



## **SHADOW REPORT**

**ON THE IMPLEMENTATION OF RECOMMENDATIONS  
ADDRESSED TO ALBANIA  
BY THE COMMITTEE OF THE PARTIES TO THE COUNCIL OF EUROPE CONVENTION  
ON PREVENTING AND COMBATTING  
VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE 2018-2020**

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## Introduction

This Shadow Report was prepared by the Monitoring Network Against Gender-Based Violence<sup>1</sup> in relation to the Report submitted by the Albanian Government regarding the implementation of the 2017 GREVIO Report recommendations addressed to Albania. This Report contains an analysis of four recommendations set out in the GREVIO Committee report, as presented in the table of contents.

The aim of this Shadow Report is to provide information and findings supplementing the Report submitted by the Government of Albania and attempts to conduct a critical analysis of the present situation.

The reporting period covers the activities carried out during 2018-2020.

The Report is the result of the collaborative efforts of two organisations, both members of the Monitoring Network Against Gender-Based Violence, each contributing material and opinions according to their area of expertise.

The contribution of the **Centre for Legal Civic Initiatives (CLCI)** focuses on the legislative amendments introduced in the course of the reporting period as well as the performance of judicial and law-enforcement bodies, the effectiveness of protection orders against domestic violence and other measures against violence against women (recommendations 15 and 16).

The section prepared by **Refleksione Association** focuses on the implementation of the recommendations on securing the necessary financial and human resources for combatting violence against women and establishing an effective legal aid system for victims of violence (recommendations 17 and 206);

Their findings were shared and discussed with a number of organizations members of the Network. In the course of the discussion, members of the Monitoring Network Against Gender-Based Violence<sup>2</sup> made suggestions and recommendations, which were taken into account while revising and completing the findings of the Report.

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<sup>1</sup> This report is prepared by the Monitoring Network Against Gender Based Violence, under the frame of the project “Strengthening the role of the Monitoring Network Against Gender Based Violence to implement the standards enshrined in CEDAW and the Istanbul Convention”, which is funded by the European Commission and implemented by CLCI with the support of UN Women. More information about the Network is available at: <http://rrjetikunderdhunesgjinore-monitorime.al/en/>

<sup>2</sup>Contributing organisations include: Woman Forum, Elbasan; Human Rights in Democracy Centre (HRDC); Centre for the Development of Rural Women (CDRW); Albanian Women Empowerment Network (AWEN); Observatory for Children and Youth Rights; Center for Legal Civic Initiatives (CLCI); “Me, the woman” – Pogradec; The Child Rights Centre Albania (CRCA); Roma Women Rights Centre; “Woman to Woman”, Shkodra; “Agritra Vision” Center, Peshkopi; Different and Equal organization; “Light Steps” Women’s Center, “Refleksione” Women's Association, Albanian national, professional, businesswomen and crafts' Association; Mary Ward Loreto Foundation.

The following methods were used in the preparation of this Report: analysis and generalisation of experiences gained by organisations members of the Network; analysis of the statistical data provided by non-governmental organisations; analysis of the statistical data collected by law enforcement and justice bodies; monitoring of court judgments granting protection orders; the monitoring of procedures implemented by the State Police in conducting risk assessments and issuing preliminary immediate protection orders; and the study of statistical data published by state bodies for the years covered by the reporting period.

The Report is thematically divided into sections corresponding to the relevant recommendations, and then further into sub-sections corresponding to the relevant paragraphs in the GREVIO report. These are followed by conclusions and suggestions. Important conclusions have also been drawn from an analysis of specific cases and the experiences of Network organisations on the ground.

The final section of the Report contains a number of annexes with tables providing statistical data on which the Report was based, as well as other relevant information.

**1. (15). Improve the protection provided through the system of emergency barring orders and protection orders, in fulfilment of the recommendations listed in the GREVIO report.**

**a. Review legal provisions applying to emergency barring orders a in order to ensure that in situations of immediate danger, such orders can be issued without undue delay in order to ensure the victim’s safety;**

1. The Law “On measures against violence in family relations” which provides for the issuance of protection orders in civil proceedings, has been amended twice, namely in 2018 and 2020 respectively. The amendments in the form of additions to the Law introduced in 2018<sup>3</sup>, created the relevant protection instruments, thus ensuring that protection orders are issued without undue delay in order to ensure the safety of the victim;
2. More specifically, a new provision was added to the Law under Article 13/1, which introduces for the first time preliminary immediate protection orders (PIPOs), which is in effect an administrative barring order issued by the State Police with the aim of imposing immediate measures in order to stop the violence and provide protection to victims of domestic violence. The introduction of preliminary immediate protection orders authorises State Police bodies to issue some protective measures<sup>4</sup> as referred to in footnote No. 2 at the bottom of this page.
3. Pursuant to Article 13/1, a preliminary immediate protection order remains in force until the issuance of an immediate protection order (IPO) by the court. Paragraph 5 of this Article provides that “*Within 48 hours of enforcing the measures pursuant to paragraph 1 herein, the bodies responsible for handling domestic violence cases within the State*

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<sup>3</sup> Law Nr. 47/2018 “On some additions and amendments to Law No. 9669 dated 18 December 2006, ‘On measures against violence in family relations’”, as amended.

<sup>4</sup> “Pursuant to paragraph 1 of this Article, preliminary immediate protection orders shall comprise of one or several of the following measures:

- a) ordering the perpetrator not to commit or threaten to commit further acts of domestic violence against the victim or any other member of the victim’s family;
- b) ordering the perpetrator not to threaten, harass, contact, or directly or indirectly communicate with the victim or any member of the victim’s family;
- c) immediately prohibiting the perpetrator from going near the shelter, workplace, place of residence of the family of origin, place of residence of any other persons, education institutions, or any other places most frequented by the victim, except where attendance is necessary for work reasons;
- ç) immediately placing the victim in a residential or emergency centre for victims of domestic violence, until the issuance of a decision by the Court;
- d) ordering an employee of the State Police to accompany the victim to a residential or emergency centre, as set out under letter “ç” herein;
- dh) ordering an employee of the State Police to accompany the victim to his or her place of residence and supervise him/her while s/he retrieves his or her personal belongings;
- e) seizing any weapons in possession of the perpetrator for which they have a permit, which is found during the search, or confiscating any weapon held without permission by the perpetrator, until the issuance of a decision by the Court.”

