



**Human Rights in Democracy Centre**

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# HRDC Stakeholder REPORT



**Second National Periodic Report of Albania on  
the implementation of the Council of Europe Convention  
on Preventing and Combating Domestic Violence and  
Domestic Violence (Istanbul Convention).**

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## Introduction

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Human Rights in Democracy Centre (HRDC) is a non-profit and non-religious organization whose mission is to work for the protection and promotion of fundamental human rights and freedoms in Albania and to raise the awareness of the Albanian society on the state of human rights, with a special focus on the most vulnerable groups in society, such as women / girls, minors, minorities, etc. One of the objectives of the HRDC is to prevent domestic violence and to provide support services for victims/survivors of domestic violence. The HRDC has continuously contributed to the capacity building of the institutions responsible for the implementation of legislation against domestic violence and gender-based violence. Since 2015, the Center has monitored the decisions of the Tirana Judicial District Court regarding issues related to the issuance of Immediate Protection Orders / Protection Orders ( 2016-2017 and 2020-2021).

The Center monitors the implementation of laws in practice and undertakes initiatives to improve legislation in the field of human rights protection, with a special focus on gender equality, domestic violence and gender-based violence. During the reporting period, the HRDC has contributed to the amendment of Law no. 9669/2006 "On measures against domestic violence", bylaws for its implementation and Law no. 10221/2010 "On protection from discrimination" - has provided suggestions regarding the drafting of Law no. 111/2017 "On legal aid guaranteed by the state" and Law no. 22/2018 "On Social Housing". Considering the adoption of bylaws important for the effective implementation of measures against domestic violence, the HRDC has recently given recommendations on amending the Decision of the Council of Ministers no. 334/2011 regarding the functioning of the Coordinated Referral Mechanism, in order to adapt it to the latest amendments to the legislation against domestic violence and international standards adopted by Albania.

This Report prepared by the HRDC provides an assessment of the implementation of measures taken by the Albanian authorities in relation to certain aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ( Istanbul Convention from here) during the reporting period 2017-2020. This document is based on main problematic issues related to domestic violence, aiming to identify and describe actions taken and/or planned to be taken the Albanian authorities for the effective implementation of Istanbul Convention.

# Challenges of Police Stations in treating/addressing GBV/DV cases

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Amendment of domestic violence legislation<sup>1</sup> has paid special attention to the protection of victims/survivors of domestic violence. Pursuant to this legislation, the handling of the case should be done by the police in cooperation with the local government (municipality / administrative Unit), through a procedure, where in each case the Risk assessment for the safety of the victim should be performed. Based on this assessment, for cases with increased risk level, the Order for Preliminary Protection Measures (OPPM) should be issued.

The above legal changes have been the focus of a training cycle<sup>2</sup> that the HRDC has conducted with the police officers (SPZ / OPGJ) of the Tirana police commissariats. From the trainings, the Center has identified a number of problems, which make it difficult to implement in practice the latest legal changes:

- The existing format of the lawsuit requesting protection orders does not include new protection measures, which have been added through recent legal changes.
- New formats of Risk Assessment and OPPM are not reflected in DV case management system.
- New subjects that have been added to the law are missing, such as: persons who are or have been in intimate relations; the custodian and the person under his care (during the time the guardianship continues).
- The DV case management system has some problems such as: in the section of “the plaintiff – defendant” there is no space to fill out if there is more than one plaintiff or defendant ( for the same case); in the section of subjects are listed subjects that are not protected by law; the form on changing the protection order is not included in the system etc.
- Due to problems with the case management system, we have not identified cases where new protection measures have been included in the lawsuits requesting protection order.
- In cases when the case is prosecuted, the procedure of questioning and obtaining statements twice on the same case is applied; which revictimize the victim
- There are also a number of problems related to human resources (need for training, need to increase the number of employees, lack of trained staff, lack of psychologists) and the material basis which affect the efficiency of service delivery for survivors of violence.

