

## Non Profit Organizations on the Protection and Promotion of Women's Rights: Albanian Case

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### Abstract

Civil society organizations, since 1990 and beyond the Kosovo crisis in 1998, found a favorable environment in Albania to create an important pillar on promoting, recognizing, guaranteeing, preserving and improving the citizen's rights. As the first organizations centered on women's and their rights, they became the protagonists of many awareness-raising campaigns, advocacy, and lobbying actions, in improving the situation and creating legal instruments to help them. They found and filled the gaps created by the lack or inability of State, national and local authorities, to provide a wide range of social services by giving them an important elite role. This article tries to provide a picture of how civil society has evolved in Albania and more on, its role in social and economic changes. Actions are undertaken by women's NGOs over the years and their contribution to improving the situation of gender equality and domestic violence in Albania. New forms of public-private partnership and some of the survival challenges faced by women's organizations nowadays, will be another reflection in this paper.

**Keywords:** civil society, legal framework, social services, NPOs, public-private partnership, women's rights.

### Introduction

As a sector with a history in development, civil society in Albania was seen as a companion of public sector and sometimes as a complement to the vacuum created over the years by failing to meet the citizen's needs from the services on this sector.

The number of civil society organizations is higher as it is higher the number of its beneficiaries or the focus of their activity. If NGOs were able to fulfill their mission, this was made possible by the financial support provided by donors mostly foreign in Albania. But, changes of policies and priorities, diminished funds which impacted directly on limiting the services for all the persons in need. And among them, women's are affected mostly. Social, political and economic changes were the ones that damaged the first women and girls life's. The number of unemployed women grew a lot. They began to be eliminated from the political sphere and their rights in the domestic area were restricted.

Facing this situation, the establishment and operation of civil society organizations in recognizing, guaranteeing, protecting and realizing women's rights was the right response.

These organizations operates in whole the Albanian territory, somewhere more and somewhere less, somewhere offering services such as: counseling, housing or legal, somewhere advocacy or training and somewhere employing programs, services made possible thanks to financial support from foreign donors.

Through the years, the priorities of donors changed, bringing on the reduction of grants for civil society and the "fears" of NGOs that they will not be able to fulfill all their goals.

As the first pioneers, women's organizations strongly lobbied in raising the civic consciousness of the entire political and social spectrum on the services provided by them, their domination, the qualified staff as an important premise on a partnership among NGO - local / national authority to support financially these services.

Which are the steps through them was developed the history of civil society organizations? Which was the role of NGO interventions on the social life and the framework of social services in Albania? Will the NGOs survive the lack of donors? What are the new forms of co-operation towards which they are self-orienting their activities?

These questions will try to get answers and reflections on above article concentrating more on the situation of civil society in Albania and especially on them that are working in gender equality issues.

### **The history of the civil society development in Albania**

The elements of a social life voluntary organized, autonomous by the State in the post-communist Albanian society, even short-lived were present. This new organization, broadly self-sufficient, has recognized its form and structure in community organizations, NGOs, and after NPOs, trade unions, professional associations, religious organizations, media, student associations and other associations as associations or foundations kind.

According to the UNESCO definition, civil society implies self-organization of a society outside the state or commercial framework, that is, a whole set of more or less formalized organizations or groups not belonging to the governmental sphere or the commercial one.

Another definition groups the civil society and its organizational structure in: "*Trade unions and partner organizations, non-governmental organizations (NGOs), professional associations, aid organizations, organizations which involving citizens in local and municipal life, with a specific contribution of Churches and Religious Communities* (White Book of the UE Commission)".

As a voluntary organization of citizens, offers a representation oriented towards the realization of the group's interests, becoming in this way an actor and an important factor in the fulfillment of their interests.

Civil society in Albania has recognized its development at different stages of historical, political and social development as a promoter of social development during years. (Thëngjilli, 2004; Sulstarova, 2008). However, this development was sporadic during the Ottoman and Second World War invasions, recognizing its denial during the communist regime, which eliminated the fundamental human rights, and with it, the right to groups and the civic organizations.

In Albania these independent and voluntary forms of civic organization began to take shape after the change of political system in the '90s. The change of the system itself was preceded and even guided by this organization which wanted to provide and guarantee a democratic regime based on human values and protections of the fundamental rights of the individuals, paving the way for new developments of the civil society sector as well.

As a sector with a history in development, civil society in Albania was seen as part of such definitions like as non-governmental organizations and non-profit organizations but with a very difficult mission to achieve its goals. As a co-worker of the public and governmental sector, it has been seen many times as a support of filling the vacuum created over years in this sector on behalf of the citizen.

This trend clearly emerges from the Charter of Civil Society 2010 which promotes "*the role and partnership between the non-governmental sector in Albania and the government at national and local level ...*", evidencing the independence of this sector from State intervention and non-

profit character of "*economic or non-economic activity that provides incomes according to the organization's statute*" (Law No. 8788/2001).

For the first time in Albania around 1991, the beginnings of the genuine organizations focused on the promotion and protection of human rights as an instrument against their violation during the years of dictatorship.

This large group of CSOs, included the organizations, active in the women's rights issues, influenced by the socio-political and economic developments. Some of these organizations provides for the first time expertise in different areas and others provide social services or lobbied and advocated on some very sensitive sectors.

As a patriarchal society where many issues related to women's rights and gender inequalities demanded interaction, women's organizations began to attract the interest of not only first-time activists but also to whom could contribute in this area.

These organizations have been part of consultations with the Albanian government and other partners in the preparation of legislation, specifically in the legal field and policy development, such as the contribution on the drafting the Constitution of the Republic of Albania (1998), the National Strategy on Economic and Social Development (2002-2006), and the Strategy on Decentralization of Local Government (2000). For example, on the central and local government, civil society and donors were engaged in the preparation of the "National Strategy for Economic and Social Development" (Ministry of Finance, 2001). It was precisely the influence and orientation of civil society that presents the priorities of sector's policies in different areas like as education, health protection, agriculture and social protection, and other more.