*Police shall submit to the court an application for the assessment of the preliminary measures for immediate protection together with an application requesting the issuance of an immediate protection order.”* Thanks to this provision, it is now possible to immediately intervene to stop the violence and place the victim under protection.

4. This has strengthened the role of the State Police in stopping the violence, due to the fact that now the police are not required to wait until a court decision granting an immediate protection order or other immediate protection measures has been issued, as was previously the case. “Police officers from the districts of Durrës, Tirana and Shkodra that were interviewed stated that risk assessments and the issuance of immediate protection orders by the police has had a positive effect on the success of interventions for the prevention and prompt de-escalation of domestic violence situations”<sup>5</sup>.
5. It has to be noted that during the reporting period (2018-2020) there were as yet no consolidated procedures in place regarding risk assessment and the issuance of PIPOs. In the course of our monitoring, we found that some police stations were yet to start implementing the relevant provisions on risk assessment. Similarly, some other police bodies were still unclear about how to proceed with the issuing of PIPOs following a risk assessment. Problems were also identified in the collaboration with local co-ordinators, where in some cases the latter were not informed about or notified to attend the risk assessment procedure, which is one of the most important stages in case management<sup>6</sup>.
6. More training, particularly more on-the-job training, is still needed in relation to the above, particularly as regards the involvement of the local co-ordinator against domestic violence (LCDV) or social worker in supporting the police in the preparation, issuance, and enforcement of PIPOs. Until such time as these practices have been consolidated and streamlined, it is necessary for civil society organisations to play a more prominent role in these areas, such as by providing support, training, and monitoring activities.
  - a. **Without prejudice to the need to ensure the immediate safety of the victims, integrate a risk assessment in the procedure for the issuance of emergency barring orders and protection orders;**
7. The 2018 amendments to the Law provided for the inclusion of a risk assessment report as part of the procedure for the issuance of a PIPOs by the relevant structure in the State Police. Through this provision, the Law guarantees that the issuance of such protection order is done on the basis of a risk assessment. In addition, a risk assessment report will also be useful in subsequent proceedings before the court as one of the pieces of evidence to be reviewed by the court for the purposes of issuing IPO or PO.
8. The risk assessment is carried out by the responsible unit in the State Police department. To the extent possible, the risk assessment is done in collaboration with the local co-ordinator against domestic violence. Two byelaws have been adopted in order to help with their implementation. More specifically, the joint ministerial instruction “[\*Për procedurat dhe modelin e vlerësimit të riskut për rastet e dhunës në familje\*](#)” (On risk assessment procedures and template forms to be used in domestic violence cases)

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<sup>5</sup> Report “On the monitoring of the implementation of Law No.47/2018 on some additions and amendments to Law No. 9669, dated 18.12.2006, “On measures against violence in family relations”, as amended. CLCI, Monitoring period: 2019-2020.

<sup>6</sup> Ibid.

provides the templates for preparing risk assessment reports while the procedures relating to preliminary immediate protection orders issued by the State Police are set out in the instruction “[Për procedurat dhe modelin e urdhrorit për masat paraprake të mbrojtjes së menjëhershme](#)” (On the procedures and template form for preliminary immediate protection orders)<sup>7</sup>.

9. In relation to the above, we believe that the legislation succeeds in ensuring better protection from violence because it provides for the issuance of an order of an administrative nature based on a risk assessment report thus closing the way to potential abuses or gaps in the authorities’ capacities to respond because of constant staff turnover.
10. In practice, problems have been identified particularly with regard to the implementation of the law. The challenges are especially evident in the co-ordination of work between the various bodies and entities in conducting risk assessments. Some employees have shared with us both their positive experiences and their concerns regarding risk assessments. For instance, Ms P. shared with us her experiences of collaborating with the police in conducting risk assessments and pointed out these were not carried out in all the cases. She stated that the risk assessment report helps establish the level of risk and to ensure that the protection measures contained in the PIPOs are proportional to the level of risk identified.<sup>8</sup>
11. Problems were also identified regarding the evaluation the proportionality of measures undertaken. In some cases, the police concluded that the same level of violence had been exercised by both partners towards each-other, imposing the same measures against both. A better familiarisation with the law by State Police personnel and local coordinators against domestic violence is needed. Risk assessments must be carried out for each and every reported case of domestic violence rather than left to the discretion of individual police officers.

We believe that further consultation and training, particularly more on-the-job training, are still needed in relation to the above, particularly as regards the involvement of social workers in supporting the police in the preparation, issuance, and enforcement of the terms of PIPOs. In addition, there is a need to improve and streamline experiences and practices across the regions of the country and strengthen the coordination between police and coordinators against domestic violence.

**c. promote a more pro-active role of law enforcement, prosecution, and courts by encouraging them to make use of their prerogatives whilst respecting the victims’ informed choices;**

12. In the period between 2018 and 2020, the responsible bodies, i.e., the prosecution and the courts, have been playing an increasingly active role. Providing information to the victims is an important aspect of the work of the State Police, the local co-ordinator, civil

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<sup>7</sup> Joint Instruction of the Ministry of Health and Social Affairs and the Ministry of the Interior.

1. “[Për procedurat dhe modelin e vlerësimit të riskut për rastet e dhunës në familje](#)” (On risk assessment procedures and template forms to be used in domestic violence cases), Instruction No. 866, issue date: 20 December 2018, date of approval: 20 December 2018, Official Gazette No.204, p.15587.

2. “[Për procedurat dhe modelin e urdhrorit për masat paraprake të mbrojtjes së menjëhershme](#)” (On procedures and template form for preliminary immediate protection orders) Instruction No. 912, date issued: 27 December 2018, date of approval: 27 December 2018, Official Gazette No. 204, p.15593.

<sup>8</sup> Report on the monitoring of the law, as cited.

society organisations and the free-of-charge legal aid centres set up by the government. In drafting the charges to be filed with the court the victim's wish to apply for protection measures is taken into account. However, the safety of the victims is a paramount concern of the competent bodies. Ms M., head of the section in charge of combatting domestic violence within the Shkodra police station, stated that *they act proactively and do not necessarily take into account the wish expressed by the victim, where her/his safety is in question*<sup>9</sup>.