During trainings, the need was raised for the handling of cases by the structure composing of 3 (three) (officers of judicial police) a structure established in the police commissariats for the treatment of minors and domestic violence, by not leaving this responsibility to the SPZ<sup>3</sup>s, who cover other issues as well. Handling of cases by a special and qualified structure would serve to increase efficiency and provide a quality service for survivors of domestic violence.

HRDC, during its daily practice, has found that the cooperation of the police with the local coordinator or the staff responsible for the administrative units for the joint handling of cases is minimal. There is generally a lack of mutual cooperation between the police and local structures in terms of monitoring implementation of protection order. Referral of cases to health centers, in order to treat and provide written evidence is another issue that needs to be addressed.

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<sup>1</sup> Law 47/2018 "On some additions and amendments to the law on measures against domestic violence", as amended and bylaws in its implementation, Joint Instruction of the Minister of Interior and the Minister of Health and Social Protection no.866 dated 20.12.2018 "On the procedures and model of risk assessment for cases of domestic violence" and the Joint Instruction of the Minister of Interior and the Minister of Health and Social Protection no.912 dated 27.12.2018 "On the procedures and model of the order for precautionary measures of immediate protection

<sup>2</sup> HRDC (2019), Report on the training of Tirana Police Commissariats on "Familiarization of police officers with the innovations of law 47/2018" On some additions and amendments to the law on measures against domestic violence ", as amended and bylaws which define the procedures for conducting the risk assessment and issuing the UPM from the responsible structures of the State Police ".

<sup>3</sup> Specialists of Policing in Community

# The role of courts in issuing protection orders

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The court is an essential part of the justice system, bearing concrete responsibility for the addressing a domestic violence case. Court addresses the needs of many victims coming through its doors, by providing them with connection /orientation to services. Second, it can monitor the behavior of perpetrators and address them for appropriate and specialized intervention. And third, it can use the authority of the judge to publicly demonstrate the commitment that the system has to end domestic violence.

The HRDC has monitored the decisions of the Tirana Judicial District Court related to the granting of protection orders (IPO/PO) for the period January-June 2020<sup>4</sup>. Monitoring has revealed that the number of judged cases has decreased compared to the period July-December 2019<sup>5</sup>. We notice an increase of 7% of cases received / partially accepted compared to previous year.

It turns out that in only 11% of trials, the psychologist has prepared a psychological assessment report, mainly when minors have been present at the trial. The monitoring shows that **only 17% of victims of domestic violence are represented by a lawyer.**

In 24% of cases, the Police has filled out the Order for Preliminary Protection Measures, which has been validated by the Court. In about 88.5% of cases the court has provided all the protection measures requested by the parties. It turns out that 14% of victims of domestic violence are men/boys and 86% are women / girls. It is observed a non-positive practice of granting of protection orders for both parties (perpetrator-victim). This practice brings difficulties in the execution of these decisions, which often contain contradictory measures. Only 5.5% of decisions are appealed. Whereas, the right to recourse to the High Court was removed in 2018 with the latest legal changes.

There is an improvement in terms of respecting procedural deadlines. The problem of successive adjournment of court hearings is observed in a reduced number of monitored cases. Referring to the reasoning of the decisions, we find that the Court has used as a legal basis the Istanbul Convention in a considerable part of the decisions, a very positive element. However, still needs to be done to apply Convention as a legal basis for every case/decision. We appreciate the fact that for monitoring period, the Court has carried out an expanded interpretation of the law, creating new positive practices regarding the concept of violence, the types of causes of violence or the range of protection measures applied.

The court has the right to request evidence from other institutions<sup>6</sup>, but it turns out that this is not applied, yet. According to the law of domestic violence in cases when the perpetrator/victim declares the inability to provide the documentation provided in this point, as well as in any other case where the court deems that the fulfillment of the request can be a cause for delays, which violate victim rights, the court may order the submission of the necessary documentation by the public administration structures.

