Report Roundtable

On September 30, 2005, WLR sponsored the roundtable, “Review of CEDAW Assessment Report” in which WLR unveiled its draft assessment of Albanian compliance with its international commitments under the UN CEDAW convention. The draft report consists of two parts: the *de jure* section which summarizes the extent to which Albanian laws comply with CEDAW, and the *de facto* section which describes discrimination against Albanian women in their daily lives.

WLR sponsored the development of this report, which required much time and effort on the part of many people. For drafting the *de jure* section, WLR had contracted with two Albanian legal experts, Ms. Tefta Zaka, former Constitutional Court Judge and legal advisor to the European Commission in Albania and Mr. Ledi Bianku, Professor of International Law at the Magistrates School in Tirana. Drafting this section of the report was relatively easy compared to drafting the *de facto* portion which was a more involved process.

To collect data for the *de facto* portion, WLR recruited four prominent Tirana-based NGOs -- the Gender Alliance for Development, *Reflexione*, the Women’s Advocacy Center, and the Albanian Centre for Population and Development. --each of which lent the support of one of its staff members to conduct interviews and focus group discussions in Tirana and the regions (Pogradec, Shkodra, Elbasan, Vlora, Kuçova). A sixth interviewer, Ms. Brunhilda Dervishaj, is an attorney with the Government of Albania’s (GOA) Committee on Equal Opportunities (CEO), which was recently re-named the Gender Equality Committee (GEC).

The data was recorded in tapes and transcripts, and given to WLR’s Legal Advisor, Ms. Emira Shkurti and to Ms. Aida Orgocka, a qualified local consultant. Ms. Orgocka (not related to WLR’s Administrative Assistant), earned a Ph. D. from the University of Illinois at Urbana-Champaign in Human Development and Family Studies in 2003 and lectures at the New York University in Tirana. Both analyzed and synthesized the data, and shaped it into the narrative of the first draft CEDAW report.

WLR then contracted with three experts to review and comment on this first draft. Ms. Jasminka Friscic, Executive Director of ESE, a Macedonian women’s rights NGO and currently spearheading the CEDAW assessment in Macedonia, reviewed the report. Ms. Friscic had assisted WLR in February in training the team of six interviewers (see Trip Report of January-February, 2005, for description of this training program). The second was Ms. Lavdie Ruci, former director of the CEO who had presented Albania’s first official CEDAW report to the UN in January, 2003, and who was recently an official in the GOA’s Ministry of Culture. The third expert consulted was Ms. Monika Asllani, founder and head of *Reflexione*. Ms. Gerry Bjallerstadt, an American short-term consultant in the WLR home office also lent her time to

comment and review the draft. Armed with this valuable input, Ms. Shkurti and Ms. Orgocka developed a second draft, which was presented to the wider audience of the CEDAW roundtable on September 30th. The agenda of the roundtable and list of participants are found in Annexes A and B.

CEDAW consists of 16 articles, each addressing a different aspect of women's lives. The facilitators of the roundtable, Ms. Shkurti and Ms. Orgocka, led the participants in an article-by-article analysis of the draft report, soliciting any and all comments on the veracity, correctness and accuracy of the assertions being made. The exercise went smoothly, with participants freely offering their comments and advice to many of the articles covered. The participants were particularly animated about articles concerning "private life", political representation and property/asset divisions. We expect that the draft report will be greatly enhanced by the contributions made by the participants on these and other items. Ms. Haven Ley, WLR Associate and lead on WLR Albania, recorded participants' comments and suggestions, all of which will be reviewed carefully by Ms. Shkurti and Ms. Orgocka and incorporated into the document.

The exception was first half of the morning session where three members of the Women's Millennium Network including its chair, Ms. Jeta Katro, dominated the session by speaking animatedly and at length about perceived flaws in the report even though they admitted to not having read it. It was clear that these individuals were openly hostile to the majority of other participants present and were generally distrusted by the group. During the coffee break, Ms. Theisen discussed with Ms. Katro the need to keep this roundtable a format for all to contribute. Fortunately, the group cooperated for the rest of the morning session, leading to a productive and lively conversation with all participants contributing to the draft and providing insightful comments about the reports. Ms. Katro and her colleagues were not present in the afternoon session.

The participants also provided insight into the report's utility upon its completion. Many of the participants seemed excited about the possibility of using the report to enhance gender based programming within the international community. Since the report illuminated many gaps in programming by the international community it was viewed as excellent fodder for new targeted strategies for donor coordination. Others suggested that the report could be used as resource guide/manual for all NGO's and international groups working with gender issues. In addition, it was suggested that the report could help NGOs in their drafting of shadow reports and to influence the government regarding women's issues throughout the country.