13. The proactive role of these bodies has been strengthened as a result of the legislative improvements and other means, particularly as a result of the pressure brought to bear by civil society organisations. One such means in this regard is the direct implementation of the standards deriving from the Istanbul Convention. Similarly, the number of court judgments in which judges make explicit reference to the Convention has increased.
14. Thanks to the work of the lawyers from the civil society who have represented victims of violence, the Istanbul Convention has now become a document that is among the most frequently and directly cited and referred to in court, perhaps only second to the ECHR. Our monitoring of judicial decisions on the issuance of protection orders at the Shkodra district court, produced the following figures: in 64 out of 143 judicial decisions monitored, or approximately 45 per cent, the judges directly referred to or cited from the applicable articles of the Istanbul Convention, both in the legal basis and the reasoning sections of their judgments.<sup>10</sup> These references testify to an improved proactive role of the courts and counsel in cases of applications for protection orders.
15. There are clear indicators of an improved performance of the courts and the prosecution service in this regard. This conclusion is based both on our day-to-day observations and on an analysis of court statistics published by the Ministry of Justice, as well as the statistics published by the General Prosecution Office (see respective annexes).
16. While until 2017 the monitoring of court-issued protection orders by civil society organisations indicated a success rate of between 30 and 40 per cent, due to the fact that between 60 and 70 per cent of applications were dismissed by the courts on various grounds, in 2019 there was an improved success rate due to a more positive ratio between protection orders granted compared to those dismissed, or even between protection orders granted as compared to the total of protection order applications that were rejected and dismissed by the courts taken together. These statistics can be extracted from the Statistical Yearbook of the Ministry of Justice, a publication that has considerably improved since 2019, also thanks to the recommendations of the GREVIO Committee.
17. For instance, according to data on protection orders published in the 2019 Statistical Yearbook, in some districts of Albania such as Tirana, Durrës, Fier, and Vlora, where the largest number of cases on applications for protection orders and immediate protection orders were reviewed, the balance between protection orders granted compared those dismissed clearly weighed in favour of the former; the same is true if we compare the number of protection orders granted with the total number of protection order

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<sup>9</sup> Report on the monitoring of the law, as cited, fn. 5.

<sup>10</sup> CLCI Report, “Gjetje nga monitorimi i vendimeve të gjykatës së rrethit gjyqësor Shkodër, Durrës dhe Tiranë për çështjet me objekt lëshimin e urdhrit të menjëhershëm të mbrojtjes ose/dhe urdhrit të mbrojtjes” (Findings from the monitoring of court decisions issued by the District Courts at Shkodra, Durrës and Tirana in cases involving the issuance of Immediate Protection Orders and/or Protection Orders); period of monitoring: 2020. This report was drafted in the framework of the project “Support for the Monitoring Network Against Gender-Based Violence” which is funded by the European Commission and implemented by the CLCI, with the support of UN Women.

applications rejected or dismissed taken together<sup>11</sup>. More specifically, (see Annex 2) the court of first instance at the Durrës District Court reviewed a total of 326 applications, of which 18 were rejected and 88 were dismissed. That is to say, 220 applications, or 66 per cent of the total number, were granted and the requested protection orders were issued.

18. The statistics also demonstrate better performance rates of the prosecutorial bodies. Domestic violence cases comprise the largest number of prosecutions, arrests and persons charged compared to actions taken regarding other criminal offences committed against women. A higher prosecution success rate is also evident if one looks at court judgments. For instance, in 2018, 77% of the defendants in domestic violence cases charged by the prosecution were found guilty and convicted by the court. During 2019, 89% of the defendants charged by the prosecution were found guilty and sentenced by the court, while in 2020 the same figure stood at 72%. (See Annex 2)
19. **Discussion forums.** We have held discussion forums with judges regarding the granting of protection measures. Depending on the circumstances of individual cases, the position on risk assessment was that, where necessary and applicable, the courts can proactively add more *ex officio* measures in their protection orders or immediate protection orders, even where such measures were not expressly requested in the victims' applications or attached to the charges brought before the court. This is done with a view to ensuring the safety of victims and children who have suffered from violence or assisted violence. It is the opinion of the civil society organisations involved in representing victims before the courts that the judges have the powers and discretion to combine and co-ordinate protection measures on the basis of the “**efficiency principle**” as applicable to protection orders and immediate protection orders.
20. Another extensively discussed topic concerned the implementation of the 2020 amendments to the DV law. The changes made to Article 10 established a hierarchy amongst the measures set out therein. The measure contained in the first paragraph of this Article is the main measure selected by courts as the primary and most important step to prevent and stop domestic violence. Other measures are complementary and may be issued alongside the first measure as necessary.
21. An assessment of the hierarchy between the various listed measures indicates that the removal of the perpetrator from the home is the key sanction which is requested and imposed in every case, as a measure of first resort. This is the most effective measure for preventing and/or stopping episodes of violence, thanks to its immediate effect. Therefore, the execution of these decisions would require the involvement of bailiffs' offices, which raises the necessity for the staff of bailiffs' offices to be trained and prepared to deal with this category of issues.
22. From the content of the first paragraph of this article we can see that in some cases, other measures can substitute for the removal of the perpetrator from the shared accommodation, however only in the exceptional circumstances as provided by the law. Accordingly, alternative measures are applied by the courts in cases where the perpetrators are persons with special needs, such as where the perpetrator is a minor, an elderly or a disabled person.
23. However, this has yet to be implemented in all cases, both by the courts when issuing POs/IPOs, or by the police when issuing preliminary immediate protection orders.

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<sup>11</sup> 2019 Statistical Yearbook.

Furthermore, there is some hesitation to remove the perpetrator from the shared home. Unfortunately, this position is also supported by certain civil society organisations. The argument put forward by the courts or the police is that they are not able to provide the perpetrator with alternative accommodation and this could potentially lead to the commission of further offences by the perpetrator.