Although the Forensic act is evidence that is not made available to the victim of violence but to the prosecuting authority, this document has never been requested by the court, although it has the right to request it.

Although there is an attempt to apply added protection measures through amendment of DV Law in 2018, such as financial assistance, parent training programs, etc. we still have a very limited number of applications of these measures by the court.

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<sup>4</sup> HRDC is in process of conducting of a two-year study (2020-2021) regarding respect of victims' rights of GBV and VAW in civil and penal process.

<sup>5</sup> For period January – June 2020, 390 lawsuits are deposited in Tirana district court with object granting of IPO/PO. 43 % of trailed cases are terminated/rejected/refused /incompetence and 57 % are accepted/partly accepted

<sup>6</sup> Article 15 of Law "Law no 9669 "On Measures against Domestic Violence in family relationships" amended

The obligation to remove the abuser from the apartment is a protective measure which is not recognized and is not applied according to legal provisions. Thus, it has been noticed that in many cases the court is reluctant to impose the eviction of the abuser as a protective measure, although by law it is a measure that must be applied in every case, except for legal reserves (juveniles, the elderly, persons with disabilities). Court decided to remove the abuser from the apartment in 10% of cases<sup>7</sup>. During the last months, the HRDC has received several complaints from clients regarding the courts delay to provide copies of granted protection orders<sup>8</sup>.

The procedure currently followed by the Court is such that they notify and provide court decision to the address they parties filed in the lawsuit. Notification in some cases is delayed for over two months. The clients that have raised this allegation have told that they could not get decision at secretariat of the Court on the grounds that the other party has not been notified. This is due to problems with addresses and changes in the law on domestic violence in 2018, according to which the parties must be notified of the reasoned decision. (Article 21)

In some cases, the process of notifying the parties in absentia has lasted for months. Equipment of survivors with protection order is very important – such document is necessary to benefit from socio-economic support programs (economic assistance or social housing schemes).

From the monitoring of the decisions of the Tirana Judicial District Court, it results that the police or the prosecution has not filed any public lawsuits during 2020. To be appraised is the fact that the lawsuits have started to be applied by the Administrative Units (in 2 cases).

In our practice, we have identified the lack of information of victims of domestic violence when the perpetrator is released from imprisonment, a duty that belongs to the prosecuting authority. This right is provided by the Istanbul Convention (Article 56<sup>9</sup>), but also by the Albanian legislation on the treatment of prisoners and detainees<sup>10</sup>, according to which the Court that issued the decision, the local police and the Ministry of Interior are immediately notified of release of the convict and in special cases also in advance. This notification must be made in advance by the General Directorate of Prisons, in order for the Police to have sufficient time to notify the victim of violence, before the perpetrator has been released from prison.

We have found that the number of cases of domestic violence supported by free legal aid from the state is low. In this context, it is necessary for the authority managing the free legal aid offices provided by the State to be an active part of the CRM in order to support free legal aid cases, as an important precondition for providing the victim with a protection order and her enrollment in support services.

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<sup>7</sup> Article 10/c of DV Law “immediately ordering the defendant (the perpetrator) to refrain from committing or threatening to commit an act of domestic violence against the petitioner (victim) or other family members of the victim - removing immediately the defendant (perpetrator) from the residence for a certain period of time, determined in the court order and restricting their reentrance without court authorization;

<sup>8</sup> Citizen A.H, client of HRDC is granted protection order on 07.01.2021 and withdraw decision on 02.03.2021 (two months later)

Citizen L.L, client of HRDC is granted protection order on 19.03.2021 and withdraw decision on 10.05.2021 (almost after two months).

<sup>9</sup> Istanbul Convention, article 56/point b. foresees the right of victim to be notified ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively

<sup>10</sup> Law “For rights and treatment of sentenced and detainees “changed, article 67.