B. CEDAW Roundtable Evaluation and Follow-up Activities

Working with Ms. Theisen and Ms. Shkurti, Ms. Ley designed an evaluation for the CEDAW Roundtable. This evaluation was, in part, to better inform the team regarding the utility of this "type" of working group. The form was also designed to measure the perceived utility of the CEDAW report by NGOs, especially those who will use it in the future. The English version of the evaluation was translated into Albanian by Ms. Orgocka.

The results of the evaluation were extremely positive. Participants noted that presentations of the *de jure* and *de facto* portions were done professionally and thoroughly. As indicated above,

many participants were initially put off by the confrontational and verbose comments by a very few of the participants at the start of the workshop. All noted, however, that as soon as these individuals left, that the workshop became far more productive and, as one participant felt, “provided LOTS of useful and practical information”. Many of participants felt included in the process of drafting the report, by virtue of the roundtable, and this generally trickled down into positive feelings about the report’s utility.

At the close of the roundtable, WLR invited participants to submit additional written comments on the draft report by the end of October. As of this writing, the Organization for Security and Cooperation in Europe (OSCE) had already done so. More research will be needed to improve parts of the draft, and a few topics need to be added. This additional work is critical as the long-term impact of the CEDAW Assessment Report will depend ultimately on the quality and accuracy of its contents. In addition, WLR will need to both edit the final English version, then ensure its accurate translation into Albanian. This follow-up process may take an additional two months.

Once a final CEDAW Assessment Report is produced, in both Albanian and English, WLR will unveil it publicly and widely distribute it with the assistance of domestic and international organizations. Participants at the roundtable strongly recommended wide distribution of the draft, particularly to Members of Parliament. The organizations that have offered to distribute the report include UNDP, which has an active gender mainstreaming project for the GOA; the OSCE, which plans to distribute it through its ongoing gender-related activities, and the Swedish NGO, *Kvinna till Kvinna* (KTK), which works closely with rural women NGOs (see notes of meeting with KTK, below).

“I want to congratulate the authors and WLR on this important and practical report. I think this will be incredibly useful for local NGO’s and the international community. I think it is an excellent document.”

Constitutional Court Judge and Founder of the Women’s Advocacy Center, Vllojca Mecaj.

Mr. Bruce Kay, Democracy and Governance Team Leader at USAID/Albania, strongly encouraged WLR to recruit US Ambassador Marcie Ries to present the final report at a public launch. See section IV, below, for more information on WLR’s meeting with USAID/Albania. If this is not feasible, then WLR will request the participation of USAID/Albania Mission Director Harry Birnholz.

As of this writing, Ms. Theisen anticipates unveiling the final CEDAW Assessment Report at a public event and beginning distribution in January 2006.

C. Domestic Violence Legislation Program Activities

Ms. Theisen, Ms. Shkurti, and Ms. Ley met with Marjana Papa (formerly Bello) and Kreshnik Spaihu of the Citizen’s Advocacy Office (CAO) on October 3rd to learn of the status of Albania’s

draft law on domestic violence. Ms. Papa assured the WLR team that the final version of the draft would be available within a week, as she was waiting for comments from the office of the U.N. High Commissioner for Refugees, the last organization from which CAO solicited comments. Indeed, the final draft was delivered to WLR before Ms. Theisen concluded her trip, and, as of this writing, Ms. Shkurti is editing the English version to reflect the most recent changes. It's unknown whether the draft will be changed one more time in light of the UNHCR comments.

Ms. Papa summarized in detail CAO's activities in the last eight months. The draft has gone through extensive series of reviews by various organizations. CAO also has organized four roundtables in Tirana on the draft. CAO informed WLR that by the end of October it will have launched the campaign to collect the 20,000 signatures needed for introduction of the bill to Parliament as a citizens' bill with a public event headed by the Chairperson of the Parliament. CAO anticipates the bill's actual introduction to Parliament on November 25, the International Day Against Violence Against Women, and passage by December or January, depending on the political atmosphere at the time. WLR was reassured repeatedly that there is strong support for the bill and that it will be enacted shortly after its introduction to Parliament.

WLR clarified CAO's and WLR's respective interests in activities to implement the bill and conduct the needed trainings. Ms. Theisen summarized WLR's plans to conduct domestic violence trainings in the next year. CAO shared that it will be submitting a detailed project proposal to the donor community in the coming weeks that includes a training element. For various reasons, WLR does not anticipate entering into another contract with CAO for any activities related to implementation of the domestic violence draft law. However, WLR and CAO will coordinate their activities should CAO become the lead implementing NGO for the domestic violence legislation. See section IV, below, for more details of WLR's meeting with CAO.

D. Anti-Trafficking Roundtable

On October 10, 2005, WLR and the Albanian Magistrates School co-hosted a roundtable to discuss issues related to the investigation and prosecution of trafficking in persons (TIPs) cases, and to solicit comment on the draft Anti-Trafficking Bench Book. While the emphasis was on witness protection and methods of collecting evidence abroad through international "letters rogatory", discussions also focused on other issues as well. Both a copy of the agenda and the invitation list is attached in Annexes A and B, respectively.

