

Information provided by Albania:

**“Questionnaire of the Special Rapporteur on the Human Rights of Migrants
on
Good practices and initiatives of gender-responsive migration legislation, policies,
and practices”**

Questions:

How does your Government define “gender responsiveness”?

Please provide information on any existing or forthcoming good practices or initiatives on gender-responsive migration legislation, policies or practices in your country. (Should you provide information on legislation or policy, kindly submit the original text, accompanied by an English translation if it is in a language other than the six official UN languages)

Please indicate any challenges and/or obstacles in the implementation of gender-responsive migration legislation and/or policies?

Based on the experience accumulated with these interventions so far; as well as the lessons learned, what would you have to do differently to maximize the gender responsive impact of these interventions?

What support could other stakeholders (other than your Government) provide to make your migration policies, legislation, and practices more gender responsive?

Answers:

Gender equality Legislation:

The principles of equality and non-discrimination on grounds of gender are provided in Article 18 paragraph 1 and 2 of the Constitution of the Republic of Albania and cover all Albanian legislation.

LAW No.9970, date 24.07.2008 “GENDER EQUALITY IN SOCIETY”

The aim of this law is:

- a) To ensure effective protection from gender discrimination as well as any other form of behaviour that encourages gender discrimination;
- b) To define measures guaranteeing equal opportunities among men and women to eliminate gender based discrimination in any of its forms;
- c) To define the responsibilities of central and local state authorities for developing and enforcing laws and policies in support of encouraging gender equality in the society.

This law is based on the principle of equality and non-discrimination, and other principles sanctioned by the Constitution of the Republic of Albania, by the Convention “On the Elimination of all Forms of Discrimination Against Women”, and by all other international acts ratified by the Republic of Albania.

Law Implementation

1. This law shall protect from gender discrimination all persons living and residing in the territory of the Republic of Albania.
2. Albanian citizens with a temporary or permanent residence abroad enjoy protection offered in this law in the relations they establish with the Albanian governmental agencies.
3. The foreign legal or natural persons with a temporary or permanent residence abroad enjoy protection offered in this law in the relations they establish with the Albanian governmental agencies.

The law gives the definitions of discrimination because of gender; direct and indirect discrimination; Gender Based Harassment and sexual harassment.

□ **Law No.10221, dated 4.2.2010 “ON PROTECTION FROM DISCRIMINATION”**

This law regulates the implementation of and respect for the principle of equality in connection with gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, education or social situation, pregnancy, parentage, parental responsibility, age, family or marital condition, civil status, residence, health status, genetic predispositions, restricted ability, affiliation with a particular group or for any other reason.

The application of the Law:

1. This law is applicable to all persons who live and stay in the territory of the Republic of Albania.
2. Albanian citizens with a temporary or permanent residence outside the borders of the Republic of Albania enjoy the protection that this law offers in relations with the Albanian state organs.
3. Natural and legal foreign persons with a residence domicile or headquarters outside the territory of the Republic of Albania enjoy the protection that this law offers in relations with the Albanian state organs.

□ **LAW NO. 9669, DATED 18/12/2006 “ON MEASURES AGAINST VIOLENCE IN FAMILY RELATIONS”, AS AMENDED**

The purpose of this law is:

1. To prevent and reduce all forms of domestic violence through the appropriate legal and other necessary measures.
2. To guarantee, through legal and other necessary measures, the protection of family members victims of domestic violence, by paying special attention to children, the elderly and persons with disabilities, and of any other individual, subject to this law, pursuant to Article 3 hereof, who presents special protection needs.”

Subjects

1. Subjects protected by this law shall be all subjects defined in Article 3 (7), [1]who are Albanian citizens residing or staying in the territory of the Republic of Albania.
2. Subjects protected by this law shall be the foreign nationals or stateless persons who have applied for international protection under the applicable asylum legislation in the Republic of Albania, and foreigners with regular residence for various reasons, according to the applicable legislation on foreigners included in the category of subjects set out in Article 3 (7) hereof.”

Applicable legislation

1. This law is based on the principles enshrined in the Constitution of the Republic of Albania, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and other international acts ratified by the Republic of Albania.

2. The implementation of the provisions of this law, in particular the measures for the protection of the rights of victims, are provided without discrimination, for any cause provided by the applicable legislation on the protection from discrimination.

-In the framework of harmonization of Albanian legislation with the CEDAW Convention and the Istanbul Convention, the Ministry of Health and Social Protection has taken the legal initiative for amendments of Law No.9669, dated 18.12.2006 "On Measures against Domestic Violence", as amended. The new changes were adopted at 23.07.2018 and entered into force at August 18th, 2018.

In compliance with this law, is approved

- Guideline No. 816, dated 27.11.2018, of the Minister of Health and Social Protection "On the adoption of service delivery standards and the functioning of crisis management centers for sexual violence cases" .

Service Standards Document for 'Sexual Encounters Crisis Management Centres' with a focus on Emergency, one-stop, Integrated, 24/7 and Short-Term Service (24 Hour to 72 Hours) for Victims / survivors of sexual violence as well as for other members of their families were prepared with the purpose of the efficient functioning of these centers.

Service Standards for 'Crisis Management Centres for Sexual Violence' are a prerequisite for service delivery at professional levels, the licensing process of this service, its control and assessment, which can be offered in the future by public entities and non-public. They underline the minimum basic conditions to be met in order to provide immediate, emergency and short-term service in cases of sexual violence and which therefore necessarily apply to all public and non-public entities providing such a service.