Was the presence of civil society organizations a significant element to initiate, continue and realize a number of successful actions on democratization and institutional development efforts during the year 2000. Such as the cases of:

- *Drafting a Draft Law on Measures against Domestic Violence (adopted in June 2007).*

This measure was based on a bill filed by women's CSOs in Parliament in 2006, with the support of a public petition signed by 20,000 people. In addition to defining domestic violence as a criminal offense by law, the law also provides for the establishment of a coordination unit of governmental authorities in the fight against domestic violence under the direction of the Ministry of Labor, Social Affairs and Equal Opportunities;

- *The Law on Legal Aid (December 2008)*, which sets out the provisions for a structured legal aid system and the right to justice for people in need, was the work of a project organized by the Free Legal Service (a CSO based in Tirana), in cooperation with the government and civil society partners.

The Civil society members are an important part of many committees, institutions and organizations with public character in Albania as a guarantee of the stability, diversity and delivery of the services through identifying problems, contributing to their commitment and monitoring the achievement of the required results.

### **The Organizations of Civil Society in Women's Rights protection**

Still now in Albania there are no accurate data's regarding the number of active nonprofit organizations, because it remains linked to the environment and the scope of the activities of these organizations. In the TASCOS Report on Albania's Needs Assessment, published in 2011, the number of organizations officially registered was 2231. According to the General Directorate of Money Laundering Prevention (DMLP), on the list published on the website there are 1651 NGOs registered organizations on the authorities of taxes on the Republic of Albania till June 2010.

The sphere of civil society organizations in the women's rights issues is increasing day by day. Women's feels to be involved in such organizations as the only way to withstand the pressure from the rest of society and the denial of their rights and role in the public sphere in the past.

The structure of organizations establishment were conducive to the personal and professional women's achievements. The women's were the leader of these organizations, so, they realized that their field of action should be diverse as their scope too. The fact is that, in Albania, the organizations focused on the protection and promotion of women's rights are mostly created, composed and directed only by women. The role of gender in the management of non-governmental organizations was less investigated as part of social decision making process. The activities of non-governmental / non-profit organizations are different, related to the importance and the poverty of sources in this sector.

These organizations tend to have a strong sense of duty for social justice, but to survive economically they depend on the support of those sectors where the decision-making mechanism is highly unbalanced in terms of gender. For example, the business world, which is viewed by the CSO as a safe source of funding, is known for its gender segregation. With men in leading positions in these corporation businesses, women's activities has difficulties to have unlimited support to realize their projects and initiatives. Also, if these organizations had to operate, cooperate and monitor the actions and initiatives of local or national public institutions, the difficulties would be increased. For many leaders, these NPOs are seen as opponents, foreign and sabotage ones rather than as an arm or support in the realization of common goals for the benefit of their beneficiaries.

*What does the activity of women's organizations consist of?*

The political changes in Albania shown up the absence of the State to provide social services as it is expected to be. Some unknown or untreated phenomena, such as trafficking of human beings, domestic violence, migration, urbanization, unemployment, drug use, abandonment of school by young people, required special and immediate intervention. Social services have to adapt their performance and integrity to face up with these phenomena. But, as it is understandable for a small country as Albania, which is institutionally unprepared to meet the needs of the citizens and with lack of logistical and financial support, the presence of civil society organizations was an important asset to fulfill with these gaps.

The favorable climate for the NGOs functioning and the presence of various donors with technical and financial assistance, facilitated the provision of social services such as shelters for survivors of domestic violence, rehabilitation services for victims of trafficking, services for persons with disabilities, telephone counseling lines for abused women or children who have different problems, free counseling and legal representation, training and vocational training in sectors not provided by state institutions, etc.

With their flexibility and the familiarity with the beneficiaries, NGOs were able to cover this gap within a short time. The timeliness of their activity, quality sustainability, the economic support from donors, human capacity building, the awareness and promotion in the community, created a secure asset to provide decent social services in those areas where they were missing or were insufficient.

This made possible that, national and local social policies were more and more addressed and directed towards the activities offered by these organizations, recognizing to them the role of the leader of this sector. The State and national or local public institutions recognized to themselves the role of the monitors, assistants and, in rare cases, the collaborators one.

### *NPOs combating domestic violence and Gender Based Violence*

The women NPOs have been at the forefront of action and mobilization to achieve women's rights and to draft a gender equality agenda, to denounce and sensitize on violation of women's rights, including violence against women and domestic violence. They are a pro-active, vibrant and strong unit on gender equality, monitoring the government on gender equality commitments, developing broad alliances to address issues related to the lower representation of women in different spheres of public life, their participation in the country's economic development, commenting and presenting proposals regarding surveys and evaluation of government programmatic interventions. These NGOs have been strategic partners in designing of gender participation programs for local and national development. This means that over the years the government evaluates their contribution and recognizes that effective partnership with them has helped the government to achieve its goals.

NPOs operate in specialized services delivery areas, in cases of domestic violence alongside with legislative, executive and judiciary actors.

Women's NPOs are primary actors in the delivery of services in support of the victims of domestic violence and gender based violence, the prevention of the phenomenon and the improvement of legal framework. They have also set up consolidated networks to help, assist, and follow up the victims of violence in the Court, providing victims with free lawyer, free psychologist during the legal proceedings, and also with more reintegration services and economic empowerment of victims of violence such as accommodation, employment and vocational training through involving them in various vocational courses.

Women's organizations were part of activities on the protection of women's, victims of gender violence by offering services like: counseling centers, shelters, legal clinics, community centers, etc. The role of civil society organizations has been crucial and indispensable in campaigns and awareness-raising activities, in providing support to victims of violence, as well as running shelters for domestic violence victims.

Over the last 10 years, since the Government has become more and more aware and active to recognize the importance of preventing and protecting women from gender-based violence and domestic violence, the NGOs and state structures have collaborated, chiefly at policy making level.