Ms. Ley worked with Ms. Orgocka to ensure that all the final logistical and administrative matters were finalized for the anti-trafficking roundtable on Monday, October 10th. These tasks entailed: visiting the Grand Hotel where the event would take place, working with the hotel management to ensure that chairs, tables, overhead projectors and computers were arranged as per our specifications. The administrative team also readied all the background reading material, designed and sent invitations, copied case studies in Albanian and English for the local and international participants, readied and executed contracts, ensured that Renate Winter had accommodation and support upon her arrival to Tirana on Sunday, October 9th and that all logistics were covered for a successful and hassle-free roundtable.

Regrettably none of the prosecutors attended the roundtable; Ms. Shkurti learned after the roundtable that the person at the Magistrates School who was responsible for sending the invitations simply failed to do so. Please note that WLR cannot and does not send its own invitations since any type of continuing legal education program in Albania needs to be sponsored by the school. To avoid this problem in the future, Ms. Shkurti has been instructed to go to the Magistrates School and personally ensure that WLR-related invitations are indeed sent.

The absence of the prosecutors did not detract from the utility of the roundtable; in fact, the primary audience was always the judges of the Serious Crimes Court, since they both supervise investigations and prosecute these cases. Ten of the twelve judges of this specialized court attended the morning session, and most of them were present for the afternoon session as well.

The three presentations made by the local “trainers” were rather perfunctory and were delivered in the typical non-interactive style of East European jurists and academics. However, Ms. Renate Winter dominated the roundtable, as can be seen from her prominent billing in the agenda, and her presentations were nothing short of excellent. WLR was extremely satisfied with her participation as she was able to succinctly review and explain a broad range of very technical material in a very comprehensible and practical way. Her presentations elicited many group discussions and she addressed fully all questions posed to her.

Ms. Winter drew upon her extensive experience presiding over trafficking in persons cases when she was an international judge at the Mitrovica District Court in Kosovo. She also gained substantial relevant experience and “gravitas” through her affiliation with the UN-sponsored Special Court for Sierra Leone. Ms. Winter took time off from her current responsibilities of working on judicial reform in Macedonia to come to Albania for this training.

Mr. David Lewis, Resident Legal Advisor, U.S. Department of Justice Overseas Prosecutorial Development and Training (OPDAT), briefed participants on the many activities of his project related to anti-trafficking, and alerted all to an upcoming comprehensive assessment of Albania’s witness protection system to be done by the head of the US Marshall’s Service and a high ranking European official equally knowledgeable about witness protection issues. This assessment will be completed in December, 2005, and OPDAT will structure future training and assistance activities around its findings.

Ms. Ley developed the evaluation for this event, which was an adaptation of the evaluation used for the April 2004 WLR anti-trafficking training. The responses from the previous evaluations largely informed the content of this roundtable in that judges had requested further training on specific issues related to transnational evidence, letters rogatory and witness protection provisions. Ms. Ley, working with Ms. Theisen and Ms. Shkurti, expounded upon the previous form by asking participants to comment on the caliber of facilitation, the utility of the Anti-Trafficking Bench Book which was presented at the Roundtable, and to identify in more detail which topics the judges would like to see covered in future WLR trainings.

The majority of participants were overwhelmingly positive with many commenting on the practicality of the bench book and the superb quality of the facilitation. Every respondent also

suggested further topics for training, information that will be essential for our Anti-Trafficking training in 2006, specifically, asset seizure, more information on witness protection and international cooperation between courts.

Mr. Rapiki also had occasion to present his draft bench book. No one at the roundtable suggested making any changes, and Ms. Winter applauded the effort, commenting that the presentation of the material was clear and useful. She suggested the addition of the European Convention on Mutual Assistance in Criminal Matters, of which Albania is a signatory, which will be added once an “unofficial” translation is obtained. Ms. Theisen requested all participants of the roundtable to provide any comments or suggestions to Ms. Shkurti should any occur to them after the roundtable.

It is anticipated that the Anti-Trafficking Bench Book will be completed in mid-December 2005, after WLR has had a chance to add more material and both the Albanian and English versions are carefully edited.

E. Office Operations

Ms. Ley worked with Ms. Orgocka on reviewing and updating all of the field office files. Prior to Ms. Ley coming to Tirana, both had reviewed their respective systems to note any gaps in documentation. Ms. Orgocka noted several items that were missing, namely timesheet and various approvals. Ms. Ley ensured that these items were located in the home office, copied and brought to Tirana to complete the field offices’ filing systems.