24. A further topic of discussion concerned the question of reconciliation between the parties. As a rule, the court proceeds to impose an immediate protection order even where the victim may claim that the parties have since reconciled or reached an understanding. For instance, our monitoring of court judgments and decisions regarding protection orders issued at the Shkodra District Court shows that the judges issued immediate protection orders if they were satisfied that failing such an order, the safety of the victim would be compromised, regardless of whether the parties claimed that they now had reached an understanding and were no longer abusing each other.<sup>12</sup> We think that this is an example of good practice in conformity with the expressed purpose of the law, namely to prevent domestic violence or an escalation of domestic violence<sup>13</sup>.
25. In addition, the discussion also focused on the implementation of the provision under Article 24 of the Law “On measures against violence in family relations”, which was amended in 2020. The present wording of this article is as follows: “... *In any case, the police officer to whom the victim seeking protection presents themselves, shall refer the case to the prosecutorial body in order to proceed with the prosecution of the perpetrator.*” That is to say, a second paragraph has been added, which did not appear in the first version of the law. In the face of this, we as civil society organisations have supported an interpretation whereby such cases should be reported as a matter of course, even in the absence of an application in writing to that effect by the victim of violence. We noticed that there was still some lack of clarity at some police stations regarding the implementation of this provision in practice because in some cases they would seek the victim’s consent to bring the case before criminal justice authorities.
26. There is visible improvement in the direct implementation of the Istanbul Convention, which should be strengthened further, including by addressing more of the standards set out in the IC. However, even though the Convention has precedence according to the Constitution, in some cases the courts still treat it as complementary to the law. Civil society organisations are trying to redress this balance through the strategic cases they represent before the courts. Currently we are asking that the protection orders issued by the courts include a requirement for the police to inform the victim when the perpetrator is released from penitentiary institutions.

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<sup>12</sup> See Decision of the Shkodra District Court, No. 51-2020-1551, dated 5 June 2020.

<sup>13</sup> CLCI Report, “Gjetje nga monitorimi i vendimeve të gjykatës së rrethit gjyqësor Shkodër, Durrës dhe Tiranë për çështjet me objekt lëshimin e urdhrit të menjëhershëm të mbrojtjes ose/dhe urdhrit të mbrojtjes”, (Findings from the monitoring of court decisions issued by the District Courts at Shkodra, Durrës and Tirana in cases involving the issuance of immediate protection orders and/or protection orders); monitoring period: 2020. This report was drafted in the framework of the project “Support for the Monitoring Network Against Gender-Based Violence” which is funded by the European Commission and implemented by the CLCI, with the support of UN Women. Monitoring period: 2020.

**d. ensure an effective enforcement of emergency barring orders and protection orders by the responsible agencies, in particular bailiffs;**

27. During 2018-2020, attention was focused on the effective enforcement of protection orders, an aspect which has been the subject of constant criticism. The amendments to the Law “On measures against violence in family relations” deal specifically with the responsibilities of local mechanisms and the State Police in implementing protection orders and immediate protection orders, with a view to preventing further occurrences of violence and protecting the victim.
28. Article 23 of the Law “On measures against violence in family relations” was amended in 2018. This article was previously worded more along the lines of Civil Procedure Code provisions. For instance, according to the previous version, the body responsible for the enforcement of protection orders was the bailiff service: “5. *The mandatory execution of court decisions shall be carried out by bailiff service offices, in accordance with the provisions of the Civil Procedure Code (article 510 onwards)*”. However, this paragraph of the article was repealed and the 2018 amendments, in addition to making a number of clarifications, have now introduced some changes regarding enforcing bodies. “*The decision shall be executed by State Police structures in collaboration with the judicial bailiff service and the social services of the local authority where the victim and other persons mentioned in the decision have permanent or temporary residence*” (Article 23, para.1).
29. In practice, the court issuing the protection order also determines which other bodies and agencies are legally bound, pursuant to the Law on Domestic Violence, to support the enforcement of such court decision. This depends on the nature and type of measure imposed by the Court. In some cases, court decisions are not sent to the Bailiff’s Office for execution, where the court has charged another body or agency with the enforcement<sup>14</sup>. We believe this practice must change and the State Bailiff’s Office must be notified.
30. Council of Ministers’ Decision No. 327, dated 2 June 2021, “On the mechanism for co-ordinating the work and functioning of authorities responsible for the referral of domestic violence cases, aimed at supporting and rehabilitating victims of violence”, sets out some aspects in respect of enforcement of judicial decisions. Paragraph 14 of the Decision lists the legal obligations of the local co-ordinator with respect to the monitoring of the implementation of protection measures against domestic violence.
31. During the time the protection order is in force, the local co-ordinator against domestic violence and/or the social worker from the social services office at the municipality monitor the compliance with the conditions of the protection order by the relevant party and write a bimonthly report (every 60 days) on the monitoring of the implementation of the protection measures. The State Police is promptly informed of the report and the respective recommendations of the local co-ordinator. Any breaches of the court decision granting a protection order by the party against whom the decision is issued, are listed in an obvious place, and addressed to the State Police;
32. “*In case of failure of the parties to voluntarily comply with the protection orders or in case of obstruction of the execution of protection orders by the law enforcement bodies as set out in the provisions of this law and/or in the court decision, the responsible persons shall be dealt with pursuant to the provisions of the Criminal Code on offences in*

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<sup>14</sup> Judgment of the Tirana First Instance Court, No. 10834, dated 17 July 2019.

*contravention of court decisions, in relation to obligations deriving from protection orders”* (Article 23/6). The applicable article here is Article 320 of the Criminal Code. This is now a well-established practice. The applicability of Article 320 of the Criminal Code has also been confirmed by the Constitutional Court of Albania which found the provision to be in full compliance with the Constitution of the Republic of Albania.<sup>15</sup>