For the first time, we have in Albania the establishment of 5 Women's Centers directed by them. These centers are available only in major cities. All centers provide the following services: information and advice, counseling, advocacy, practical support, empowering support, specialist support for children, risk assessment and safety planning and legal advice. Most centers provide multi-agency support for survivors. Some centers cooperate with services working with perpetrators. Also, some of them offer legal representation, court accompaniment and support regarding social rights such as income, work or housing. None of the centers provide multi-lingual support and specialist support for ethnic/minority/migrant and asylum seeking women, or floating /mobile support. Furthermore, none of the centers support the participation of survivors in policy development and evaluation, nor do they support survivors to organize themselves.

Apart from the five women's centers (non-residential for all women survivors of violence), in Tirana there exist one regional crisis centre for victims of domestic violence exists, which offers services to women using a gender-specific approach, and three centers for women victims of trafficking. These centers are all run by women's NGOs and at the same time they function as shelters for victims of domestic violence and gender based violence.

The regional crises centers for victims of domestic violence are situated one in the capital and the others in several major cities. The types of services these centers provide are as follows: information and advice; counseling; advocacy (access to rights); practical support; empowering sup-

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port; specialist support for children; risk assessment and safety planning; legal advice. Some of the centers also provide legal representation; court accompaniment; support concerning social rights (income, work, housing); cooperation with services working with perpetrators. These centers do not provide multi-lingual support; specialist support for ethnic/minority/migrant/asylum seeking women; floating/mobile support; participation of survivors in policy development and evaluation; support of survivors organizing themselves.

Among services foreseen by the CoE Convention (Istanbul Convention) there are no rape crises centers/help lines; sexual assault centers; centers for girls experiencing sexual abuse; women's centers/services for black/migrant/minority ethnic women; intervention centers with pro-active approach.

Another engagement of Women's NGOs is the participation on several networking with an enormous impact on the target groups life's.

1. The National Coalition of Anti-Trafficking Shelters in Albania<sup>1</sup> (NCATS) collaborates and coordinates the protective and supportive actions for victims of trafficking through:

- Supporting the rehabilitation and reintegration assistance of victims of trafficking throughout Albania;
- Providing expertise in developing national policies in supporting victims of trafficking;
- Reinforcing cooperation with state institutions at the central and local levels as primary actors in fighting human trafficking;
- Sharing experience and expertise, coordinating actions in line with standard operating procedures for victims of trafficking;
- Striving to pursue the sustainability of the services offered.

2. The Albanian Women Empowerment Network – AWEN<sup>2</sup> was one of the main actors together with other civil society organizations to lobby and advocate about issues related to women human rights.

3. The Network against Gender Based Violence and Trafficking<sup>3</sup> in the frame of a UN project has supported 10 municipalities to create the referral mechanism to support victims of Domestic Violence. This mechanism is based on the Law No. 10 329, dated 30.09.2010 “On some addenda and amendments to Law No. 9669, dated 18.12.2006 "On measures against violence in family relations" and on the Council of Ministers' Decision no. 334, date 17.02.2011 “On the establishment of the national referral mechanism for the treatment of domestic violence' cases and its way of functioning”.

In Albania today there are more than 127 public and non public institutions of social care under the supervision of the ISHPSHSH, which deliver preemptive services (sensitizing, community services), social, economic and legal services (legal, social, psychological, medical counseling), enabling (training, capacity building, vocational courses and education), reintegration and economic empowerment (employment, housing, assistance), for a broad category of persons in need, women and girls, children and elderly people, etc. It is a fact that inter-disciplinary services for the victims

<sup>1</sup> Member organizations: “Different & Equal” Tirana, “Vatra”, Psycho-social Center, Vlora, “Tjeter Vizion”, Elbasan, National Reception Center, Tirana

<sup>2</sup> Member organizations: Gender Alliance for Development Centre, Tirana, Counseling Centre for Women and Girls, Tirana, Association for women and girls with social problems, Durrës, Association Me Women, Pogradec, Association Agritra Vizion, Peshkopi, Association Woman to Woman, Shkodër, Association Women Forum, Elbasan, “Vatra”, Psycho-social Center, Vlora, Jona Association, Sarandë.

<sup>3</sup> Member organizations: Refleksione Association, Tirana Gender Alliance for Development Centre, Tirana, The shelter for women and girls, Tirana, Counseling Centre for Women and Girls, Tirana, Centre for Legal Civic Initiatives, Tirana.

of domestic violence at the local level are organized in limited networks, something that affects the quality and speed of service provision<sup>4</sup>.

***The Effective Inter-institutional Cooperation at National and Regional /Local Level***

The measures taken comprise the adoption of legal acts and bylaws on defining the structures and relevant actors, their place and role, the composition and tasks at the central and local level; the vocational training and capacity building of the relevant actors; the protocols for coordinating their activity; and other tasks, in order to protect the victims and the other members of their families in cases of domestic violence and to prevent, combat, and eliminate gender based violence and domestic violence.

The legal framework of measures against violence in family relations enables the intervention of the state authorities to prevent and stop violence among family members.

Such interventions can come from two directions, namely through the administration and the judiciary. The form is related to the establishment and operation of a coordinated network of institutions at the central and local level in defense of the victims; the latter is linked with the protections guaranteed by the judicial bodies through (1) civil rulings or protection orders and/or (2) criminal prosecution against the perpetrator.

*NPOs collaborate with administrative authorities<sup>5</sup> in charge of Gender Equality and of Combating Domestic Violence* at central level, as part of the National Referral Mechanism. They are treating cases of domestic violence, the periodical collection of monitoring data, treatment of the needs of the LGBT community and others.

As collaborative part of *Administrative Authorities Responsible for Domestic Violence at Local Level<sup>6</sup>*, *NPOs* are cooperation networks members with the public and non public institutions and deliver social services to the victims of violence. They are part of the Plan of Regional Social Care Plan drafted by each County.

The National Referral Mechanism for cases of violence in family relations, operating at the local level, is composed of three structures, namely, *the Steering Committee<sup>7</sup>*, *the Technical Team<sup>8</sup>*, and *the Local Coordinator<sup>9</sup>*. They cooperate to come to the aid of victims of violence. The composition, tasks and activity of each of them is regulated by the Law on Domestic Violence and CMD No. 334 /2011<sup>10</sup>.

As part of this mechanism the *NPOs* specialized in services on violence against women are playing an important role on providing such services and expertise.