The field office file audit was especially important (and timely) considering that the office had recently moved locales and the entire filing system was reshuffled in the mix. (The move was required since the previous office was in a building undergoing long-term re-construction after water damaged had occurred. The noise and disruption occasioned by the construction seriously disrupted the WLR Albania staff’s work atmosphere.) Even in the wake of the move, , the systems kept by the WLR Albania field office are without exception, impeccable. Ms. Orgocka, previously employed as a historical archivist, has ensured that every item documenting every expenditure and allocation is saved, copied and filed into comprehensive filing systems on a month to month basis. This system ensures that locals, including bank statements, exchange rates and all invoices and receipts, are thoroughly reviewed and backed up by the appropriate documentation. The home office rarely finds fault with the Albania “locals” with the small exception of the occasional translation issue with expenditure memos. Both Ms. Ley and Ms. Orgocka reviewed previous locals, particularly ones with memo queries and discussed best practices to ensure that memo writing is concise and clear in the future.

In addition to the financial systems, Ms. Ley and Ms. Orgocka reviewed the personnel files of all long term and short term technical and support staff. Again, Ms. Orgocka has maintained meticulous files of these individuals. Ms. Ley noted that in each individual file of technical staff, Ms. Orgocka has an original CV, a Chemonics formatted CV, a completed and signed biodata form, a SOW, a letter of technical approval from USAID as well as a copy of all employment agreements (and fixed price subcontracts when applicable) signed by the home office and the consultant. For all individuals hired on services agreements, editors, translators, drivers etc, Ms.

Orgocka again, maintains excellent records of individual credentials, including CVs and recommendations, as well as the signed original services agreement.

The administrative team also reviewed all the contracts with local partners. While these files are generally fine, the team discussed the need to better document negotiations of budgets and deliverables using the type of “neg memo” required by the Chemonics home office. Ms. Ley and Ms. Orgocka will work in the future to ensure that all negotiations are documented and filed in both the home and field offices.

The team also discussed the deliverable payment schedule for year four. It was suggested and agreed that Ms. Ley, upon her return to Washington, would develop a tracker for the payment schedules of our fixed price subcontracts and employment agreements and keep this document in tandem with the field office. This tracker will ensure that the entire team is aware of upcoming deliverables, the budget for each individual activity. The “deliverable tracker” can also monitor the timeliness of submissions by individual contractor.

Ms. Ley and Ms Orgocka also had several discussions about the use of USAID branding on WLR project deliverables, reports and in events. It was agreed that in no case, except for employment agreement for ex-patriate consultants, would the team utilize Chemonics’ letterhead. It was also agreed (as is current practice) that the USAID logo be present on all event information, including invitations, agendas etc.

F. Re-assessment of WLR Albania’s Indicators

Ms. Theisen had a long discussion with Ms. Shkurti and Ms. Orgocka about the indicators and the field office’s methods of collecting data for them. It was clear that the current system was not working well, as it required much time on the part of staff but the data collected was of limited usefulness. All decided it would be more useful to collect data that would measure the impact of only *WLR*’s activities; to do otherwise would overstate *WLR*’s impact in Albania. For a full explanation of the new approach to collecting this data, please see *WLR Albania*’s 12th quarterly report.

SECTION III

Recommendations and Next Steps

A. Recommendations to Mission

WLR has no recommendations to the USAID Mission in Albania at this time. WLR is encouraged by the suggestion by Bruce Kay of the USAID Mission to Albania to recruit the US Ambassador Marcie Ries to preside over the unveiling of the CEDAW Assessment Report, as this will tremendously increase the report's visibility and ultimately its impact. Mr. Kay recommended that Ms. Shkurti work with the mission's communications officer, Ms. Stephanie Pepi, to plan this event, and that WLR give USAID and the Embassy at least an eight week lead before the event.

B. Next steps

WLR will continue to coordinate activities with local partners, and informing USAID of its progress. WLR in the next year will continue to collect data for its monitoring and evaluation activities, and begin collecting data in line with the more rationalized indicators. In light of information Ms. Theisen gathered during this trip to Albania, WLR will be amending some timelines and activities of 2005-06 Albania Country Action Plan and adding more initial programming in the area of domestic violence.

SECTION IV

Key Contacts and Meetings

Family Law presentation to women and girls in Yrshek, a village near Tirana, September 28, 2005

On the first day in country, Ms. Theisen and Ms. Ley accompanied Ms. Shkurti to one of her occasional presentations on the family code on behalf of WLR. A local women's organization, "Amantia" invited Ms. Shkurti to inform interested women of the village and high school girls on the new Family Code of Albania which entered into force in January, 2004. Ms. Shkurti summarized the new rights and obligations of spouses, the prohibition on family violence, the types of marital property regimes allowed for in the code, and the types of marital contracts one may enter into at marriage. Ms. Shkurti dispelled the notion, prevalent in some communities, that marriage contracts work to limit the marriage to a time certain, after which the couple is no longer married (!). Ms. Shkurti also explained the ways and consequences of terminating these marriage contracts and the legal implications of cohabitation. Thirty people attended, 19 women and 11 high school girls whose teachers had allowed them to take time off from school to attend this presentation.

