



ALBANIA: WOMEN'S LEGAL RIGHTS INITIATIVE
OF THE WOMEN IN DEVELOPMENT IQC
TRIP REPORT: OCTOBER 13-27, 2004

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SECTION I

Travel Dates, Destination(s) and Purpose

A. Travel Dates and Destination(s)

Teresa Cannady, legal specialist, traveled to Albania from October 13-27, 2004 to implement two family law trainings for judges, serve as a trainer for a Women's Rights are Human Rights training for ministry personnel, and to monitor programmatic and administrative issues related to the Women's Legal Rights (WLR) Initiative in Albania.

B. Purpose of Travel

The purpose of this trip was to ensure effective implementation of project activities including two training sessions for Judges on the new family code, the presentation of the family law bench book and a training program with ministry personnel on women's rights,. As scheduled, the legal specialist participated in organizing and conducting the two family law trainings held in cooperation with the Albania Magistrate's School.

The legal specialist, along with the legal advisor, conducted a "Women's Rights are Human Rights" training with personnel from three ministries, which was held in cooperation with the Committee on Equal Opportunities in order to enhance their capacity to integrate gender into their institutions and into the development and implementation of legislation.

The legal specialist also met with USAID and various partners to ensure that implementation of the project was progressing as planned and to further develop our relationships. The Legal specialist conducted meetings with staff to ensure that implementation of activities are on schedule and that management and administrative systems are functioning in an effective manner. Performance reviews were held with both staff members based on written self-assessments and supervisor assessments which had previously been completed.

SECTION II

Trip Results

A. Office Operations

Legal specialist Teresa Cannady met with the WLR local team to discuss the status of program implementation, to finalize plans and logistics for the three training programs, and to organize meetings with partners. As this is the end of the first year of operations in Albania, performance evaluations were conducted based on previously completed written self evaluations and supervisor evaluations. The team discussed our communication systems (daily e-mails and weekly teleconferences) and agreed those are working efficiently and should be continued in the present form. The action plan for the upcoming year was discussed and a calendar of events was developed for the upcoming quarter.

B. Family Law Trainings

On October 18-19, a training program on the Implementation of the Family Code was held in Shkodra and attended by 34 judges from northwest Albania. On October 21-22, the same training program was repeated in Durres for 28 judges from southern Albania. Judge Judy Kreeger, a family law judge from Miami, Florida and Vangjel Kosta, a former Albania judge and trainer at the magistrate's school, conducted the interactive training programs. All participants were provided with the newly developed family law bench book. The bench book was developed by Judge Kreeger and adapted and revised by Mr. Kosta to ensure compatibility with Albania procedure. The bench book contains significant resources for judges including checklists, flow charts, synopsis of the family code provisions, domestic violence information, family court information, sample orders, and psychological information designed to assist judges in the implementation of the family code in an efficient and effective manner.

Both trainings followed the same agenda which focused mainly on changes brought about as a result of the new code. Major topics included the various property regimes, marriage contracts, support issues and the use of psychological and social services during divorce proceedings. See Annex A for a copy of the agenda.

During the Shkodra training, the participants held a lively discussion on domestic violence and its impact on family law cases. A few participants did not believe domestic violence happens but most are convinced it is a serious problem in Albanian society. One judge noted that "we don't know how many families it happens in, but if it is even 10% it is a significant problem that we must deal with." Another judge noted that the provisions for urgent measures to stop violence should be used. She noted that it is best to act quickly on the information available at the time and to make any necessary changes to the order at a later date, if contradictory information comes to light. The second day of the training was a holiday (this is the first year they have observed Mother Teresa day) but almost every participant returned, one even bringing her child who was out of school for the holiday.