Thus, once a victim/survivor of violence contacts one of the members of the Referral Mechanism – it being of no importance which member is contacted first – that member shall immediately start putting in motion the support system by informing at least one representative from the

<sup>4</sup> The basic inter-disciplinary emergency services rely on internal expertise and in the field, on the experience of the municipal staff, emergency accommodation in buildings in ownership of the municipalities or managed by them (hospitals, dorms, elderly homes).

<sup>5</sup> Ministry of Social Welfare and Youth, the Local Governing Units and other Ministries.

<sup>6</sup> The Department for Social Assistance and Services at the municipalities.

<sup>7</sup> The Steering Committee operates in every municipality and is chaired by the Mayor. It is composed of representatives from all the representative institutions located in the field.

<sup>8</sup> At technical level, the National Referral Mechanism comprises representatives from the Police, the Prosecutor's Office, the Court, the legal representative/lawyer; the *NPO*; the Coordinator for Domestic Violence at the local government unit; etc.

<sup>9</sup> The local coordinator for referral of cases of domestic violence is the representative of the social services office at that local governing unit.

<sup>10</sup> The National Referral Mechanism started as an initiative of the *NPOs* with the support of the donors to build the first models of such a mechanism at the local level, based on the tasks laid down by the Law on Domestic Violence.

Municipality, the Police and the Health Structures. The services provided to the victim/survivor can be short and long term services. Over short term, such services include: immediate protection and security, health protection, and accommodation (including transportation to a safe place), and also information and assistance to start the procedures for obtaining an immediate protection order, or to for the criminal prosecution of the case. Meanwhile, depending on the case, it may be referred also to other institutions. Long term support includes referral to employment offices for support for employment, to get some professional recommendations, referral to the department of social services for economic aid, long term accommodations, legal counseling and assistance in case the survivor wishes to start divorce proceedings or to lodge a complaint against the violator, advice and psychotherapy to get healed from the trauma, but also for reintegration, and assistance for the children (that is, transferable to another kindergarten or school, counseling /therapy, if necessary, etc).

*Such mechanisms are not the only authorities that ensure protection against violence against women and domestic violence.* There is such effective cooperation among various stakeholders, including the NPOs, also in other mechanisms of a regional character such as: The Referral Mechanisms against Trafficking, or the mechanisms that operate in the context of The National Council for Gender Equality and Local Mechanisms for Children. Some of them include:

The National Council for Gender Equality (NCGE) which is composed of nine deputy ministers and three representatives of the Civil Society Organizations. The NCGE has addressed various issues linked with the Gender Equality, the approval of bylaws and with annual monitoring reports, and has given recommendations to central and local institutions. The NCGE is actively involved in the fulfillment of its tasks pursuant to its mandate, the review and support for concrete measures aimed at attaining gender equality such as: the programs for the economic empowerment of women; the promotion of women entrepreneurship; the promotion of the initiatives for women development in rural areas; and the transmission of messages against violence against women during awareness raising campaigns.

- At the level of the Assembly of Albania: *A Subcommittee on Minors, Gender Equality, and Domestic Violence*<sup>11</sup> addresses issues related to gender equality and the fight against domestic violence, involving in this process also the Civil Society Organizations.

The establishment of mechanisms to a regularly monitoring and evaluation of the implementation of all proposed measures, the set standards and good practices for ensuring their effectiveness and the quality of the services, delivered by the NPOs or other providers serve to achieve these goals.

*The services provided to domestic violence victims and gender-based violence victims are divided into two types: general and specialized.*

Nationally, 42 services (69.3%) are general services, and 19 (30.6%) are specialized services. Of these 12 service providers (20.3%) work with victims of violence against women directly about 75% or more, 10 service providers (16.9%) work directly in about 50-75% of their work, 11 service providers (18.6%) work directly in about 25-50% of their work, 12 service providers (20.3%) work directly in less than 25% of their work.

Specifically in relation to specialized services, the results show that seven service providers (53.8%) dedicate 75% or more of their work to the victims of violence against women directly; two services (15.4%) dedicate 50-75% of their work directly; two services (15.4%) dedicate 25-50% of

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<sup>11</sup> This Subcommittee on Minors, Gender Equality and Domestic Violence (chaired by a female member) was set up in 2013, with the view to monitor government policies in support of women and families.

their work directly, and two other services (15.4%) dedicate less than 25% of their work to victims of violence against directly.

The types of services provided by general and specialized services are the following: 11 of them (7%) provide housing, employment and vocational training programs; 14 (9%) *telephone helpline*; 35 (24%) *support for sexual violence victims*; 28 (19%) *support in legal proceedings*; 20 (14%) provide services in *counseling center/emergency (crisis) center*; 10 (7%) include *programs for perpetrators in their services*, and 29 (20%) include *support for children witnessing violence in their service*.

- An important part of NPO services consisted in Information and counseling. 48 services (85.7%), of these 13 are specialized services. This is provided to every women and girl in need and any other family members that might have been subjected to domestic violence.

- Support in crisis (emergency) situations is another service offered by NPOs, concretely by 41 of them (75.9%), where 12 are specialized services. Crisis support is provided round the clock only for women and girls or their family members suffering violence against women/domestic violence meeting the required edibility criteria to be admitted to round-the-clock specialized services (e.g. national shelters or some NPOs).

- Counseling on the telephone is provided by 19 services (38%). Of these, 8 are specialized services.

- Face to face counseling is provided by 46 services (85.2%). 13 are specialized services.

- Support/self-help groups are provided by 13 service providers (28.3%). Of these, 4 are specialized services. When received by the service providers target groups, violence victims/survivors benefit it free of charge as a NPOs service.

- Mediation/couple counseling is provided by 14 service providers (29.2%). Of these, 6 are specialized services. This service is mainly provided by NPOs and is free of charge. It usually consists of a couple of sessions the main purpose of which is to find the possible balance in the couple relations. However, this purpose is sometimes misinterpreted by service providers which try to - persuade women to forgive their husbands for what has happened (incidents of violence) and to- try to consider it as a mere incident that will never be repeated.