Gender Working Group Meeting, September 29, 2005

Ms. Theisen, Ms. Shkurti and Ms. Ley attended the monthly Gender Working Group meeting sponsored by UNDP, a discussion and coordination forum routinely attended by representatives of the donor community. The group discussed ways in which the donor community might assist the Government of Albania implement the 2005 Gender Equality Law, specifically, particularly its provisions calling for a new "Gender Equality Committee" (GEC) to replace the Committee of Equal Opportunity which currently continues to function but has no legal basis.

The Gender Equality Law, sponsored by the UNDP, had been poorly drafted to the extent it lacked provisions on the mandate, authorities and funding of the GEC, leaving it a toothless governmental organization. The new government, led by recently elected Prime Minister Berisha, will need to decide at some point what to do with the GEC. The current chair, Ms. Drita Teta, is forming an inter-ministerial committee to develop amendments to the Gender Equality Law to clarify both the role of the GEC and to identify where it will be in the government structure. The OSCE, UNDP and others wish to provide technical assistance to this inter-ministerial group, and plan to develop a working paper for Ms. Teta. These donors have requested Ms. Shkurti to assist them with her technical expertise, and she has agreed as this is in excellent opportunity to dramatically improve and strengthen the government's machinery for addressing gender issues.

At this stage, the options of what to do with the GEC are (1) house it as a committee within an existing ministry such as the Ministry of Labor and Social Affairs (recently re-named the cumbersome "Ministry of Labor and Social Affairs and Gender Equality"; (2) turn it into a stand-alone "Ministry of Equal Opportunities", or (3) leave it as committee but make it

answerable only to the Prime Minister. It is generally understood that the current head of GEC, Ms. Drita Teta (who replaced Nora Malaj in May, 2005) will remain on the job until the new Prime Minister appoints his own person for the job. There is speculation (and trepidation) that Dr. Sali Berisha may choose Ms. Jeta Katro of the Women's Millennium Network, which would be counterproductive as Ms. Katro has been notoriously ineffective and uncooperative with both national and international organizations.

The working group also discussed methods to increase women's participation in politics and elected bodies, particularly at the local level. Only 3 % of local council members in Albania are women. Every election fewer and fewer women are being elected. This was true as well for the July 2005 national parliamentary elections. If there is a silver lining, at least those women who are in the current Albanian Parliament are better qualified than those they replaced. The National Democratic Institute and OSCE continue to tackle this issue.

USAID/Albania. Bruce Kay, Democracy & Governance Team Leader and Elina Koci, Rule of Law Officer, September 29, 2005

Ms. Theisen, Ms. Shkurti and Ms. Ley met with Bruce Kay and Elina Koci to update them on WLR activities and planned future activities. This was Mr. Kay's third meeting with WLR since he joined the Albanian mission in October, 2004. Mr. Kay began the meeting by praising Ms. Shkurti for her excellent work and conveying the message that she is highly regarded by others in the international donor community, and noted recent praises by the OPDAT representative, Mr. David Lewis.

Ms. Shkurti and Ms. Theisen discussed the interconnection between preserving women's rights with promoting the rule of law, and summarized project results to date and specific plans for sustainability. WLR also briefed Mr. Kay and Ms. Koci on WLR's training programs for judges on the new anti-trafficking legislation and the progress of WLR's sponsorship of an anti-trafficking class at the magistrate's school. Mr. Kay was particularly interested in WLR's anti-trafficking activities as he anticipates a greater emphasis on trafficking in the mission's next five year plan, which was under review at the time of WLR's visit.

Sander Simoni, Chief Judge of the Serious Crimes Court, October 3, 2005

Ms. Theisen, Ms. Shkurti and Ms. Ley met Sander Simoni, Chief Judge of the Serious Crimes Court, to review issues to be discussed at the October 10, 2005, anti-trafficking roundtable and to get feedback on the draft Bench book. Judge Simoni, the co-facilitator of the roundtable, expressed his keen interest in the Bench book and looked forward to its presentation at the roundtable. Ms. Theisen also sought information regarding the progress the court has achieved in handling these cases since the new AT laws were passed in 2004 and support for the court by the EU and other organizations within the donor community.

Ingrid Gustafsson, UNDP Gender Advisor, October 3, 2005

Ms. Theisen, and Ms. Shkurti met with Ingrid Gustafsson of UNDP. UNDP continues to implement its Gender Mainstreaming Project in which it provides gender awareness training for

policy analysts and gender budgeting to ministry employees, specifically from the Albanian Ministries of Economics, Health, Education, and Labor. The UNDP also conducts trainings amongst some Albanian regional councils and prefectures. The staff, in turn, are expected to develop recommendations on engendering policies within their respective ministries and councils. The UNDP also continues to provide capacity building and advocacy training for the Committee for Equal Opportunities.