33. However, according to the amendments to the law introduced in 2020, the bailiffs’ offices will still have a key role to play in the execution of decisions granting protection orders or immediate protection orders. Consequently, full attention must now be focused on training judicial bailiffs and strengthening their role in the enforcement of protection orders and immediate protection orders. This is because with the 2020 amendments to the Law “On measures against violence in family relations”, the configuration of measures that can be imposed pursuant to court-issued protection orders issued has changed.
34. A further concern raised by members of the Network relates to the actual execution of social assistance transfers for women victims of violence as provided for in the relevant legislation. We believe this to be of paramount importance, as it is the only means based in the law for supporting survivors of domestic violence and granting them some compensation for the violence suffered. This would require, however, further improvements in the legal framework in order to provide survivors of domestic violence with assistance that respects their dignity and to ensure that economic aid is accorded in each and every case and closes any loopholes that lead to denial of such compensation to women due to their status as heads of households or any other reasons.
35. Attention was drawn to some observed attempts to abuse the system by making false reports of domestic violence in order to falsely claim social assistance payments. Similar attempts have also been reported in relation property rights claims or for immigration purposes.
36. The police have established a more or less consolidated practice in monitoring the implementation of protection orders. We were able to witness this in the course of our monitoring activities in three districts, Shkodra, Tirana, and Durrës, where we monitored a number of police actions in response to cases of domestic violence. In addition, we interviewed several police officers. Clearly, the State Police has also developed relevant protocols and procedures in this respect, but we monitored their concrete actions in some of the cases.
37. The police officers we interviewed reported some of the actions they undertake for the purpose of enforcing protection orders, including: the victim is invited to attend an interview of which a written record is kept; the perpetrator is notified that an PIPOs has been issued against him; this is also done if the perpetrator has been arrested and is in custody in order to prevent them from harassing or threatening the victim through phone calls or text messages or through other persons close to the perpetrator; in cases where the permanent residence of the victim and/or perpetrator is different from their temporary residence where the abuse was reported, the appropriate police station is also notified. The Community Police Officer attached to the respective police station is notified via the police control room or contacted directly; the victim is escorted if necessary; the perpetrator is taken to the police station and informed of the PIPOs issued against him; the victim is provided with contact numbers and the emergency number 112 to call in

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<sup>15</sup> Decision of the Constitutional Court Selection College, No. 129, dated 17 November 2011.

case of threats by the abuser or if the latter breaches the terms of the protection order; the district alderman and specialist police operative of the area are notified; a request for the validation of measures ordered in the PIPOs is filled out, together with an application form for the issuance of an IPO addressed to the district court; a search of the residence is conducted if there is a suspicion that the abuser possesses a weapon; the police control room and the area patrol are informed with a view to monitoring the area around the victim's residence; in case of victims who are foreign nationals, interpreters are called in to assist with interpretation for the purposes of the interview.<sup>16</sup> Monitoring methods include family visits, telephone calls to the victims, etc. In cases where information is received about a victim being in danger, Police Station No. 6 is immediately informed<sup>17</sup>.

38. **CONCLUSION:** In relation to monitoring the parties' compliance with protection orders, it has to be noted that we are still in the first steps towards establishing good practice in monitoring the implementation of protection orders. There is a need to strengthen police cooperation with the local co-ordinator against domestic violence and put in motion the entire referral mechanism for the purposes of monitoring the implementation of protection orders.
39. There are positive examples from various municipalities. *“During 2020, the Shkodra municipality has handled, managed and monitored 121 cases of domestic violence. Every 60 days, the respective monitoring reports were developed and sent to the Shkodra Local Police Directorate in Shkodra. In urgent cases, the Community Support Police Officer of the relevant area and the Shkodra Police Directorate were promptly notified”*<sup>18</sup>.
40. Local co-ordinators against domestic violence from across the country have received on-going training on monitoring the implementation of protection orders. However, there is a need to increase the number of trainings as well as organise on-the-job trainings. Members of the Monitoring Network have emphasised the importance of strengthening the role of local coordinators against domestic violence at the municipality level. Larger municipalities should have an additional coordinator, pursuant to a decision of the Council of Ministers, and care should be taken to avoid any overlap in the duties and competences of coordinators.
41. Although there are protocols in place for the management of domestic violence cases - both in normal conditions and in the conditions created due to the COVID-19 pandemic - the monitoring of the implementation of protection orders by social services and local co-ordinators against domestic violence remains unsatisfactory. This is also due to the situation created by the COVID-19 pandemic, which has created difficulties in conducting meetings and family visits or other forms of monitoring the implementation of protection orders.

**e. prosecute perpetrators who violate emergency barring orders and protection orders and apply the relevant criminal sanctions;**

42. Article 24 of the Law “On measures against violence in family relations”, was amended in 2020. The lawmaker added a second paragraph to this Article, which states as follows:

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<sup>16</sup> Report on the monitoring of Law No. 9669, dated 18 December 2006, as cited.

<sup>17</sup> From the interviews conducted in the context of the above-mentioned monitoring.

<sup>18</sup> Report on the monitoring of Law No. 9669, dated 18 December 2006, as cited.

*“In any case, the police officer to whom the victim seeking protection presents themselves, shall refer the case to the prosecutorial body in order to proceed with the prosecution of the perpetrator”.* According to the drafters, “This will make the prosecution offices investigate every case and based on the seriousness of the alleged violation, they can proceed to submit more frequent applications seeking the arrest of a perpetrator who presents the risk of reoffending or committing even more serious criminal offences. Such situations will lead to the isolation of abusers and at the same time, they will serve as an example for others who have a propensity for violence”<sup>19</sup>. However, given that these amendments only entered into force in October 2020, we have not been able to analyse the situation regarding their implementation and the performance of these bodies as far as the implementation of the law is concerned.

43. In the reporting period, these cases were dealt with under Article 321 of the Criminal Code “Offences in contravention of a court decision”, to which the following paragraph was added with Law No. 23 of 2012: “...*the commission of acts in contravention of a court decision regarding obligations deriving from protection orders issued by the court are a criminal offence and shall be punished with imprisonment of up to two years.*”
44. For instance, according to the statistics published in the 2019 Statistical Yearbook, that year the courts handed down 59 convictions<sup>20</sup> for the offence of “Acts in contravention of a court decision” pursuant to Article 321 of the Criminal Code. Also, in 2019, a total of 56 persons were convicted, of which two received fines, 37 were given prison sentences of up to two years and another 16 received alternative sentences, while one was ordered to undergo medical treatment as ordered by the court.
45. Over the past three years, the publishing of statistics on protection orders and criminal offences related to domestic violence in the Statistical Yearbook has improved. However, it is still not possible to draw any accurate conclusions from these statistics. For instance, it is not clear from the statistics how many of the perpetrators were convicted specifically for offences under paragraph 2 of Article 321, which covers offences in contravention of court decisions involving protection orders and related obligations. This because in addition to these types of cases, paragraph 1 of Article 321 also covers sanctions imposed on persons who commit offences in contravention of a court order in relation to supplementary sanctions. These may also refer to supplementary sanctions in the context of protection from domestic violence; however, it is more likely that they refer to supplementary sanctions in the context of other criminal offences. Therefore, the management and publication of data needs to improve in order to have a clearer picture of the number of offences related to breaches of court-issued protection domestic violence-related orders.

