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ALBANIA: WOMEN'S LEGAL RIGHTS INITIATIVE  
OF THE WOMEN IN DEVELOPMENT IQC  
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## SECTION I

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### Travel Dates, Destination(s) and Purpose

#### A. Travel Dates and Destination(s)

David Vaughn, Chief of Party (COP), and Mary Theisen, Deputy Chief of Party (DCOP), traveled to Tirana, Albania earlier this year to familiarize Ms. Theisen to the Women's Legal Rights Initiative (WLR) program, introduce her to key USAID/Albania staff and WLR partners, to monitor programmatic and administrative issues, and to launch WLR's project to assess Albania's compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Mr. Vaughn and Ms. Theisen arrived in Albania on January 24, 2005. Mr. Vaughn remained until January 28 and Ms. Theisen until February 4, 2005. On his return to Washington, DC, Mr. Vaughn traveled to Rome, Italy from January 29 to February 1, 2005 for meetings with WLR access group member the International Development Law Organization (IDLO) to discuss areas of mutual interest, including possible joint activities related to customary law issues. IDLO staff agreed to support WLR as needed.

#### B. Purpose of Travel

The purpose of this trip was to ensure effective implementation of project activities; to publicly launch WLR's CEDAW assessment project to civil society organizations, NGOs, the government and to the wider public; to train representatives of five local NGOs on methods for conducting the *de facto* assessment of the status of women's rights using CEDAW as a tool, and to plan future activities consistent with the 2004-2005 work plan.

The COP, DCOP and the local legal advisor, Emira Shkurti, met with cooperating partners and interested parties to discuss WLR programs, to assess commonalities of interests and identify areas of cooperation. The WLR team also met with USAID to ensure that implementation of the project was progressing as planned.

In addition, the DCOP and the legal advisor, with the assistance of a Macedonian expert on CEDAW, conducted a two day training program for five social workers and one government attorney, on the substantive aspects of CEDAW and methods of conducting a comprehensive assessment of Albania's compliance with its CEDAW commitments. The group also developed a questionnaire to use during interviews, identified who to interview nation-wide and divided responsibilities.

## SECTION II

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### Trip Results

#### A. Office Operations

Mr. Vaughn and Ms. Theisen met with the WLR local team to discuss the status of program implementation, to finalize plans and logistics for the CEDAW training program, and to organize meetings with partners. The team discussed the action plan for the upcoming year and identified deadlines for various projects and activities in the next six months. The field office confirmed that the current WLR communication system, i.e., daily e-mails and weekly teleconferences, continues to work efficiently.

#### B. Launch of CEDAW Assessment

On January 27, 2005, WLR launched the CEDAW assessment project with a press conference at the Tirana International Hotel. Mr. Vaughn presided, gave opening remarks and introduced the USAID/Albania Mission Director Harry Birnholz who in turn gave a brief address to the audience. In attendance were representatives of a wide range of women's rights organizations and shelters for battered women, public prosecutors, representatives of the Magistrates' School, the ministries of education, labor and social affairs and of culture, the Committee for Equal Opportunities, the OSCE, UNICEF, UNDP as well as various USAID staff. Ms. Theisen summarized the substantive provisions of CEDAW in a brief power point presentation.

After the press conference, WLR hosted a reception where the WLR team was available to meet with interested parties and answer more specific questions about the CEDAW project. Mr. Vaughn and Ms. Shkurti were interviewed and filmed by a national TV station, which later aired a clip about the launch.

#### C. Training for CEDAW Assessment

On February 2-3, WLR, in cooperation with Jasminka Friscic, deputy director of a Macedonia women's rights organization, conducted a comprehensive training of six individuals who will be collecting the data for the CEDAW *de facto* assessment. The agenda for the training can be found at Annex A, attached. Five of the assessors are members of local NGOs; the sixth is an attorney with the governmental Committee on Equal Opportunities (CEO). Since the *de facto* assessment is designed to solicit women's real experiences with the legal system, it was determined that most of the assessors should be social workers, not attorneys. In any event, the participation of the attorney from the CEO was very welcome for strategic reasons.

Ms. Shkurti briefed the assessors on Albania's *de jure* compliance with CEDAW, i.e., the extent to which the laws reflect the minimum standards as embodied in the CEDAW test. Ms. Shkurti relied heavily on the *de jure* report prepared for WLR by two law professors at the local law faculty. (This *de jure* report will form part of the final CEDAW assessment report.) Ms. Theisen described each of the substantive provisions of CEDAW, and what full compliance would mean for the everyday lives of Albanian women. Lastly, Ms. Friscic provided a

comparative perspective on conducting CEDAW assessments by sharing her experience directing the CEDAW assessment in Macedonia which is slated for completion this spring. Ms. Friscic's practical experience was invaluable to this training program.