The purpose of the meeting was to discuss Ms. Gustafsson's planned distribution and use of UNDP gender balance and gender mainstreaming booklets, one of which is the "Drafting Gender Aware Legislation." Ms. Shkurti edited the Albanian translation of this booklet. The UNDP has published 1000 copies and plans to begin distribution in November to their partner organizations, and women's NGOs, and to staff of the ministries in connection with their on-going training programs.

Cecilia Stromblad, Field Coordinator, and Hanna Sallstron, Project Coordinator, *Kvinna till Kvinna*, October 5, 2005

KTK gives technical and financial support to nine NGOs throughout Albania – 2 in Tirana, and one each in Shkodra, Pogradec, Elbasan, Durres, Vlora, Saranda and Peshkopia. KTK's strategy is to support a variety of activities undertaken by NGOs in a variety of geographical regions, and they respond only to needs as identified by the NGOs themselves. Currently these include women's lack of freedom of movement and to make decisions affecting the family, voting as they wish, and other issues related to women's empowerment. KTK also facilitates networking amongst the NGOs they assist, and assists with capacity building.

The purpose of the meeting was for WLR to follow-up on prior discussions regarding KTK's proposed assistance in distributing and using the CEDAW Assessment Report. KTK still intends to distribute this report to each of the nine NGOs, and to consult with them on potential uses of the report in these NGOs' ongoing activities. KTK anticipates that some the NGOs would be interested in using it as a tool in advocacy efforts within their municipalities, and those that engage in public education campaigns will add the report and its findings to their campaigns.

Citizen's Advocacy Office (CAO) –Marijana Papa and Kreshnik Spaihu, October 3, 2005

The WLR team met with Ms. Papa and Mr. Spaihu to get an update on CAO's activities related to domestic violence legislation.

To facilitate the drafting and spread public awareness, CAO had arranged a total of four roundtables in Tirana on the draft in the last year. In addition to the one with parliamentarians that Ms. Theisen had attended on her first trip to Tirana in January, 2005 (see prior trip report), CAO held separate roundtables with police and prosecutors, local NGOs and with victim advocacy groups.

At the same time CAO solicited input from a range of Albanian and international organizations. The following organizations provided comments: WLR, the OSCE, UNHCR, USAID Mission to Albania, the IOM, the Dutch Embassy and the Netherlands Embassy (both of which co-funded

CAO's DV initiative), UNICEF and UNDP. The CAO received the last of these comments on the draft while the WLR home office staff was visiting.

As indicated above, in section II, CAO will next unveil the draft at an event in Parliament to be hosted hopefully by Ms. Josafina Topali, the first female Speaker of Parliament. This event will serve as a launch for the collection of the needed 20,000 signatures. Assisting CAO in collecting the 20,000 signatures throughout Albania's five administrative districts are Land O' Lakes, the Netherlands Development Organization (SNV), and the Women's Counseling Center.

The draft domestic violence law would institute two major changes. The first is the creation of emergency, and longer term (i.e., up to 12 months) restraining orders against abuse, called "protection orders". While the procedure for obtaining the protection order from a court is governed by civil procedure, *violation* by the respondent of a protection order is criminalized. Second, the law creates a governmental infrastructure for addressing the prevention and protection of abused women and the coordination of all services.

Arjana Fullani, Director of Magistrates School, October 5, 2005

The WLR staff and Ms. Fullani discussed many issues of mutual interest. First, we discussed how the upcoming CEDAW Assessment was to be integrated in the school's curriculum both for students and for the continuing legal education programs for sitting judges and prosecutors. We tentatively agreed that either Ms. Fullani or Ms. Shkurti would teach the segment on CEDAW in the Gender Awareness class being subsidized by WLR. For the CLE classes, Ms. Fullani either sees teaching a separate class on CEDAW or integrating it into ongoing classes on international instruments.

We discussed the future of the anti-trafficking class. While WLR will fund another series of AT classes in 2006, in the long run, Ms. Fullani agreed that this subject should be dealt with specifically in both the criminal law and criminal procedure classes, and to include it would be easy. WLR will follow up with Ms. Fullani over the coming months to ensure this is done.

Ms. Fullani informed WLR of a large project to train court administrators. Although training court administrators is not technically the function of the Magistrates School, they are availing themselves of a generous project of the World Bank and have entered into an MOU with the Ministry of Justice to implement the training element of a court administration project. There may be future opportunities for court administrators to receive WLR-initiated training on handling domestic violence cases, should this project be launched within the next 18 months.