**f. hold to account officials who fail to enforce emergency barring orders and protection orders, by applying the relevant criminal sanctions;**

46. It is now possible for persons who fail to comply with protection orders to be punished under the criminal law. Several elements of the criminal offence may apply in this case. For instance, Article 320/a “Non-execution of a court decision without good cause” states: “*Non-execution of a criminal or civil court decision by the official in charge of*

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<sup>19</sup> A commentary on the draft law is available at:

<https://www.parlament.al/Files/ProjektLigje/20200120150832Relacioni%20nisma%20Gjermeni.pdf>

<sup>20</sup> <https://www.drejtesia.gov.al/wp-content/uploads/2020/07/VJETARI-STATISTIKOR-2019.pdf>

*executing decisions is a criminal offence and is punishable with a fine or imprisonment of up to two years. Where the offence is committed for profit or any other given or promised benefit, and for the purpose of favouring persons who have an interest in the non-execution of the decision, the perpetrator shall be punished with a fine or imprisonment of up to three years.”*

47. However, it is not possible to draw a conclusion from the statistics as to whether any officials or employees have been prosecuted for these types of offences in the context of enforcement of protection orders. Therefore, despite improvements in recording and publishing statistics on domestic violence offences and related protection orders, there is still room for improvement. However, such cases have not featured in the reports we have received, in the statistics collected by civil society organisations, or in the media.

## **16. Introduce restraining or protection orders for victims of violence against women other than domestic violence (paragraph 189);**

*189. Having regard to the requirement in Article 53 that restraining or protection orders be available to victims of all forms of violence covered by the Convention, GREVIO further urges the authorities to introduce such forms of protection for victims of violence against women other than domestic violence.*

### **I. The legal situation.**

1. There is no specific law in the Albanian legislation addressing special measures of a protective or restrictive nature in relation to violence against women outside family relations. That is to say, there are no provisions on emergency barring orders or protection orders (equivalent to PIPOs, IPOs and POs). However, there are some aspects of our legislation that provide protection and some safeguards in the context of protection of women against violence outside family relations.
2. The 2018 amendments to the **Law “On measures against violence in family relations”** expanded the categories of people that can benefit from protection under this law. Thus, among the persons entitled to the same protection are “*persons who are or have been in an intimate relationship, not necessarily accompanied by cohabitation...*”. This provision goes beyond the boundaries of categories of persons subjected to abuse within the family, because it seeks to protect a broader category of girls and women from being abused by intimate partners, even where they are not in a cohabiting relationship and irrespective of whether the intimate relationship was physical or emotional.
3. The **criminal law** provides for a variety of criminal sanctions, ***restrictive measures***, ***protective measures*** as well as ***supplementary sentences***, some of which can be imposed for violence against women offences. The Criminal Procedure Code provides for sanctions of a restrictive nature which can also be imposed for cases involving domestic violence and violence against women (Article 232 of the Criminal Procedural Code). Alongside detention, the prosecutorial body and the courts can also impose other restrictive sanctions.
4. In relation to the above, the following sanctions may also be appropriate in these cases:
  - a requirement to report to the judicial police;
  - a prohibition to approach and the requirement to reside at a specified address;

- temporary hospitalisation in a psychiatric hospital;
5. The supplementary sanctions under Article 30 of the Criminal code can be imposed for the purpose of ensuring long-term protection. According to this Article, persons who have committed crimes or criminal offences, may be handed down one or more supplementary sanctions in addition to the main sentence. In the case of the criminal offence of violence against women, we believe the following measures are particularly appropriate:
    - confiscation of the means used in committing the criminal offence and of the proceeds of the criminal offence;
    - prohibition on remaining in one or several administrative units;
    - expulsion from the territory;
    - a requirement to publish the court decision;
    - deprivation of parental rights.
  6. The statistical data provided by the General Prosecution Office (see Annex 3) indicate that the prosecutors have been applying for restrictive sanctions or supplementary punishments in order to prevent further episodes of domestic violence. However, the database of the General Prosecution Office is still under improvement, therefore we cannot draw any exact conclusions as to which restrictive sanctions have been specifically applied in relation to domestic violence cases.
  7. Referring to the table in Annex 3, in addition to the restrictive measures under Article 130/a (Domestic Violence), such sanctions have also been imposed for the offences of stalking and sexual harassment. However, the extent to which they have been applied and the degree of their effectiveness remain to be reviewed in order to assess the possibility of using them frequently, as well as in order to draw conclusions in relation to a new bill which would exclusively address the measures needed to protect victims of violence against women.
  8. Women experiencing abuse outside family relationships are likewise protected through the support services offered in the context of the mechanism for the referral of domestic violence cases. These protection measures and support services for victims of violence against women are set out in the ***Council of Ministers' Decision No 327 of 2 June 2021 "On the mechanism for co-ordinating the work and functioning of authorities responsible for the referral of domestic violence cases, aimed at supporting and rehabilitating victims of violence"***.
  9. This Decision is based on and implements the Law "On measures against violence in family relations" and, in a similar fashion to the Law, it seeks to protect and promote the rehabilitation of victims of domestic violence. However, in laying down the procedures for the support and rehabilitation of victims of violence, the Council of Ministers expressly provides for the possibility that the same standards are applied both in the case of victims of violence against women and in the case of victims of domestic violence. This opens up the opportunity for local government bodies to extend their support services to victims of violence against women, even if the abuse occurred outside the domestic context.
  10. Thus, for instance, paragraph 1.1 of the third section of the DCM expressly provides that: *"The local co-ordinator reports on and identifies other cases of violence against women as provided in the Convention on Preventing and Combatting Violence against Women and Domestic Violence, as set out in this paragraph."*

11. Similarly, paragraph 9 of this section of the Decision, states the following: “*The co-ordination of immediate protection measures and the measures co-ordinated through the JIP (Joint Intervention Plan) may also be applied to support victims of violence against women outside family relationships.*” These are administrative protection orders imposed by competent local bodies for the purpose of supporting and protecting victims and are not the same as PIPOs, IPO and UM issued by the courts.
12. As a result of the above-mentioned Council of Ministers’ Decision it is now possible for local government bodies to record data related to the reporting and management of cases of violence against women. These cases are recorded in same electronic database (REVALB) where domestic violence cases are recorded and managed. Thus, paragraph 13.b of the third section of the DCM clearly states: “To the extent possible, data on the support of victims of violence against women outside family relations are likewise recorded.”
13. Another important piece of legislation is the Law “**On state-guaranteed legal aid**”. Pursuant to this law and the secondary legislation deriving from or implementing it, both victims of domestic violence and victims of violence against women are entitled to receive legal aid services. The Law provides for the special protection of victims of domestic violence, sexual violence, and victims of trafficking in human beings.