- Outreach is provided by 37 services (68.5%), of which 12 are specialized services. This type of service is provided free of charge.

- Case advocacy (referral) is provided by 45 services (86.5%). Of these, 13 are specialized services. This type of service seems to be more present in the cases of coordinated response (inter-disciplinary groups/teams) and is provided free of charge.

- Legal counseling is provided by 26 services (52%). Of these, 9 are specialized services.

In 2014, eight shelters accommodated a total of 145 women and 179 children. No woman failed to be accommodated on grounds of lack of beds in shelters. These shelters are located only in Tirana (capital), two major cities in the south (Elbasan and Vlora), and in the north (Shkodra). This means that access to this service is also very difficult due to limited geographic coverage, in addition to the current rules on the secrecy of shelter sites, making them difficult to be accessed by women.

The December 2016 AWEN report gave an account of the first National Centre for the Treatment of victims of domestic abuse: *“In addition to NGO-run centers, the first National Centre for the Treatment of domestic violence victims was established on April 25, 2011, offering 24- hour multi-disciplinary, standardized services. The centre provided accommodation for 64 persons in 2011-2012 (25 women; 39 children, 3 unaccompanied minors); 62 persons in 2012-2013 (34 women; 28 children), and 53 persons in January-July 2014, (19 women; 34 children, one unaccompanied minor). There were 28 new cases in 2014. The ages of women sheltered in this facility range*

from 19 to 51. About 70% come from rural areas. Generally the referrals come from the police, other state bodies and NGOs. Despite this positive model and the collaboration between the government and NGO shelters<sup>12</sup>, provision of support services for women victims/survivors of gender based violence and domestic violence in the country is uneven and not widely accessible. For instance, rural women/girl's access to direct support services is more limited.”

*Number of women supported:*

a) The social services in 2014 offered support in:  
- Psycho-social and legal services to 84 persons, of which 29 women and 55 children. 59 new cases, of which 21 women and 38 children.

- 22 women and their children left the center in 2014; six of them were followed up with by the Center staff, in the form of assistance for their monthly rent or food aid until full empowerment; 16 of them returned to their families or were assisted by the staff to find employment<sup>13</sup>.

b) In January-December 2014 the reintegration program of various organizations assisted 103 beneficiaries and 60 (their) children, of which 53 cases and 33 children were newly admitted in the program in that period, with the rest of the cases carried forward from the previous year and continuing to receive support under the reintegration plan. Out of 53 new cases, 40 cases were victims/potential victims of trafficking and 13 remaining cases were domestic violence victims.

c) Police structures identified and handled *a total of 4,121 cases of domestic violence* in 2014 (1,101 more cases than in 2013<sup>14</sup>). 2,422 cases were addressed with an application for *immediate protection order/protection order* (571 more cases than 2013). The number of persons harmed by domestic violence was 3,090 women (74.9% of the total number of victims of violence) and 1,031 men (24.1%). The number of wives harmed by violence was 1,798 women (43.6%).

- In 2014 there were 17 domestic murders with 22 victims, of which 10 victims were girls/women and 12 victims boys/men (6 suicide perpetrators). Compared with 2013<sup>15</sup>, there was a fall in this crime with nine cases and six victims. The murders were classified as passion killings, depression-incited, or property ownership disputes.

d) In 2014, the Forensic Medical Institute in Tirana treated seven violated women or girls under 14 years old, and 79 violated women and girls above 14 years old. The following types of perpetrated violence were reported: sexual assault against girls under 14 years old: two cases; sexual assault against women and girls above 14 years old: one case; domestic violence: 23 cases; and violence by other perpetrators: 60 cases.

e) Health facilities reported 186 cases of domestic violence to the Ministry of Health in 2014.

During 2015 were helped by the social services:

a) The National Domestic Violence Victim Treatment Center continued to provide its services, and treated a total of 75 persons, of which 28 women and 47 children.

There were 55 new beneficiaries, of which 21 women and 34 children. 52 beneficiaries were released from the program, of which 21 women and 34 children.

<sup>12</sup> In Albania there are 10 shelters. Out of 10, 1 is specifically designed for children with disabilities and another one for LGBTI persons. The last shelter was opened in 2015 in Shkodra as an emergency shelter offering temporary accommodation for women victims of violence against women. The shelters have a capacity of approximately 163 beds.

<sup>13</sup> All the activities conducted in the center and outside it aim at increasing women's independence, making them self-sufficient, and increasing their self-confidence.

<sup>14</sup> 3,020 domestic violence cases were identified in 2013.

<sup>15</sup> In 2013 there were 26 cases of domestic homicide, with 28 victims

Three persons attended vocational training courses (two women and one child under 17 years old). A total of eight persons were employed (six full time, and two part time).

b) A classification of the collected data from the State Police Directorate by categories for gender-based violence indicates that:

- In January-December 2015, State Police structures identified and handled 3,866 cases of violence and other domestic criminal offences, 255 fewer cases or 6.1% less than in 2014. The number of persons harmed by domestic violence and other offences was 3,969.

- 2,148 cases were addressed with an application for immediate protection order/protection order (there had been 2,422 applications in 2014). This indicator fell by 274 cases (11% fewer cases) in 2015.

- The intention in 2015 was to follow up specific cases with criminal proceedings under Article 130/a, with 1,300 cases being referred to the prosecution office. The number of persons harmed by domestic violence and other offences was 2,954 women and girls (74.4% of the total number of domestic violence victims), and 1,015 men (25.6%), which shows the gender basis of the violence. In 112 cases court IPOs/POs were breached.

### **The financial support of NPOs goals**

#### ***Why is necessary to invest on gender equality and women's rights?***

According to the United Nations Convention, to the EU framework and the legislation in action, the Albanian government has as its priority to achieve gender equality in society.

For donors, the allocation of funds for gender equality and women's rights is "essential". The empowerment of equal rights or gender equality and specifically of women's rights is important for the creation of a democratic society that guarantees these rights as part of human rights.