# Role of health care system in addressing and treating GBV/DV cases

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The Ministry of Health and Social Protection (MoHSP) is the responsible institution that has been set up in the center of crisis management for cases of sexual violence. Based on obligations deriving from the Istanbul Convention, the requirements of the GREVIO Committee for Albania and the law "On Measures against Domestic Violence", in December 2018 opened the Crisis Management Center for cases of sexual violence (Lilium). The opening of this center was a very big step in protecting the victims of sexual violence.

Through Law no. 47/2018, it is foreseen obligation of this Ministry that in addition to medical and social assistance to provide at any time psychological assistance to victims of domestic violence. Although this law has been adopted for more than two years, there is still no psychological service for victims of domestic violence at the level of health centers. The role of psychologist is very important, as it would increase the possibilities of identifying and treating victims of domestic violence.

The Health Centers do not properly fulfill the obligations provided in the law "On Measures against Domestic Violence", as amended, as well as the bylaws. Majority of health centres do not fill out the medical documentation approved by the MoHSP for the identification of cases of domestic violence; they do not complete the special type register cases of domestic violence, and do not fill in the individual clinical files, etc.<sup>11</sup> Monitoring of the decisions of the Tirana Judicial District Court on the issuance of protection orders/immediate protection orders, for the period January-June 2020, revealed only two cases of submission of the special medical report issued by the Health Institutions which are served as written evidence to the court. The special medical report issued by the HC is a written evidence that has indisputable value in the process of proving before the court. Failure to provide victims of domestic violence with this report violates the right of the victim of domestic violence to health care and violates the right to a fair legal process, resulting in postponement of court hearings, delays until the termination / dismissal of the case, for lack of evidence.

There is lack of cooperation between police stations and health centers for the joint treatment of cases of domestic violence. The obligation to refer cases of domestic violence with physical injuries, which are reported to the police stations, to the health centers is not fulfilled in all cases by the police.

Equipping of victim of domestic violence with the act of forensic expertise by the Institute of Forensic Medicine, is another problem identified by the HRDC during the representation of cases in Court. Victims of domestic violence having physical injuries, are provided by the judicial police officer at the police station with a decision to conduct a forensic examination. We find that the Forensic Evidence Act is not handed over to the victim of domestic violence, but it is sent to the relevant Judicial District Prosecutor's Office and the victim finds it very difficult to obtain this proof document.

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<sup>11</sup> The HRDC has obtained this information from a series of activities organised such as: representation in court of cases of domestic violence, monitoring of decisions for the issuance of PO /IPO of the Tirana Judicial District Court, active participation of HRDC in several Cross-cutting Technical Teams (CRM Tirana, Kamëz, Vora, Kruja, Tropoja), trainings organized continuously with the HC in some cities of the country (Tirana, Vora, Kruja, Fushë Kruja, Kamza, Tropoja).

# Coordinated Referral Mechanism (CRM)

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In general, the HRDC appreciates the work being done by the Coordinated Referral Mechanisms in some municipalities of Albania, especially in those municipalities where the HRDC has given and continues to give its contribution<sup>12</sup>; the HRDC encourages the advancement of efforts to strengthen these mechanisms on an ongoing basis.

From the monitoring of the decisions of the Tirana District Court for period 2016-2017<sup>13</sup>, it results that from this Court have been reviewed 1928 lawsuits with the object of issuing protection orders (IPO, PO) and amendment of protection order. Out of these petitions 484 protection orders have been issued. The high number of cases and the need for coordinated support of most of them makes their multidisciplinary treatment necessary. From our work practice, we find that the largest percentage of these cases have not undergone multidisciplinary treatment. Generally, the following practice was followed: where the case was submitted to the relevant police station, the IPO/PO was completed and then the case was submitted to the court.

