**Input to Human Rights Council resolution 29/22 on the protection of the family**

Article 53 Constitution of the Republic of Albania “*family protection*” reads: “*Everyone has the right to marry and have a family*".

Article 16(3) of Universal Declaration of Human Rights stipulates:” The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”.

► In the opinion of Ombudsman Institution, but also referred to resolution 29/22 of the United Nations, women have an important role and the main contribution in the family for a sustainable family, realized by strengthening their participation in politics and decision making, access to justice, governance gender-sensitive economic, in particular through fighting domestic violence and enhancing women's access to social services .

The Ombudsman Institution drafted a special report “On the implementation of CEDAW Convention in Albania, presented to the United Nations Committee on Elimination of all Forms of Discrimination against Women*[[1]](#footnote-1).*

Also, for empowerment and participation of women in politics, the Ombudsman Institution submitted a recommendation to the Chairs of the Parliamentary Groups in the Parliament of the Republic of Albania, on “Concerning the initiative to amend the Electoral Code of the Republic of Albania towards ensuring equal gender representation in and access to the Albanian Parliament.” Succinctly, the three points made in the recommendation focused on:

1) Ensure equal gender representation (50%) in the Parliament of Albania;

2) Women account for 50% of membership in Municipal councils; and

3) Political party lists refused should they not meet the criteria of equal gender representation.

► Also, the Ombudsman Institution has recommended to amend the Criminal Code by adding a provision about moral harassment at home, caused by persons with special qualities, such as spouse, civil partner, etc. or by anyone else, whose actions are aimed at or result in the degradation of the living conditions or a violation of the rights of the victim, with physical and mental health consequences.

It is this psychological violence that precedes in many cases, physical violence and that can degenerate to murder, suicide or rape. In these circumstances, the Ombudsman has estimated that the prosecution of these actions will prevent large -scale criminal acts of physical violence or murder in the family environment.

As mentioned above, we have recommended the inclusion of a provision in the Penal Code, with this content:

“Harassment of spouse, partner or person with whom coexists through repeated actions that have the purpose or result the degradation of living conditions leading to the destruction of physical or mental health of the person, shall be punished with imprisonment up to three years when these actions have caused a total incapacity to work for a shorter duration than or equal to eight days or when they have not caused any disability to work and five years in prison if they have caused a total incapacity to work.”

► The family has the main responsibilty for nutrition and child protection, for harmonious development of their personality, creating the potential for growth in an environment filled with love and understanding.

The Institution of the Ombudsman has a specific section on the protection and promotion of children's rights, ensuring implementation of the Convention on the Rights of the Child, promotion of their rights in the Parliament, Government and civil society, through mediation in inter-institutional relations and policies affecting children. Currently, we are working on drafting a special report on the use of child labor in Albania.

► Respect of human rights is closely linked with the family, with the realization of the right to an adequate standard of living for every family member.

In this regard, the Ombudsman Institution has recommended strengthening policies related to the employment issues for the goals of sustainable development in the future, adequate social housing for every person, strengthening policies that ensure access to every citizen in the water supply and electricity systems, the right to inclusive education, treatment with dignity and standards in social care facilities

► Beyond the concept of traditional family, the Ombudsman Institution has also recommended to amend the Law No. 9062 , dated 05.08.2003 " The Family Code of the Republic of Albania" , regarding civil partnership between two persons of the same sex , and conditions and procedures of registration, the consequences of registration, and the method of completion of civil partnership and personal relationships of property between cohabitants are regulated by a special law and recognition of gender identity, namely the right to change sex from male to female and vice-versa documentation as well as physically, and recognition of the right to civil communities.

1. <http://tbinternet.ohchr.org/Treaties/CEDAË/Shared%20Documents/ALB/INT_CEDAW_IFN_ALB_21837_E.pdf> [↑](#footnote-ref-1)