Albania's progress towards integration into the European Union is accompanied by a gradual withdrawal of foreign donors from the country, as well as, a reduction of financial resources for the support of non-profit organizations, which until today were dependent on these foreign donations to carry out these services for the public. This, for several reasons:

1. The private, public and civil society sectors need long-term support, but the general perceptions are that private (AWID, 2013) or public sector investments yields better results than the civil society support.

2. Recently many of the donors are focusing their support on the governing mechanisms; they think that these mechanisms are sufficient to achieve gender equality. This is an inadequate treatment for this issue. Although, there are many mechanisms, they are not efficient. ... In a country where there is still no gender equality, women's NGOs are working hard to achieve it.

3. Investing in civil society orients towards sustainable movements that are in possess of adapting skills and changing conditions, ensuring that women's rights are protected and gender equality is moving forward. At least hypothetically, donors agree that women's organizations play an "important" role in the processes of social change. But, funding for gender equality and women's rights does not necessarily mean funding for women's rights organizations.

4. In some gender equality and women's rights programs, women's organizations are not eligible for grants. Instead, international organizations or contractors implement programs using their staff. With generic relief reductions around the world, AWID has also found that international organizations tend to give more priority to their operational costs than grants for CSOs (AWID, 2013, pg. 37). This approach is against the Paris Declaration, where donors have agreed to "*avoid, as far as possible, the creation of special structures for day-to-day management and the implementation of aided projects and programs*".

At this crossroads of development, a question that arises is: Who should provide these types of social services? In the conditions where the citizens need these services, their extinction is out of the question. So, which sector is in the best position to continue to provide these services? On the one hand, the State sector has the responsibility to provide the necessary services to its citizens. There are also financial (growing) opportunities, created through the contribution of citizens as taxpayers. And, on the other hand, there is a non-profit sector that possesses motivated and prepared human capacities for years on providing successfully social services (Shkurti E. 2011 pg. 203).

The legal framework is already in place, that envisage the support of such NGOs with government funds, but its implementation has not started yet.

*Law No. 9970 of 24.07.2008 "On Gender Equality in Society"*, aims to provide effective protection from discrimination on grounds of gender; it defines measures for guaranteeing equal opportunities between genders and the responsibilities of the state authorities, both central and local, in the development and implementation of normative acts and policies which support the promotion and furtherance of gender equality in society. This law is of special importance in protecting women from violence, even when such violence occurs outside family relationships.

Article 11 establishes an advisory body for the government, the National Council for Gender Equality, where necessarily three of its 14 members should be representatives of civil society. Under the same law, the main responsible authority, currently the Minister of Labor, Social Affairs and Equal Opportunities, has the duty to co-operate and provide support to non-profit organizations active in the field of gender equality (Art. 13, par. 2, point c). The same obligation is also imposed on local government bodies, defined as: "*Local government bodies closely cooperate with non-profit organizations to achieve gender equality in different areas of the territory covered by them* (Art. 14, par. 2)". This cooperation and support required by public bodies, opens the way for different models of cooperation with NGOs, including their contracting and financing of services they can be provided by them with public funds.

*Law 10221, of 4.2.2010, "On Protection from Discrimination"*, aims to guarantee the right of every individual to equality before the law and equal protection by the law; equality of chances and opportunities to exercise rights and enjoy freedoms and participate in public life; and effective protection from discrimination or any other behavior that may lead to discrimination. In order to ensure the implementation of this law, a public body called the Office of the *Commissioner for Protection from Discrimination* has been established. It is another active and effective instrument for the prevention of cases of discrimination against women, by filling one of the organic gaps in the law "On Gender Equality in Society", the implementation of which did not envisage the establishment of an independent public body of this sort. The establishment of this public body was part of the recommendation offered by the NPO to the different meeting organized with the government representatives.

Also, a similar role is foreseen for the Ministry of Labor based on the Law no. 9669, dated 18.12.2006 "*On Measures against Violence in Family Relations*". Here the legal possibility and the obligation to contribute even with financial means is even more visible. For example: Article 6 sets out as obligations for this authority funding or co-financing of projects, aimed at to protect and consolidate the family as well as the care of victims of domestic violence. This authority has to support the establishment of subsidiary structures and all the necessary infrastructure that serves to provide and supplement all the needs of persons abused in family relations, including financial assistance as well as medical and social services, according to the legislation in force, in addition to license the NPOs which provides services to violated persons and the establishment of service centers for them.

The obligation to install and build services for victims, children and perpetrators falls also on local government bodies.

Law "On Legal Aid" (No. 10039, dated 22.12.2008) has determined the possibility and obligation for competent state bodies to cooperate with non-profit organizations in order to provide free legal aid (art.19). But, the public funds necessary to sub-contract specialized NPOs on providing free legal services, on protection against domestic violence and gender discrimination, are missing.

Law no. 125/2013 "On Concessions and Public Private Partnership" creates new opportunities for the procurement of social services and their decentralization. The law, through clear provision in the field of implementation, provides the possibility of using a public-private partnership procedure for social services (Art. 4, point 1/g) and recognizes to the contracting authority's the authority to proceed with public-private partnership procedures (Art. 13, point 2/c). This enables the civil society organizations that have the operational capacities to be part of the competition to obtaining contracts from local government bodies as specialized social services providers.

Until now, we have seen that the presence of public funds support towards the organizations has not so determinant to fulfill all their expectations. Because of social services for the groups in need, the number of contributors and the quantity of this contribution is a variable data. Let's give some data's on the situation:

a) *The local government* has funded six service providers (Country report for GREVIO Committee 2017), providing 40% of the funding for two service providers, 10% of the funding for three service providers and 2% of the funding for one service provider.

b) *The foreign donors, including the UN organizations* have funded 14 service providers.

c) *The National charity foundations* have funded one service provider with an amount of 50% of funds for 2014.

d) *The private companies* have funded six service providers with an amount of 90% of the fund for one service provider; 70% of the fund for 1 service provider; 40% of the fund for one service provider; and 10% of the fund for 3 service providers.

Other supplementary sources of funding include: *the national NPOs* that have funded two service providers with respective amounts of 90% and 20% for each; and the *State Agency for the Support of Civil Society* that has funded one service provider, specifically the *State Shelter* (Albania – Final Report —*Mapping of Support Services against Violence against Women and Girls*, Council of Europe and UN Women, Tirana, June 2015).