Judges at the Durrës training were particularly interested in property division and the issues of spouses disposing of property in bad faith to avoid losing the property in the divorces. There was also a discussion of issues surrounding property held before 1990 and the change to a new system as well as illegally constructed homes. A significant discussion was also held regarding domestic violence. Copies of the recent UNICEF study on violence in Albania along with the book "...no beginning...no end..." were distributed to participants. The book contains stories of actual cases of violence in Albania and paints a very vivid and real picture of the situation. The patriarchal history of Albania and the effect on the mentality of the public was discussed as the background for the significant level of violence in the family.

C. Women's Rights are Human Rights Training

On October 26, 2004 a training program was held for members of the three ministries including the Ministry of Justice, the Ministry of Education, and the Ministry of Labor and Social Affairs. This activity was coordinated with the Committee on Equal Opportunities. A total of 20 representatives attended the program which focused on women's legal rights from the perspective of national, regional, and international law. Teresa Cannady and Emira Shkurti served as trainers for this program.

The interactive seminar contained a variety of group activities designed to help participants understand the importance of these rights and the best methods for pursuing these rights as part of the government process. Topics included mainstreaming gender into the legislative and governmental processes, gender budgeting to ensure implementation of these laws and policies, gender stereotyping in educational systems, and ensuring that rights are achieved in practice rather than just "on the books." (See Annex B for a copy of the agenda.)

The majority of the participants were from the Ministry of Labor and Social Affairs. Other participants included the members of the Committee on Equal Opportunities and representatives from the Ministry of Education. Unfortunately, the Ministry of Justice did not send any representatives despite the Chairman of the Equal Opportunities Committee's efforts to ensure their participation. The Minister of Justice had previously assured the Chairman that he would send representatives to the trainings. While the participants were active in the training, they seemed to lack a level of initiative necessary to effect change. They repeatedly said they could not take this or that step without being directly told to do so. In response to gender budgeting participants stated that they Ministry of Finance would have to tell them to conduct this activity. Rather than looking for ways to lobby or be advocates they seemed resigned to sit and wait for superiors to insist on change. This, of course, is unlikely to happen.

We encouraged the participants to take small steps, including writing memos and holding meetings with superiors to make suggested changes. We also encouraged the Equal Opportunities Committee members to undertake lobbying efforts with the various ministries for these changes and to insist on gender focal points in each ministry. This is the responsibility of the Committee and they have sufficient staff to undertake these initiatives; however, they repeatedly claim they cannot undertake any activities due to lack of funds. It is obvious that there is a lack of enthusiasm and will to change among most government employees.

SECTION III

Next Steps and Recommendations

A. Next Steps

The local team will continue to work 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. As Ms. Cannady is leaving the project to serve as Chief of Party of the anti-trafficking initiative, a new legal specialist will be hired to fill this role. In the interim WLR team members will ensure that the Albanian program is fully supported and that activities continue to be implemented seamlessly.

B. Recommendations to Mission

USAID Mission support 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 to our WLR initiative. 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.

As a result of the family law trainings and meetings with mental health professionals in Albania, it has become obvious that there is a great need for additional training and support to psychologists and social workers. The new family code now requires psychological evaluations relating to child custody in contested divorces. This evaluation process is a new concept and the pool of experienced professionals who can adequately provide these services to the court is small. The focus of the WLR program is on legal rights and our activities are designed to support the legal community rather than the mental health community. It is highly recommended that other implementers who work in the field of social work and psychology provide assistance to improve the capacity to provide these services to the court and the community. WLR will pursue possibilities to provide this support, including the sister cities program, friendship force exchanges, and UNICEF; however, it is highly recommended that support be provided for training and exchanges through other USAID programs or other international donors.

There is a need for more advocacy and lobbying skills within the women's movement in Albania. During the upcoming year our activities will contain more of a focus on these issues. As part of our CEDAW assessment and advocacy activity we will work to ensure that citizens, NGOs, and community leaders are aware of the "real" situation for women in Albania and that they have the tools necessary to effect change.