The high number of reported cases of domestic violence during these years and their complexity creates difficulties for a Local Coordinator at the municipal level to manage cases and coordinate services, especially in large municipalities where the number of reporting is high. The absence of an employee responsible for domestic violence and gender-based violence at the administrative unit level or the assignment of this responsibility to someone who already has a number of other responsibilities, is a temporary solution, which does not provide durability. All Administrative Units should have persons responsible for dealing with cases of domestic violence, have a primary task and this task should be well defined in their job description. This obligation<sup>14</sup> is provided by the amendments to the law "On measures against domestic violence", as amended, according to which local self-government units and especially the local coordinator are equipped with new powers such as monitoring and execution of court decisions for the issuance of IPO/PO.

Regarding the functioning of the Coordinated Referral Mechanisms, we have found that some of the responsible institutions are not an active part of this mechanism and have made a poor contribution to addressing the needs of the cases handled.

During the years 2018 – 2019, HRDC has conducted a series of trainings with police officers at the commissariats of the Local Police Directorate Tirana<sup>15</sup>, where we found a number of problems related to recognizing the role they should play in coordinating work with other responsible institutions and especially with the local coordinator. The handling of the case (risk assessment, monitoring and execution of IPO/PO) should be done in close cooperation between the police officer and the local coordinator. Although the bylaws<sup>16</sup> that have provided for the modalities of joint treatment of cases of domestic violence have entered into force for some time, the pursuit of this practice has resulted in a very low number of cases. The structures of the state police, as the first institution where victims of domestic violence appeared in 99% of cases, should play a more active role not only in referring cases to the Coordinated Referral Mechanism but also in dealing with common cases.

In particular, the role and contribution of health institutions should be increased, which according to the legislation in force have a number of obligations for dealing with cases of domestic violence. Health institutions should be an active part of problem solving and support for victims of domestic violence and gender-based violence.

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<sup>13</sup> HRDC (2017), Study "Respect of DV victim/survivor rights in judicial process"

<sup>14</sup> Law no. 47/2018 "For some additions and changes in law no.9669 dated on 18.12.2006 "On Measures against Domestic Violence in family relationships" amended

<sup>15</sup> HRDC (2019) Summary report on the knowledge of police officers with the novelties of law 47/2018 "On some additions and amendments to the law on measures against domestic violence", as amended and bylaws that define the procedures for conducting the assessment of risk and issue of immediate PO by the responsible structures of the State Police

<sup>16</sup> Joint instruction of the Minister of Interior and the Minister of Health and Social Protection no.912 dated 27.12.2018 "On the procedures and model of the order for precautionary measures of immediate protection"; no. 866 dated 20.12.2018 "On the procedures and model of risk assessment for cases of domestic violence"



The Prosecution is a very important institution, and is part of the CRM—this institution does not offer its contribution to the meetings of the Interdisciplinary Technical Team (ETN) and did not have proper commitment in terms of supporting victims with written evidence, such as the Forensic Examination Act or extracts of the files, which the victim can use as evidence in the court process with the object of issuing a protection order. Although the law "On measures against domestic violence" gives the Prosecution Institution the right to seek protection orders for adults or minors, during all these years Prosecution did not file out a sole public lawsuit.

Another problem identified by the HRDC is the low number of cases of violence supported by free legal aid from the state. From the monitoring of the decisions of the Tirana Judicial District Court in the last three years, it results that a very low number of cases have been represented by a free lawyer appointed by the state. Therefore, the authority that manages the free legal aid offices provided by the state needs to be an active part of the CRM, in order to support free legal aid cases as an important precondition for providing the victim with a protection order and his/her inclusion in support services scheme.

# Support Services for GBV/DV

## Increasing the range of services and facilitating of their access

International standards provide for the provision of support services to women and girls and to any person in the family who may be subject to violence. We note that despite the efforts made by local coordinators and ETN members to address the needs of specific cases, victims of violence have not always benefited from support services. This is mainly due to the limited number of services, required procedures but also lack of proper coordination between state and non state agencies. Despite the efforts made by the responsible actors, the number of women / girls involved in support programs has been low in relation to the needs. It is necessary to take immediate measures to expand the range of specialized support services, in order to adequately address the identified cases.