These sporadic examples of co-operation between the "third sector", the civil society and the public, in meeting the needs of the beneficiaries, opens the path to a new form of interaction, "*public-private partnership*". We firmly say that, social services on women's support have been the first one supported by public funds, which were delivered by the Albanian National Agency (AMSHC) or local government, using in this way the established institutions, national and local mechanisms, the existing legal framework and the expertise of their human capacities.

Pursuant to the above mentioned legal framework, *public-private partnership* is recognized and guaranteed as a long-term contractual arrangement, between the contracting authority, the public partner and one or more economic operators, that is, the private partner. This rule includes all objects and does not refer to a specific object (such as, for example, social service). In this regard, the law provides guarantees on the provision of standards for guaranteeing the financial sustainability of the well-known organizations conform their focus and provides missed services on the basis of a constant monitoring of their quality.

### Conclusions

The paper was focused on the development of civil society organization after 90ties in Albania, their role on the social life and their struggles on surviving in a hostile climate of the Albanian political changes.

After many years, the civil society achieved the credits of being a key factor in improving the Albanian citizen's life's. It provides that even where the State is not able to interfere, organizations will be sufficiently vigilant to understand the necessities, to interpret them on services and to derive outcomes.

Women's organizations were the first one who offered social services for women and girls, protecting their rights and supporting them during their life difficulties. Severe economic and social problems after the 1990s enabled these organizations to build the necessary capacities in immediate intervention to solve them. Their social influence in the society was raised and they achieve the attention not only among groups of interest but also on the Albanian public institutions which over time considered them as collaborators and no more as rivals.

It was their large influence and lobbying with stakeholders, local and central government, beneficiaries, that made these institutions aware for the in-force legal framework improvement, strategies, the concrete measures, and the direct actions to improve the situation.

The experience gained over the years, staff's professionalism, the operational capacities are still, depending on financial opportunities that allow them to be active in the society and to cover the service-generated abnormalities.

Till now, civil society organizations especially the women's organization have been struggling to survive with their own forces through short-term projects granted by foreign donors, possibilities which are reduced day by day. This raised up the necessity for cooperation with public, national and local institutions and business. In the area of women's rights, in particular, domestic violence and trafficking, the cooperation between organizations as partners in projects or their network's membership for fundraising has generally been satisfactory. Still, more needs to be done. As noted, concrete services (shelters, reception centers, housing, counseling services, telephone lines, health, social, educational, employment services, etc.) in support of victims of violence and their families are still not enough, they do not meet the requirements of victims and are not diverse. This shows the need that organizations, as social operators, should be more active on service delivering and creating new opportunities of collaboration with many other social actors, as possible, on meeting the needs of vulnerable groups.

The women's organizations in Albania, through the awareness campaign, make possible including their issues and goals on the public authorities agenda, strategies or action plans, and at the same time gaining from them financial support on covering their services.

This paved the way to the improvement of the legal framework and the opportunities for cooperation between the public and "social" private sector.

In this direction, Albanian legislation was improved with new structured legal amendments on the involvement of the social sector on the social services provision. The law stipulates the actors, the scope of intervention, the legal criteria on selection of service providers, the transparency of funds and activities or services, the establishment of the responsible entities to fulfill the agreements and the monitoring process on the obtained results. In this way, the legislation offers a new opportunity to the social operators (NGOs, different organizations, or others) to provide services for their targets or not only for them, according to the law restrictions, being a fair partner, support and collaborator with the state/public institution on this purpose. This collaboration will be possible through agreements and contracts stipulated between the state/public institutions, which offers funds for ser-

vices, and the providers, interested organizations or social sector, which will offer the needed services.

This *public-private partnership* opens the prospective to well-known organizations to be active with their services in the social field. Their services will be recognized by the institutions in charge delivering to them a license and they will be under their inspection on the quality of the delivered service. In this way, the public authorities will hire the organizations, their assets and, competencies on providing necessary services and controlling their delivery, and, by the other hand, the organizations will take funds, survive and be an important actor on the social field by doing what they do better, offering services for their beneficiaries.

For the Albanian social framework, this type of collaboration is new. The actors are unprepared and have any information on the legal rules on tendering of social services provided by NPOs in order to avoid all kinds of favoritisms on the selection, the quality of services, the procedure of controlling and monitoring of the results, the respect of law and elimination of all cases of fiscal evasion.

To achieve that, the law articles should clearly determine the expertise, experience, and quality of services, based on social standards, in relation to the lowest price provided by service providers. Also, there is missing a detailed guide on the necessary documents to fill out by the interested organization for the participation in a tendering process. At the same time, the established mechanisms in Albania should be more responsive, well-informed and sensitive on the results, measuring them directly by the beneficiaries perception. In this way, the mechanisms will be more efficient if they will be composed by a certain number of beneficiaries. Making beneficiaries (vulnerable groups) part of the monitoring process will raise up the level of quality and the standards of services.

### References

- Albanian Women Empowerment Network (2016). Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence in Albania. <http://awenetwork.org/wp-content/uploads/2017/01/Draft-IstanbulConvention-Monitoring-Report-1-1.pdf>. Accessed: 16 August 2017
- Anastasi, A. (2013). Report (general findings) "Legal Framework Analyze on contracting of NPOs from national and local authorities for domestic violence services". Financed by UN Trust Fund, Tirana.
- Auriol, Emanuelle dhe Picard, Pierre M. (2009). Government outsourcing: Public contracting with private monopoly, <http://www.voxeu.org/index.php?q=node/4248>
- Arutyunova, Angelika (2013). Cindy Clark of Association for Women's Rights in Development (AWID), Watering the Leaves, Starving the Roots: The Status of Financing for Women's Rights Organizing and Gender Equality, Toronto.
- Asian Development Bank (2009). Final report on government procurement of public services. People's Republic of China, prepared by Jia Xijin dhe Su Ming.
- Batliwala, S. (2008). Changing their world: Concepts and practices of women's movements, AWID <http://www.awid.org/Library/Changing-their-World-Concepts-and-practices-of-women-s-movements-2nd-Edition>.
- Bulgarian Centre for Not-For-Profit Law. Surveys and reports from different countries in the region <http://blacksea.bcnl.org/en>
- Bullain, Nilda, Toftisova, Radost. "A comparative analysis of European policies and practices of NGO-government cooperation." The International Journal of Not-for-Profit Law volume 7, no. 4 (September 2005), [http://www.icnl.org/knowledge/ijnl/vol7iss4/art\\_1.htm](http://www.icnl.org/knowledge/ijnl/vol7iss4/art_1.htm).