SECTION IV

Key Contacts and Meetings

Family Law Training Meeting – October 15, 2004

On Friday, October 15th, a meeting was held with Judge Judy Kreeger and Vangjel Kosta to finalize the agenda for the family law trainings and to discuss details of the program. The trainers agreed on the division of topics, which issues to emphasize, and the need for discussion with participants. Power point presentations and other materials were provided, translated and made a part of the training materials.

Hanna Drvota and Cecilia Stromblad – Kvinna till Kvinna – October 20, 2004

Ms. Cannady met with Hanna Drvota and Cecilia Stromblad of the KTK office in Tirana to learn more about their activities, particularly in the regions and discuss possible cooperation. KTK conducts programs with a number of NGOs on trafficking and violence issues. WLR has shared brochures with KTK for distribution in cities where they work and will cooperate with them in the future as we look for partners in the region. Ms. Drvota will be leaving the program at the end of November and Ms. Stromblad will be the new field coordinator.

We discussed the need for more qualified psychologists and social workers to assist in the implementation of the family code. KTK will coordinate with their partners at the counseling center in Shkodra and request that they meet with the chairman of the family court and discuss cooperation to provide services for the court. KTK is attempting to organize a network of NGOs throughout the country and coordinate exposure between groups in Tirana with those in the regions. To this end, they are sponsoring “gender café” meetings where NGO members gather on an informal basis in different cities to exchange ideas and coordinate efforts. In the near future the WLR Legal advisor will make a presentation at one of the meetings about our upcoming CEDAW assessment and advocacy campaign. We will also cooperate with KTK and their network of NGOs in the region as part of the CEDAW assessment process and to develop advocacy training programs for these organizations.

USAID – Bruce Kay, USAID D & G Officer and Elina Koci, Rule of Law Officer – October 25, 2004

Teresa Cannady and Emira Shkurti met with D & G Officer Bruce Kay and Elina Koci to update them on progress of the project and discuss our recent training programs and development of the family law bench book. Emira presented copies of the bench book and materials from our recent family law trainings. We provided a summary of our activities during the past year for Mr. Kay since he recently arrived at the Albanian mission. We explained the assessment process that began the program and the collaborative efforts of the program with both the EGAT/WID office and the Albanian mission. We assured Mr. Kay that he would have significant input into our activities and would be provided with quarterly reports and monitoring and evaluation reports.

Citizen's Advocacy Office – Kreshnik Spaihu and Marijana Bello – October 25, 2004

Mr. Spaihu and Ms. Bello briefed the WLR team with updates on the “red card against violence” initiative, which WLR is providing funding for along with other international donors. The first draft of the domestic violence has been written and was provided to us in Albanian. A memorandum of understanding was signed with ten NGOs as part of this campaign and represents a significant achievement in uniting the community around this issue. On Friday, October 29th the first roundtable will be held with all of the NGO partners and media representatives. This roundtable will present the first draft, the members of the coalition, and explain the process for this project.

The NGO partners have branch offices throughout the country and will be invaluable in the lobbying campaign to get signatures for the “citizen’s bill” to present the draft law to Parliament. Citizen’s Advocacy Office (CAO) is approaching the legal aspect of the project from two sides. One approach is obtaining the necessary signatures for presentation of a “citizen’s bill” and also to lobby members of Parliament to submit the bill directly. Several members of both the Democratic party and the Socialist Party have been contacted to support the draft law. The working group of experts has developed the initial draft which will then be subjected to a second work group. The second group will be multidisciplinary and focus on the practical implementation of the law, including the cultural aspects. Model laws from Bulgaria and Romania were used in the development of the draft. However, the criminal procedure is modeled on the Italian system so it is important to reconcile the law with the necessary Albanian criminal procedures for its effective implementation. It is also imperative to address the concept of extended families, especially as it relate to the use of protection orders. Women often move to the family home of their husband upon marriage and if he is removed from the home for abuse she would be left with in-laws and potentially subject to further abuse or harassment.