Most of the meeting, however, was spent discussing the training implications of the new domestic violence law. Ms. Fullani could help WLR reach judges, prosecutors and now court administrators, once WLR develops programming in this area. Before trainings could begin, however, the Albanian judiciary needs to decide how it will handle domestic violence cases. WLR can be of assistance in this area as well, and such assistance would be the first phase of "post-domestic violence law" WLR technical assistance. Ms. Fullani promised to review the final draft, and suggest approaches. It was preliminarily decided that key decision-makers should be exposed to the American, Italian and Irish models of handling these cases.

David Lewis, Resident Legal Advisor, US Dept. of Justice, Overseas Prosecutorial Development and Training (OPDAT); and Bruce Hintz, Program Manager, US Dept. of Justice, International Criminal Investigative Training Assistance Program (ICITAP)– October 4, 2005

Ms. Theisen and Ms. Shkurti met with David Lewis to thank him for his support of and participation in the Anti-trafficking roundtable, to learn of OPDAT's training programs for prosecutors and to explore areas of future cooperation, particularly with respect to upcoming trainings on the domestic violence law. OPDAT's current programming focuses on teaching witness protection to prosecutors around the country and coaxing ministry officials to further implement the witness protection law, improving asset forfeiture, and encouraging specializations amongst prosecutor offices. We discussed the difficulties in ensuring full implementation by the Ministry of Interior (formerly Ministry of Public Order) which has a Directorate on Organized Crime and Witness Protection whose staff need capacity building.

Ms. Theisen, Mr. Lewis Ms. Shkurti, and OPDAT's local attorney, discussed the many challenges of implementing new domestic violence legislation in Albania in what amounted of a free flowing brainstorming session. Ms. Ley weighed in with her concrete work experience as a domestic violence victim advocate in Providence, R.I. The bigger challenges will be ensuring the responsible ministry will draft the sub legal texts necessary to implement the act; that funding for implementation in the current fiscal year is secured; that proper governmental structures are created; and finally that those populating these new structures are adequately trained.

Mr. Hintz brought WLR up to date on ICITAP's extensive efforts at police training, reform of the training curriculum at the Albanian Police Academy, and automation of police departments. At some stage, once a system for implementation of domestic violence laws is agreed upon, domestic violence training in the police academy and creation of domestic violence units within police departments will be critical.

Agenda - CEDAW Roundtable

Round table technical discussion

CEDAW ASSESSMENT REPORT

Rogner Hotel
Tirana, Albania
30 September 2005

- 9.30 – 9.45 Opening - Mary Theisen, Legal Specialist, Women’s Legal Rights Initiative
- 9.45 – 10.00 Introduction of participants and review of the agenda – Emira Shkurti, Legal Advisor, Women’s Legal Rights Initiative
- 10.00 – 10.20 General overview of CEDAW assessment project. The process and goals, methodology and partners – Emira Shkurti
- 10.20 – 10.40 Main findings of the assessment process – Aida Orgocka, co-author of the CEDAW assessment report
- 10.40 – 11.00 Coffee break
- 11.00 – 12.00 Detailed review of articles 1- 6 of the CEDAW. De jure and de facto analysis – Presenting and leading discussions Emira Shkurti, Aida Orgocka
- 12.00 – 13.00 Review of articles 7-10 of the CEDAW – Presenting and leading discussions Emira Shkurti, Aida Orgocka
- 13.00 – 14.30 Lunch
- 14.30 – 15.45 Articles 11 – 14 of the CEDAW - Presenting and leading discussions Emira Shkurti, Aida Orgocka
- 15.45 -16.00 Coffee break
- 16.00 – 16.20 Articles 15 and 16 of the CEDAW- Presenting and leading discussions Emira Shkurti, Aida Orgocka
- 16.20 – 16.40 How to best utilize the CEDAW assessment findings. Suggestions from the participants - Presenting and leading discussions Emira Shkurti, Aida Orgocka

16.40 – 16.55 Evaluations

16.55 – 17.00 Closing remarks – Mary Theisen



This activity is funded by the U.S. Agency for International Development (USAID)

ANNEX B

List of Participants - CEDAW roundtable

Round table technical discussion

Rogner Hotel
Tirana, Albania
30 September 2005

Facilitators

1. Emira Shkurti, WLR Legal Advisor, co-author of CEDAW Assessment Report
2. Aida Orgocka, consultant, co-author of CEDAW Assessment Report
3. Mary Theisen, WLR Legal Specialist

Albanian Participants

4. Elina Koci, USAID/Albania
5. Lavdie Ruci, consultant (formerly of Ministry of Culture and former director of Committee of Equal Opportunity)
6. Valentina Leskaj, Member of Parliament
7. Vjollca Meçaj, Judge, Constitutional Court of Albania
8. Arjana Fullani, Director, Magistrates School
9. Lejla Pernaska, Member of Parliament
10. Elton Lelo, OSCE, Civil Society Development and Gender Unit
11. Gentiana Sulo, UNICEF, Child Protection Officer
12. Monika Asllani, Executive Director, *Reflexione*
13. Brunilda Dervishaj, Counsel, Gender Equality Committee
14. Ermira Lubani, the Netherlands Development Organization (SNV)
15. Jeta Katro, Chairwoman, Women's Millennium Network
16. Etleva Vertop, member, Women's Millennium Network
17. Fatmira Luli, member, Women's Millennium Network