After the training portion of the session, the assessors and trainers together developed questions to solicit relevant information to compile the *de facto* assessment. Ms. Friscic's insights, suggestions and comments for the group were highly beneficial and instrumental in forming effective questions. The group also decided to conduct focus groups in Tirana, Pogradec, Durres, Shkodra, Elbasan, Vlora, Kuçova.

The participation of the individual assessors was secured through commitment by their respective organizations' leadership to the greater purpose of this assessment, i.e., to promotion and protection of women's rights in Albania. The NGOs represented are the Gender Alliance for Development, Reflexione Association, the Women's Advocacy Center, the Shelter for Battered Women and Girls, and the Albanian Centre for Population and Development. In addition, on the eve of the *de facto* training program, the government's Committee on Equal Opportunity lent the help of their counsel, Ms. Brunilda Dervishaj, to the assessment team. Participation by the CEO in the assessment is particularly important for governmental acceptance of the findings. Annex B, attached, lists the individual assessors and their organizations.

## **SECTION III**

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### Next Steps and Recommendations

#### **A. Next Steps**

The local team continues to implement the WLR Albania Country Action Plan, focusing on coordinating planned activities with local partners, hiring local consultants and supervising their work and deliverables, and securing proper and efficient logistics of training activities that take place in and outside of Tirana. The transition in project management from Ms. Cannady, who left the project recently to serve as Chief of Party of the anti-trafficking initiative, and Ms. Theisen, has gone smoothly. During this process, WLR activities in Albania continued without interruption.

#### **B. Recommendations to Mission**

The USAID Mission in Albania continues to be positive and supportive of the WLR activities. A meeting was held with USAID Democracy and Governance Officer, Bruce Kay, and Elina Koci, Rule of Law officer to update the mission on our progress and to introduce Mr. Kay and Ms. Koci to Ms. Theisen. WLR Albania will continue to cooperate closely with the mission and to keep them informed of all upcoming events and the implementation of our action plan. At this time WLR has no recommendations for the USAID Mission in Albania.

## SECTION IV

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### Key Contacts and Meetings

#### **USAID – Bruce Kay, USAID D & G Officer and Elina Koci, Rule of Law Officer – January 26, 2005**

Mr. Vaughn, Ms. Theisen and Ms. Shkurti met with D & G and Rule of Law Officers Bruce Kay and Elina Koci to update them on WLR activities. This was Mr. Kay's second meeting with WLR since he joined the Albanian mission in October, 2004. Given USAID mission's renewed commitment to combating corruption in Albania, WLR emphasized the interconnection between preserving women's rights with overarching rule of law objectives, and the successes WLR has had on training judges on the new anti-trafficking legislation and introducing anti-trafficking instruction in the magistrate's school.

#### **CEDAW Training Meeting – February 1, 2005**

On Tuesday, February 1, Ms. Theisen, Ms. Shkurti and Manjola Orgocka (WLR administrative assistant) met with Jasminka Friscic to learn about her experiences conducting the de fact assessment in Macedonia and determine what lessons could be learned for the Albanian assessment and integrated into the *de facto* training program. We also reviewed the agenda and the training materials, agreed on substance, and dealt with administrative matters.

#### **Ingrid Gustafsson, UNDP Gender Advisor, and Cecilia Stromblad, Kvinna till Kvinna – January 27, 2005.**

Ms. Theisen, Mr. Vaughn and Ms. Shkurti met with Ingrid Gustafsson of UNDP and Cecilia Stromblad of Kvinna Til Kvinna (KTK) to learn about their recent activities, particularly in the regions, and to discuss areas of cooperation. KTK has been conducting programs with a number of NGOs on capacity building, trafficking and domestic violence issues; and UNDP continues to provide gender budgeting and gender sensitivity training to ministry employees, and provides capacity building and advocacy training for the Committee for Equal Opportunities, among other activities. KTK will assist WLR in identifying rural women to interview and to convene for focus groups for the CEDAW assessment. KTK will also assist WLR and the Citizen Advocacy Office to recruit rural women to participate in future roundtables on the draft domestic violence law.

The UNDP is translating and distributing a series of gender balance and gender mainstreaming booklets. "Drafting Gender Aware Legislation" will be one component of the series. This excellent publication of the UNDP office in Bratislava, will be translated and published in Albanian language and will be distributed to Albanian government attorneys with the assistance of WLR.