- **Vocational training and employment.** We find that especially in suburban areas and small municipalities, the number of women involved in vocational training programs and employment promotion programs is low; this is mainly due to the lack of such programs or the remoteness of the victims' place of residence from vocational training centers or employment promotion programs. Creating real opportunities for the inclusion of victims of domestic violence and women / girls in need is an important condition for improving their socio-economic situation.
- **Economic assistance to victims of domestic violence.** Law no. 57/2019 "On Social Assistance in the Republic of Albania" provides that victims of domestic violence during the validity period of PO /IPO benefit from economic assistance ( in the amount of 3000 thousand ALL per month). First, this assistance is of minimal and does not even serve the basic needs of victims of violence. Second, this assistance is not available to a large number of victims: mainly due to lack of information, but also for other reasons, independent of the victim's will, such as delays in clarifying the court decision, extension of court process, appeal of the decision by the perpetrators and the duration of the trial in the Court of Appeals, the date of application for economic assistance for each category is only from the 1st to the 10th of each month, etc.
- **Establishment of emergency shelters.** Another problem identified is the accommodation of cases of violence in need of emergency housing; yet such a support program has not been extended to all municipalities of the country. Emergency housing service should not be conceived by municipalities only as a place of residence for the victim / survivor. This service should be provided complete and according to all standards, considering both the support that will be provided during the emergency period, and the provision of qualified staff.
- **Financial support to victims/survivors of violence.** Albanian legislation<sup>17</sup> provides that the Court, based on the request of the victim of domestic violence, may order local authorities to provide financial support to the victim of domestic violence for a certain period of time. Implementing this measure requires municipalities to have a budget available, which will be attributed to gender issues and support for victims of violence.
- **Establish of rehabilitation programs for perpetrator.** Law 47/2018<sup>18</sup>, in accordance with international standards, has provided rehabilitation programs for perpetrators. From our work practice, we have identified the need to set up rehabilitation programs, especially for minors, with the aim of minimizing and preventing further episodes of violence. Taking steps in this direction is necessary.
- **Social housing programs.** Social housing programs come to the aid of victims / survivors of domestic violence and are regulated by law no. 22/2018 "On Social Housing". The main programs provided by law are social housing, rent bonus and social loans. These programs are not provided in every municipality – in those provided they are in limited quotas. There are municipalities where no social housing program is offered. Although these programs are set up in the Municipality of Tirana, there is a low number of applications or beneficiaries from the categories of victims / survivors of domestic violence, due to lack of information and bureaucracies. The obligation to build specialized housing for the category of victims of domestic violence (as well as some other categories) provided in the new law "On Social Housing" have not started to be implemented<sup>19</sup>.

<sup>17</sup> Article 10/k of DV law foresee deciding and ordering – depending on the case (under the competence of the court) – the intervention of public or private social services of their place of residence or of organizations whose objective is to support and shelter subjects of domestic violence and to monitor implementation of PO by parties by representing

<sup>18</sup> Law no.9669 dated on 18.12.2006 "On Measures against Domestic Violence in family relationships" amended

<sup>19</sup> This obligation is foreseen in article 60 of Law "on social housing".

# Compensation

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Referring to the compensation of victims of crime, we emphasize that Albania has ratified the "European Convention on the Compensation of Victims of Violent Crimes". Thus, victims of criminal offenses are entitled to compensation for damages suffered, including material and non-pecuniary damages. The criminal and civil legislation of the Republic of Albania also provides for some types of compensation for victims of crime; in addition to compensation from the perpetrator, the victim can also be compensated through a state scheme. The law stipulates the establishment of a Special Fund for Crime Prevention, which serves, among other things, to help victims of crime, including victims of trafficking, as well as to promote social programs for this category. In practice, the implementation of this provision has been found to be inefficient, as the law has not directly provided for how a victim can benefit from this fund, through the administrative or criminal and civil process.