## II. Situation on the ground

### II.1. Activities of civil society organisations and institutional response

14. The contribution of the civil society in this respect has consisted specifically in providing services, launching legal initiatives, and organising awareness-raising activities in the society. The means employed by civil society organisations for this purpose included, in particular: public statements<sup>21</sup>, mass protests, citizens’ legislative initiatives, attendance

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<sup>21</sup> The Monitoring Network Against Gender-Based Violence has often reacted in the audio-visual media and in the social media by way of statements and various appeals calling for putting an end to violence against women and the protection of victims of violence against women. Following is a list of these statements and public statements:  
*Parandalimi i dhunës seksuale ndaj grave dhe vajzave duhet të jetë prioritet!* (Prevention of sexual abuse of women must be a priority!)

<https://www.facebook.com/rjjetimonotirimitkunderdhunesmebazegjimore/posts/989010145243148>, Statement addressed to Ms Ogerta Manastirliu, Minister of Health and Social Protection.

Re: Taking the necessary legislative measures for the implementation of the obligations deriving from the Istanbul Convention.

<https://www.facebook.com/rjjetimonotirimitkunderdhunesmebazegjimore/posts/951719925638837>

*Për ushtrimin e kontrollit parlamentar ndaj organeve ekzekutive në lidhje me masat e marra për ekzekutimin e vendimeve gjyqësore të formës së prerë, për detyrimin ushqimor për fëmijët* (On the exercise of parliamentary over executive bodies in relation to the measures taken for the execution of final court judgments on child maintenance).

<https://www.facebook.com/rjjetimonotirimitkunderdhunesmebazegjimore/posts/947965992680897>

*Thirrje publike! Të ndalohet urgjentisht dhuna verbale ndaj grave kandidate në zgjedhje!* (PUBLIC APPEAL! Verbal abuse against women running for election must stop immediately!)

The Monitoring Network Against Gender-Based Violence notes that the election campaign has barely started but sexist language and hate speech are already being used against women running for office.

<https://www.facebook.com/rjjetimonotirimitkunderdhunesmebazegjimore/posts/943751046435725>

On increasing the effectiveness of the NRM:

<https://www.facebook.com/rjjetimonotirimitkunderdhunesmebazegjimore/posts/863500997794064>

*Ndal dhunës seksuale ndaj vajzave dhe grave! Kërkesë Publike e Rrjetit të Monitorimit kundër Dhunës me Bazë Gjinore për reflektim serioz të institucioneve dhe marrjen e masave urgjente.* (Stop Sexual Abuse of Women and

in public hearings in the Parliament, public appeals in the media, etc. In some cases, the Monitoring Network Against Gender-Based Violence has issued public statements through which it has called on law-making bodies to take measures for preventing and punishing violence against women, both violence occurring within and outside the domestic context. (Some of the most important public appeals are listed in the footnotes below).

15. An action undertaken by civil society organisations led to the launching of a citizens' legislative initiative that was signed by 20,000 citizens, as a result of which a draft bill entitled "On the establishment of a sexual offenders' register" was presented to the People's Assembly<sup>22</sup>. This initiative was officially registered with the Central Electoral Commission in February 2021 but has yet to be adopted by the People's Assembly, which has been slow to react. The mandate of the previous legislature ended on 9 July 2021 and until that date the initiative was not reviewed or debated in spite of it being presented to the Assembly as early as February 2021. Its examination and discussion will be included in the agenda of the newly elected Assembly due to convene in September of the present year.
16. **The adoption of a law that provides for restrictive and protective measures against violence against women** has been one of the topics discussed by civil society organisations in the past two years, since 2019. The discussion was initiated and supported by our international development partners, particularly UN agencies. A number of discussion rounds were held with organisations engaged in the field, legal professionals, and representatives of independent institutions<sup>23</sup>. However, due to the slow reaction of the relevant institutions, particularly of the ministry in charge of addressing violence against women, these discussions were discontinued.

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Girls! Public Appeal of the Monitoring Network Against Gender-Based Violence for serious reflection by the institutions and taking of urgent measures.

[http://www.qag-al.org/publikime/deklarata\\_e\\_rrjetit.pdf](http://www.qag-al.org/publikime/deklarata_e_rrjetit.pdf)

*Deklaratë e Rrjetit të Monitorimit Kundër Dhunës me Bazë Gjinore*

*Në ditën ndërkombëtare të Eliminimit të dhunës kundër grave, Rrjeti i Monitorimit Kundër Dhunës me Bazë Gjinore bën thirrje për më shumë efektivitet në parandalimin dhe mbrojtjen nga dhuna kundër grave. (Statement of the Monitoring Network Against Gender-Based Violence: On the international day for the elimination of violence against women, the Monitoring Network Against Gender-Based Violence appeals for greater effectiveness in the prevention of and protection from violence against women.)*

<https://www.facebook.com/rrjetimonotirimitkunderdhunesmebazegjinore/posts/585961695547997>

*Thirrje publike! Masa urgjente për ndëshkimin e autorëve të dhunës ndaj grave cilado qoftë veshja zyrtare ose mbështetja e tyre politike (Public Appeal! Urgent measures for the punishment of perpetrators of violence against women regardless of their official position or political affiliation)*

<https://www.facebook.com/rrjetimonotirimitkunderdhunesmebazegjinore/posts/314704719340364> the Monitoring Network Against Gender-Based Violence.