A media campaign will be a significant part of this process. A brochure describing both the approach and the aspect of family violence has been drafted and a 30 second television commercial is also being developed. The television commercial will feature two men and three women who are members of the project network and will encourage individual participation in this project by asking members of the community to sign the petition to support this law.

UNDP – Ingrid Gustafsson, UNDP Gender Advisor – October 27, 2004.

Emira Shkurti, Legal Advisor and Teresa Cannady, legal specialist met with Ingrid Gustafsson, to discuss potential cooperation for our projects. UNDP works extensively with the Committee on Equal Opportunities and wanted to develop cooperation on legislation or other legal issues. We discussed the seminar held on Tuesday and the lack of enthusiasm and initiative among ministry staff to be more aggressive in promoting women’s rights. We discussed a step by step approach that would empower ministry personnel to take a more active role in issues such as gender budgeting and gender sensitive legislation. We discussed our efforts for the upcoming year and the CEDAW assessment and determined that we would work together as part of our advocacy initiatives to support the ministry employees and in particular the Committee on Equal Opportunities to improve their lobbying skills.

ANNEX A

Family Law training agenda

AGENDA
Implementation of the Family Law by Judges

Shkodra Albania
October 18-19, 2004

and
Durrës, Albania
October 21-22, 2004

Day One

- 8:30 - 9:00 Registration
- 9:00- 9:15 Welcome and Introduction of Participants –
Arta Mandro – Albanian Magistrate’s School and Teresa Cannady - WLR
- 9:15 – 9:45 Presentation of the Family Law Bench Book – Judge Judy Kreeger and Vangjel Kosta
- 9:45 -11:15 Marital Property Regimes – Vangjel Kosta
- 11:15-11:30 Coffee Break
- 11:30 -1:00 Dissolution of Marriage and changes in the new Code. Vangjel Kosta
- 1:00 – 2:00 Lunch
- 2:00 – 3:00 Child custody issues. Judge Judy Kreeger
- 3:00 – 3:15 Coffee Break
- 3:15– 4:50 Division of Property and consequences of marriage dissolutions. Vangjel Kosta
- 4:50 – 5:00 Concluding remarks and preview of next day’s activities. Teresa Cannady

Day Two

- 9:00 – 10:00 Case Management Techniques and Pro Se litigants. Judge Judy Kreeger
- 10:00- 10:45 Support issues. Judge Judy Kreeger
- 10:45 – 11:00 Coffee Break

- 11:00 - 11.45 Domestic Violence Issues. Vangjel Kosta and Judge Judy Kreeger
- 11:45 – 12:45 Relationship of the Court with Psychologists and Social Workers. Judge Judy Kreeger.
- 12:45 – 1:00 Evaluations, presentation of certificates and concluding remarks. Teresa Cannady and Vangjel Kosta.
- 1:00 Lunch

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

ANNEX B

Women's Rights Are Human Rights Training Agenda

October 26, 2004
Tirana, Albania

- 9:00 – 9:30 Introductions and participants expectations. Nora Malaj, Chairman of Committee on Equal Opportunities, Teresa Cannady and Emira Shkurti – WLR
- 9:30 -10:00 International Conventions, European Laws, and National Laws on Women's Legal Rights – Emira Shkurti
- 10:30-11:00 Sex and Gender – Does Gender Matter? Teresa Cannady
- 11:00 -11:20 Coffee Break
- 11:20 – 12:30 Examining CEDAW and the Optional Protocol in Detail. Emira Shkurti and Teresa Cannady
- 12:30 – 1:00 Gender Budgeting. Teresa Cannady
- 1:00 – 2:00 Lunch
- 2:00 – 3:00 Gender perspectives in Education systems. Emira Shkurti
- 3:00 – 3:15 Coffee Break
- 3:15– 4:15 Gender Mainstreaming in legislation. Teresa Cannady and Emira Shkurti.
- 4:15 – 5:15 Women's Economic and Social Rights. Emira Shkurti
- 5:15- 5:30 Evaluations and Closing Remarks. Teresa Cannady and Nora Malaj

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