**Citizen's Advocacy Office (CAO) – Kreshnik Spaihu and Marijana Bello – January 26, 2005**

The WLR team met with Mr. Spaihu and Ms. Bello to monitor CAO's activities related to domestic violence, which WLR funds. CAO continues to air the public service announcements "red card against violence" during the day. WLR encouraged CAO to start airing the announcement during televised soccer games which men usually watch. Ms. Bello provided WLR with the most recent draft of the domestic violence law in Albanian, which Ms. Shkurti subsequently translated and disseminated to various interested parties within the international community for comment. Ms. Theisen reviewed the substance of the draft and found it in excellent shape, and had only a few technical and substantive comments. The primary innovation of the law is the creation of temporary restraining orders and injunctions against abuse (called "protection orders" in the draft) that can last up to 12 months. Notably, the draft does not call for amendments to the criminal code or criminal procedure code, although it does criminalize the violation of both emergency and longer term protection orders.

On January 28, the CAO held the second open roundtable on the draft law in Tirana, which the WLR team attended. Many high level members of the Albanian parliament attended and took an active part in the discussion. While some of the comments portrayed a relatively unsophisticated understanding of domestic violence issues, each parliamentarian (all men) expressed strong support for the bill and was confident it would be enacted. In fact, both CAO and others informed the WLR team that there is political support to enact this law, and that once the 20,000 signatures are secured to introduce the bill to parliament, passage is to be expected.

The WLR team was informed that CAO plans at least one more roundtable in Tirana to be limited to prosecutors and police. WLR actively supported this idea since law enforcement's understanding and cooperation will be critical to the eventual enforcement of any domestic violence law.

After the Tirana roundtables are completed, the CAO informed WLR of their plan to bring the draft to the regions both to receive comment and as a tool for public education to assist in collecting 20,000 signatures for introduction of the bill to Parliament. WLR and KTK will assist CAO in conducting this phase of their activities, primarily by recruiting local attendees for the regional roundtables. (See description of WLR's meeting with KTK, above.)

CAO is now airing a 30 second television commercial featuring two men and three women, all members of the project network, who ask the community to sign the petition & support this law. The TV spot is being broadcasted in four national TV channels at different intervals, including one during a very popular comic show, which is viewed by all family members.

**Arjana Fullani, Director of Magistrates School, January 25, 2005.**

The purpose of this meeting was to introduce Ms. Theisen to Ms. Fullani, to brief her on recent WLR activities and to discuss Ms. Fullani's priorities in the coming year and to find areas where WLR can assist. Ms. Fullani fully supported WLR's CEDAW assessment project and encouraged WLR to design a CEDAW training program for sitting judges. She also lamented that there was no official translation of CEDAW, which WLR later confirmed to be true.

As Ms. Fullani, who is a member of the domestic violence law drafting committee, sees many training opportunities once the law is passed, particularly for police, judges and prosecutors. A public education campaign informing the community of the new law will also be required to ensure better observance of the law.

With respect to the Family Code, Ms. Fullani informed WLR that she and a number of other experts are writing a commentary on its implementation. She sees gaps in enforcement of the spousal support and child support provisions of the new Code.

#### **Larry Vetter, East West Management Institute – January 25, 2005**

The WLR team had a very informative session with Mr. Vetter who is Chief of Party of a court administration project which is winding down. Mr. Vetter briefed WLR on the results of a comprehensive survey of public perception of the judicial system and of the courts in particular. He provided details of his court automation project in Tirana District court which will be instituted soon in other district courts in the regions.

#### **Nora Malaj, President, Committee for Equal Opportunities – January 26, 2005**

The WLR team thanked Ms. Malaj for her committee's participation in the "Women's Rights Are Human Rights" training co-sponsored by WLR and the CEO in October, 2004. We also explained our CEDAW assessment project, and Ms. Malaj immediately expressed support and offered the assistance of her counsel, Brunilda Dervishaj. She lamented the general lack of knowledge of CEDAW, even among her own staff, and encouraged WLR to conduct training programs after we unveil the CEDAW report later this year.

#### **Karen Russell, COP, Casals and Associates – January 26, 2005**

Although there is little programmatic overlap, the WLR team believed it would be beneficial to meet briefly with Ms. Russel of the Casals and Associate's to discuss the broadbased USAID/Albania rule of law program that she leads, which includes many anti-corruption activities (none directly related to anti-trafficking).

#### **David Lewis, US. Dept. of Justice, OPDAT, and Bruce Hintz, US Dept. of Justice, ICITAP – January 31, 2005**

Ms. Theisen and Ms. Shkurti met with David Lewis and Bruce Hintz to brief them on WLR's activities, particularly related to anti-trafficking (e.g., support for benchbook on anti-trafficking) and related to the domestic violence legislation, and to learn of areas of cooperation. Upon request, Mr. Lewis agreed to have Ms. Shkurti present at the next international consortium of law reform organizations the draft law on domestic violence to get input from qualified members of the international community. We also discussed the need for prosecutors and police to be trained on any new law. Both Mr. Lewis and Mr. Hintz were supportive; Mr. Lewis specifically advised that groups that work with individual victims of trafficking be trained on the witness protection provisions of the new anti-mafia law passed in 2004.