There are still no cases in which victims have benefited from the state compensation scheme fund. On the other hand, there is no information on cases in which the compensation lawsuit leads to a compensation decision within the criminal procedure. In most cases the victims have been referred to the civil court seeking compensation through a civil lawsuit, which has a cost and court fee of 1% of the value of the compensation.

## Execution of IPO/PO

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The Protection Orders are immediately enforced and the Bailiff's Office implements them immediately, regardless of whether they have been appealed or not. One problem identified by the HRDC is the applying of a fine (within the maximum limits) on the victim / survivor of domestic violence, for non-fulfillment of the obligation to meet the (violent) father with minor children and filing of a lawsuit to Prosecution Office.

We think that cases of domestic violence should be handled with extra attention by all professionals, including bailiffs, as they are issues of a special nature. The application of a fine, moreover with a maximum value (50,000 ALL) for a victim/survivor of domestic violence is contrary to the spirit of domestic and international legislation and the safety of the victim/survivor of domestic violence.

From conduct of trainings with police commissariats, it was ascertained the lack of cooperation between the police and the local structures, regarding the monitoring of the observance of the court decision for issuing the protection order. The offices of social services at the administrative units still do not fulfill the obligation to prepare a report on the monitoring of cases of domestic violence equipped with protection orders (for which the police must be informed every 60 days according to the amendments to the law "On Measures against Domestic Violence" amended by law no. 47/2018.

Also, Bailiff's Offices do not appoint a psychologist (without charge) for the execution of protection order involving cases of "supervised child meetings". In some of HRDC cases, victims of domestic violence have been obliged to pay for the execution of protection order or psychologists have been available to them free of charge by NGOs.

## Criminalization of domestic violence

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The HRDC has monitored the decisions of the Tirana District Court on cases related to gender-based violence (Articles 130 / a, 321/2, 121, 100, 108 of the Criminal Code) for the period January-December 2020. We conclude that for this period they have began to apply more severe sentences, which reach up to three years imprisonment. The court has imposed house arrest as a security measure in 4% of cases; such a measure is very inappropriate for the specifics of domestic violence. It turns out that only 12% (n = 49) of crime victims are protected by a lawyer.

Regarding the gender approach, the fact that the court in some cases justifies the perpetrator by claiming that the conflict was started by the victim, she was the one who exercised violence first, it should be considered the age and mentality of the perpetrator. The court analyzes the mitigating circumstances as the victim has forgiven the perpetrator, the remorseful attitude, the victim's willingness to close the case, the normalization of relations between the parties concretized by notarial acts or certificates from the administrators of the administrative units. The court in some cases uses reasoning such as the defendant has taken actions of a relatively low intensity, as the degree of consequences is low, at a time when the victim has bodily injuries.

## List of acronyms

|             |   |
|-------------|---|
| <b>HRDC</b> | <b>H</b> uman <b>R</b> ights in <b>D</b> emocracy <b>C</b> entre          |
| <b>IPO</b>  | <b>I</b> mmEDIATE <b>P</b> rotection <b>O</b> rdER                        |
| <b>PO</b>   | <b>P</b> rotection <b>O</b> rdER  |
| <b>OPPM</b> | <b>O</b> rdER for <b>P</b> reliminary <b>P</b> rotection <b>M</b> eaSures |
| <b>VAW</b>  | <b>V</b> iolence <b>A</b> gainst <b>W</b> omen                            |
| <b>DV</b>   | <b>D</b> omestic <b>V</b> iolence   |
| <b>CRM</b>  | <b>C</b> oordinated <b>R</b> eferral <b>M</b> echanism                    |
| <b>MHSP</b> | <b>M</b> inistry of <b>H</b> ealth and <b>S</b> ocial <b>P</b> rotection  |
| <b>HC</b>   | <b>H</b> ealth <b>C</b> entre   |
| <b>GBV</b>  | <b>G</b> ender <b>B</b> ased <b>V</b> iolence                             |