Using CEDAW Committee, GREVIO and UPR as tools for protecting women’s rights

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The structure of presentation

- Using the Istanbul Convention and GREVIO’s recommendations;
- CEDAW and concluding observations of CEDAW Committee;
- UPR and recommendations;
International standards
Court practices while using the standards

1. Using Istanbul Convention while preparing law suit, legal act to court/administrative institution

2. Asking before the court in domestic violence cases or divorce cases to take in consideration the article 31 of Istanbul Convention when it comes to rights of custody and visitation rights.

3. The court decision regarding the right of the visitation of the perpetrator with the children in the presence of the psychologist.

4. Attempt to exclude women victims of domestic violence (without DV decision) from paying the court fees and other court costs
CLCI–Istanbul Convention

- Using Istanbul Convention in the lawsuits;
- The standards of Istanbul Convention are reflected in the courts decisions of the courts of different level as Judicial District courts Appeal Court, High Court and Constitutional Court;
- Feedback for GREVIO;
- Sharing GREVIOs recommendations with all stakeholders to translate them in a plan of action.
CLCI–CEDAW

- Using CEDAW in the judicial practice; lawsuits, court decisions;
- Using CEDAW in advocacy;
- Preparation of shadow reports for CEDAW Committee;
- Participation in 64th CEDAW session;
- Referring to concluding observations of CEDAW Committee in advocacy work;
Using the CEDAW Convention while preparing lawsuits, legal acts to courts/administrative institutions;

- Regarding dissolution of marriage cases, CLCI makes it part of the claim and refers to the CEDAW Convention, so that the court may consider the matter and decides to guarantee equal rights in divorce proceedings between husband and wife, referred to in Article 16 thereof.
The case was followed at all stages of the trial by demanding a non-guilty verdict for B.Q and for the Court to exercise random control, thus suspending the trial and sending the matter for review to the Constitutional Court (CC). The CC is the competent body that can exercise control when a legal provision such as Article 113 of the Criminal Code is incompatible with the CEDAW Convention. The Court in first instance and the Court of Appeals rejected our inquiries, and denounced B.Q. for the solicitation of prostitution.

The Supreme Court accepted our request for the exercise of control of the case, suspended the trial and sent the case for review to the Constitutional Court.

The Constitutional Court concluded that the applicant's claims for the repeal of Article 113, paragraph 1, of the Criminal Code, of non-respect of the principle of equality and proportionality, under Articles 18 and 17 of the Constitution, should be overturned as ungrounded.

Using Cedaw Convention in the complaints submitted to the Commissioner for Protection from Discrimination.
Photo from 64th session of CEDAW Committee
On 11th July 2016 the representatives of the Centre together with representatives of other NGOs presented before the Committee CEDAW, the main issues of the shadow report that they prepared with regard to property rights in a gender perspective and enforcement of court decisions for child alimony payment.

Reporting on specific issues;
The non–formal meeting of NGO’s representatives with members of the CEDAW Committee was organized on the 11th of July 2016.
The Center for Legal Civic Initiatives (CLCI) is coordinating the Monitoring Network Against Gender Based Violence in Albania.

This Network is established under the frame of the project, funded by the European Commission and implemented from CLCI with the support of UN Women.
Working in a network

- Using international standards;
- Improvement of legislation on eliminating VAW, in line with international standards;
- Holding the Albanian government accountable;
- Communication among member organizations, sharing the good practices, empowering of violated women through advocating, support and using available, accessible and quality services;
Using international standards

The capacities of NGOs on using CEDAW, the Istanbul Convention and the European Union acquis communautaire as tools of change are strengthened;

- Part of the judicial practices, lawsuits, court decisions;
- Manuals; Trainings on UPR (42), on CEDAW & GREVIO (56); informative sessions (62), Round Table on CEDAW & GREVIO (38) & on gender discrimination in property (41);
- Shadow reports;(UPR shadow report and it’s presentation, follow up shadow report for CEDAW);
- Sharing concluding observations of CEDAW Committee, recommendations of GREVIO in national level;
- Sharing good practices in regional level, WAVE newsletter, WAVE FEMPPOWER MAGAZINE;
Photo from trainings
Improvement of legislation


II. The approval of sublegal acts of dv law;
Representatives of MN in the Albanian Parliament
Holding the Albanian government accountable

- CSOs’ capacity to hold the Albanian government accountable are strengthened.
- The response of the system is monitored through monitoring concrete cases, the responsibilities are identified and made public and the CSO’s advocacy for effective implementation of legislation is strengthened using international standards.
- Accountability Forums (75)/meetings;
- Follow up of reactions in disciplinary measures, decisions, regulations;
Accountability Forum
WHY a UPR?

- New experiences and new methods;
- Diversity of opinions and recommendations and alternative views;
- Raises concerns based on international standards & different experiences of the states;
- Brings closer the state and civil society;
- Provides alternative perspectives to human rights;
Preparation of the report

- 48 organizations of the Monitoring Network against domestic violence;
- Preparation of questionnaires;
- Organization of workshops and sharing of ideas;
- Selecting of the issues to analyze from the previous recommendations of the state;
- Drafting, discussing and publishing the report;
Report submission

- Submitting the report based on the UPR rules;
- Publication of the report in the Network’s official website, in English and Albanian language;
- Monitoring of the state activities in order to update our statements;
- Monitoring of the state activities in order to contribute for the implementation of previous recommendations;
- Preparing the pre-sessions’ statement;
Pre-session statement (Albania)

- Implementation of previous recommendation made by (country X that made recommendation)
- New developments
- Main concerns;
- New needs;
- Recommendations;
Photo from Pre-session
E.G.: Situation in Albania

- Taking action to effectively prevent and fight violence against women, particularly domestic violence. (104.44–Algeria; 104.45–Slovakia; 104.46–Turkey; 104.55–France);
- Reform of the legislation against domestic violence, based on the international standards;
- New legislation for regulating free legal aid and access to justice;
- New mechanisms against domestic violence, ex. Police Protection Order;
- Need: Strengthening state bodies against domestic violence and their efficiency, especially in local government.
Recommendations

- Establishing the referral mechanism against domestic violence in all municipalities of the country;
- Drafting a framework law on preventing and combating violence against women;
- Setting up mechanisms in order to implement the new law on legal aid and the amendments of domestic violence law;
- Setting up mechanisms in order to enforce court decisions on protection orders and compensation of victims of gender-based violence.
Thank you!

- MONITORING NETWORK AGAINST GENDER BASED VIOLENCE

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