- Chapter 6. To market, to market: outsourcing the public service.  
[http://epress.anu.edu.au/anzsog/frank\\_fearless/mobile\\_devices/ch06.html](http://epress.anu.edu.au/anzsog/frank_fearless/mobile_devices/ch06.html)
- Country Policy and Information Note Albania: Women fearing domestic abuse Version 2.0 December 2017  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/671397/Albania - DV - CPIN - v2.0 December 2017 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671397/Albania_-_DV_-_CPIN_-_v2.0_December_2017_.pdf)
- Country report for GREVIO Committee (2017), Albania January 2017
- Farnsworth, N. & Gashi, E. (2013). Where are the money for Women's Rights? Kosova case", Study prepared by Network of Women Groups of Kosovo and Alter Habitus – Institution for Social and Cultural Studies, Prishtina.
- Fourth periodic report of States parties on implementation of CEDAW, due in 2014: Albania. 24 November 2014. <https://documents-ddsny.un.org/doc/UNDOC/GEN/N14/664/83/PDF/N1466483.pdf?OpenElement>. Last seen Oct. 20, 2016.
- Halvorsen, Rune. (2014). The role of NGOs in the New Social Europe.
- INSTAT (2013). Domestic Violence in Albania: National Survey on Population Basis. [http://www.instat.gov.al/media/225812/dhuna\\_ne\\_familje\\_ne\\_shqiperi\\_2013.pdf](http://www.instat.gov.al/media/225812/dhuna_ne_familje_ne_shqiperi_2013.pdf). Last seen Oct. 20, 2016.
- Kelly, L., Lovett, J. & Kocaqi, M. (2015). Albania – Final Report: “Mapping Violence against Women and Girls Support Services”. Tirana: Council of Europe & UN Women.
- Nordtveit, Bjorn Harald (2005). Use of public-private partnerships to deliver social services: advantages and drawbacks, [portal.unesco.org/education/es/files/43500/..../Nordtveit\\_B\\_1.doc](http://portal.unesco.org/education/es/files/43500/..../Nordtveit_B_1.doc)
- Shkurti, E. (2011). Cases of NPOs contracting by institutions for providing public services, discussed on the Conference "The active role of NPOs on the protection of human rights, through constitutional and legal instruments", organized by Center for Legal Civic Initiatives and the Academy of Sciences of Republic of Albania, Tirana, 28 June 2011.
- The mechanisms against violence and trafficking, synergies and developments of synergies (2015). by the United Nations Program for Social Inclusion in Albania, Tirana.
- The participation of Civil Society and Citizens in Decision making process. Study on the legal framework and practice in Albania; Partners Albania, Center for Changing and Conflict Management, Tirana, Albania, 2013, pg 13.
- The Committee on the Elimination of Discrimination against Women (8 July 2016). Comments on Fourth period Report of Albania. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20263&LangID=E>. WAVE (2015). Compilation of Country Profiles. [http://files.wavenetwork.org/researchreports/WAVEReport2015\\_Compilation\\_Country\\_Profiles.pdf](http://files.wavenetwork.org/researchreports/WAVEReport2015_Compilation_Country_Profiles.pdf). Last seen Oct. 20, 2016.

### Laws

- Law No. 9643, date 20.11.2006 For Public Tenders (changed) and other acts.
- Law No. 9970, date 24.7. 2008, For gender equality in the society.
- Law No. 9669, date 18.12.2006, For measures against domestic violence in the family relations.
- Law No. 10329, date 30.09.2010, For some changes and added on the law no. 9669, dt. 18.12.2006, For measures against domestic violence in the family relations.
- Law No. 10221, date 4.2.2010, For the protection against discrimination

- Law No. 10039, date 22.12.2008, For Legal Aid.
- Law No. 10 347, date 4.11.2010, For protection of children's rights.
- Law No. 9355, date 10.3.2005, For Social help and services.
- Law No. 125/2013 On concessions and private-public partnership
- Law No. 10093, date. 09.03.2009, For organization and function of the Agency on the Supporting of the Civil Society in Albania.
- Charta of Civil Society 2010.
- Law No. 8788, date 07.05.2001 on Non Governmental Organizations.
- CMD No. 265/12.04.2012 - On the Establishment and Functioning of the Mechanism for Coordinating the Work of Responsible State Authorities for Referral of Cases of Endangered Children and Manner of its Prosecution.
- Joint Instruction No. 3799/8.7.2014 — On the Establishment of the Responsible Authority for the Identification, Referral, Protection and Reintegration of Victims of Trafficking.
- Order of the Prime Minister No. 3/08.01.2009 On the Functioning of the National Council for Gender Equality.
- Order of the Prime Minister No. 230/2013 On the Functioning of the NCGE.
- Law No. 10347/4.11.2010 - On Protection of Child Rights;
- Order of the Prime Minister No. 3/08.01.2009 On the Functioning of the National Council for Gender Equality, in accordance with Law on Gender Equality (LGE) No. 9970/2008, reformed by the order of the Prime Minister No. 230/2013 On the Functioning of the NCGE.
- Chart of signatures and ratifications of Treaty 210.
- <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>. Last seen Sept. 20, 2016.
- Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. <http://www.coe.int/en/web/istanbul-convention/home>. Last seen Sept. 20, 2016.
- The National Strategy for Gender Equality, against Gender Violence and Domestic Violence (2011-2015)
- Ministry of Finance (2001). <http://www.minfin.gov.al/skzhes/SRERV-26Nentor2001.pdf>.