Non-Albanian participants

18. Ingrid Gustafsson, UNDP, Gender Mainstreaming Project
19. Cecilia Stromblad, Field Coordinator, *Kvinna Till Kvinna*
20. Hanna Sallstrom, *Kvinna Till Kvinna*
21. Haven Ley, Chemonics Manager
22. Jennifer____, SNV

ANNEX C

Agenda – Anti-trafficking Roundtable

ANTI-TRAFFICKING AND WITNESS PROTECTION – ISSUES AND SOLUTIONS

A round table discussion between judges, prosecutors and attorneys

AGENDA

Grand Hotel
Tirana, Albania
October 10, 2005

- 9.00 – 9.30 Registration
- 9.30- 9.45 Welcome words – Mary Theisen, Sander Simoni and Arben Rakipi
Welcome to all participants
Recognition of USAID
Brief description of Women’s Legal Rights Initiative
- 9.45 – 10.00 Introduction of Participants – Sander Simoni
Introduction of all participants
Explaining the nature of the seminar/round table
Review of the agenda and logistics
Introduction of contributors Renate Winter, Bashkim Caka, Arben Rakipi and Mujo Haxhij
- 10.00 – 11.00 Anti-trafficking resource manual – Arben Rakipi, Bashkim Caka
Presentation of the manual
General review of chapters and their contents
Problematic areas
Possible use of the manual
Questions, answers and comments from participants
- 11.00 -11.15 Coffee break
- 11.15 - 12.15 Classification of the trafficking crimes
Short review of the elements of offence – Renate Winter
How to tell when a trafficking has occurred?
Distinction from other crimes – Presentation and practical tips —
Renate Winter

Discussion of actual cases from Serious Crimes Court – leading discussion
Sander Simoni

12.15 – 13.00 Witness Protection

Update on international assistance to implement 2004 law on witness protection – David Lewis.

International standards and best practices – Renate Winter

Victims' and witnesses' position in stages of investigation and trial.

Participants sharing their own experience – discussion led by Sander Simoni

Examining jurisprudence – discussion led by Sander Simoni

13.00 – 14.30 Lunch

14.30 – 15.00 Investigation and trial from the victims perspective – Mujo Haxhiaj

Avoiding re-victimization

The status of the victim's attorney in the criminal process

Questions and answers

15.00 – 15.45 European Convention on Mutual Assistance in Criminal Matters

Standards, requirements, procedures – Renate Winter

Discussion of other countries' experience – Renate Winter

Case analysis – discussion led by Sander Simoni

15.45 – 16.00 Coffee break

16.00 – 16.45 Letters rogatory

European/international wisdom – Renate Winter

Albanian obstacles – Sander Simoni

Analysis of court decisions

16.45 – 17.00 Evaluation and Closing remarks – Sander Simoni, Mary Theisen

Completion of evaluation form rating the program, trainers, facilities, and providing feedback of the value of the program and recommendations for future sessions.

This seminar is funded by The U.S. Agency for International Development (USAID)

ANNEX D

List of Participants - Anti-trafficking Roundtable

Facilitator

Sander Simoni, Chief Judge, Serious Crimes Court, Tirana District

International Trainer

Renate M. Winter, Justice, Special Court for Sierra Leone; Team Leader, technical assistance project for Macedonian judiciary

Presenters

David Lewis, Resident Legal Advisor, OPDAT
Arben Rakipi, author, Anti-trafficking Bench Book
Bashkim Caka, author, Anti-trafficking Bench Book

Participants – Judges of Serious Crimes Court

Idriz Malkurti, Gurali Brahimllari, Etleva Deda, Ardit Mustafaj, Liljana Baku, Nertina Kosova, Marsela Balili, Xhelal Elezi, Bardhyl Dhama

Lawyers – Legal Clinic for Minors

Amira Haxhiaj, Agata Nasti, Pellumb Hysa, Bardhyl Lohja, Tonin Marku, Enida Faca

Others

Erisa Vladi, Ministry of Interior, Directorate of Organized Crime and Witness Protection
Aida Hajnaj, Ministry of Interior, Directorate of Organized Crime and Witness Protection
Walter Conrad – ICITAP
Dritan Hallunaj, Judge
Mujo Haxhiaj, attorney
Mark Lasser, researcher, US Embassy/Dept. of State
Bruce Kay, USAID/Albania
Elina Koci, USAID/Albania
Besiana Kadare, USAID/Albania
Mary Theisen, WLR Legal Specialist
Emira Shkurti, WLR Legal Advisor