**Ruth Rosenberg, International Organization for Migration (IOM) – January 31, 2005**

Ms. Theisen met with the IOM to learn of their shelter for battered and trafficked women and to brief Ms. Rosenberg on WLR activities. Both agreed that it would be beneficial for the victim advocates, who are attorneys on retainer with IOM, to learn about the new witness protection measures of the mafia law, such as the right to anonymity and to testify via video hook up.

## ANNEX A

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### **CEDAW ASSESSMENT TRAINING FOR *DE FACTO* INTERVIEW TEAM**

Women's Legal Rights Office  
Tirana, Albania  
2-3 February 2005

#### **Day One**

- 9.00 – 10.30 Opening  
Mary Theisen, Legal Specialist, USAID/Women's Legal Rights Initiative
- Introduction of participants
- General overview of CEDAW assessment project. The process and goals, *de jure* and *de facto* compliance with CEDAW.  
Mary Theisen
- Overview of the legal status of women in Albania and WLR's activities  
Emira Shkurti, Legal Adviser, USAID/Women's Legal Rights Initiative
- 10.30 – 11.00 Coffee break
- 11.00 – 12.00 The methodology of the CEDAW Assessment in Macedonia; learning from the Macedonian experience.  
Jasminka Friscic, Program Manager, Association for Emancipation, Solidarity and Equality of Women of the Republic of Macedonia, Skopje, Macedonia
- 12.00 – 13.00 The methodology of the CEDAW Assessment in Armenia; learning from the Armenian experience. -- Video presented by Jasminka Friscic.
- 13.00 – 14.00 Lunch
- 14.00 – 15.30 Detailed review of CEDAW Treaty, Articles 1-6, General Provisions  
Mary Theisen  
Collecting information on de facto compliance with Articles 1-6.  
Jasminka Friscic
- 15.30 -16.00 Coffee break
- 16.00 – 17.30 Detailed review of CEDAW Treaty, Articles 7-9, Political participation and nationality  
Mary Theisen – Legal Specialist. Women's Legal Rights
- Finding out information on Articles 7-9. De facto questions  
Jasminka Friscic – ESE, Macedonia

## **Day Two**

- 09.00 – 10.15 Detailed review of CEDAW Treaty, Art. 10-14. Discrimination in education, employment, health care, access to loans and social benefits, and the special problems of rural women  
Mary Theisen – Legal Specialist. Women’s Legal Rights
- Investigating de facto compliance of Articles 10-14.  
Jasminka Friscic – ESE, Macedonia
- 10.15 – 10.45 Coffee break
- 10.45 – 11.30 Detailed review of CEDAW Treaty, Art. 15-16. The legal capacity of women and marriage and family relations  
Mary Theisen – Legal Specialist. Women’s Legal Rights
- Investigating de facto compliance of Articles 15-16.  
Jasminka Friscic – ESE, Macedonia
- 11.30 – 12.30 The interviews. Identifying individuals and focus groups to interview nationwide. Tips on conducting the interviews and focus groups  
Mary Theisen and Emira Shkurti followed by group discussion
- 12.30 – 14.00 Lunch
- 14.00 – 15.30 The interviews, continued and explanation of the scoring system.  
Mary Theisen and Emira Shkurti followed by group discussion
- 14.00 - 15.30 Using the assessment Template for De facto analysis. Explanation of the scoring system  
Mary Theisen – Legal Specialist. Women’s Legal Rights  
Jasminka Friscic – ESE, Macedonia  
Emira Shkurti – Legal Adviser. Women’s Legal Rights
- 15.30 – 15.45 Break
- 15.45 – 16.45 Reporting to WLR and action plan (timeframe) Closing remarks  
Mary Theisen and Emira Shkurti followed by group discussion
- 16.45 – 17.00 Closing remarks

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

## **ANNEX B**

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### **List of participants for the CEDAW de facto training (interview team) February 2-3, 2005, Tirana**

1. Admir Meko, Gender Alliance for Development
2. Monika Kocaqi, Reflexione Association
3. Glasvinda Fili, Women's Advocacy Center
4. Manjola Duro, Shelter for Abused Women
5. Enida Kallco, Albania Centre for Population and Development
6. Brunilda Dervishaj, Committee for Equal Opportunities