*Thirrje publike! Nevojiten masa urgjente për parandalimin dhe ndëshkimin e dhunës seksuale ndaj vajzave e grave! (Public Appeal! There is an urgent need for the prevention and punishment of sexual abuse of women and girls)*

<https://www.facebook.com/rrjetimonotirimitkunderdhunesmebazegjinore/posts/205508916926612>

*Thirrje publike! Masa urgjente për ndëshkimin e autorëve të dhunës ndaj grave cilado qoftë veshja zyrtare ose mbështetja e tyre politike ((Public Appeal! Urgent measures for the punishment of perpetrators of violence against women regardless of their official position or political support)*

<https://www.facebook.com/rrjetimonotirimitkunderdhunesmebazegjinore/posts/314704719340364>

<sup>22</sup> See <http://kqz.gov.al/documents/vendim-nr-21-date-02-02-2021-per-regjistrimin-e-nismes-ligjvenese-te-zgjedhesve-ne-republiken-e-shqiperise-per-propozimin-e-projektligjit-per-krijimin-e-regjistrimit-kombetar-te-auto/>

<sup>23</sup> See <https://www.facebook.com/photo/?fbid=10159535732324936&set=a.10152369725194936>

17. The provision of legal aid services is addressed mainly in the Law “On State Guaranteed Legal Aid.” The instruments created by the government and the activities of not-for-profit organisations in this regard have made it possible for victims of violence against women to receive legal assistance in the criminal and civil justice system.
18. Victims of violence against women are supported with free legal assistance, in order to help them familiarise themselves with the legal remedies available for the prevention of violence and punishment of perpetrators. For this purpose, the NPOs refer these cases to specialised centres which are specifically contracted by the Legal Aid Department to provide these services.
19. A further important aspect of the contribution of the civil society are the efforts put in by its representatives to promote the implementation of the Istanbul Convention by the courts and other institutions. Even though protection measures against violence against women outside the family setting have not yet been transposed in the domestic legislation, they are being directly implemented in civil proceedings, as a result of applications submitted to the courts by representatives of the civil society.
20. In particular, support services have been provided to victims of sexual violence. In this context, the non-profit organisation that report the case co-ordinate with the Local Coordinator Against Domestic Violence in order for this person to be referred to the Lilium National Centre, which collaborates with the referral mechanisms.
21. To illustrate the importance of the participation of civil society organisations in the management of cases of violence against women, we have selected one case of sexual violence against women outside the family context.

## **II.2. Conclusions from a case study**

In describing the case below, we aim to prove some of the civil society’s findings and suggestions regarding tackling violence against women occurring outside family relationships.

“In December 2020, A.B. reported that she had been abused again by an unknown person. Another pregnancy was caused as a result of the sexual abuse, which was discovered by consultants at the town’s psychiatric hospital. By that time, A.B. was 19 weeks into her pregnancy. She expressed the wish to terminate the pregnancy on account of her not being able to care for the child. Her family refused to accept her back in home and support her if the pregnancy was not terminated. Her safety was jeopardised. A.B. was accommodated at the Lilium Centre on 15 April 2021, together with her mother. She was assessed by the psychiatrist and received the necessary psychological support. She was also seen by an obstetrician-gynaecologist. In the meantime, according to relatives, representatives of the Social Services and the State Police, her brothers refused to allow her to go back home while pregnant. A.B. and C. D. insisted that the pregnancy had to be terminated because she felt she was at risk because of her brothers.”

Article 11, of Law No. 8045, dated 7 December 1995, "On the termination of pregnancy," states: *Termination of pregnancy for social reasons grounds may be performed up until the 22<sup>nd</sup> week where a panel composed of three specialists – medical, social worker and legal – following an examination and deliberations, find that the pregnancy is the result of rape or another sexual crime, or where other social grounds are proven. The instruction on how to proceed in such cases and on the composition of the commission shall be adopted by the Minister of Health and*

*Social Protection.* However, the relevant instruction, which the competent institutions were mandated to issue, has in fact never been issued.

The local co-ordinator against domestic violence, the Social Services and the Police were informed and advised to pay a visit to the family in order to mediate the return of pregnant A.B home. Their efforts were not successful because her brothers categorically refused to allow her to return home pregnant. The agencies, however, persisted and made it possible for the pregnant girl to return home.

Conclusions drawn from this case:

- This case demonstrates that violence against women and domestic violence can co-occur. The relevant Albanian agencies must be prepared for this.
- The preparations for the implementation of the Law “On Abortion” should have been completed a long time ago. If a legal provision is deemed unsuitable, it must be duly abrogated and not rendered void by the body in charge of issuing the byelaw choosing not to do so. This case demonstrates that concerted efforts and coordination among the State Police, health care institutions, and the referral mechanism, are crucial in the management the management of cases of violence against women.

## ANNEX I

Data extracted from the Ministry of Justice Statistical Yearbook.

- **Forced marriage – no data available.**

<b>Criminal offence/Article</b>	<b>Year 2018<sup>24</sup> Number of cases</b>	<b>Year 2019<sup>25</sup> Number of cases</b>
<b>Termination of pregnancy without the woman's consent</b> (Article 93)	0 cases	0 cases
<b>Sexual or homosexual relations with minors</b> (Article 100)	Article 100/1 - 9 cases (convictions) Article 100/2 - 1 case (conviction)	18 cases (13 convictions, 5 incapacity decisions).
<b>Violent sexual or homosexual relations with a minor who is fourteen to eighteen years old</b> (Article 101/ 1,2)	1 case (conviction)	9 cases (4 convictions, 5 incapacity decisions).
<b>Sexual assault by use of force with adult women</b> (Article 102)	5 cases (convictions)	1 case (conviction)
<b>Homosexual activity by use of force with adult males</b> (Article 102/a)	0 cases	2 cases (2 incapacity decisions)
<b>Sexual or homosexual relations with vulnerable persons</b> (Article 103)	4 cases (convictions)	2 cases (convictions)
<b>Indecent acts</b> (Article 108)	<b>19 cases</b> (convictions)	<b>26 cases</b> (19 convictions, 2 acquittals, 2 cases dismissed, 3 incapacity decisions).
<b>Sexual harassment</b> (Article 108/a)	<b>Article 108/a/1 - 12 cases</b> (10 convictions, 1 acquittal, 1 case dismissed) <b>Article 108/a/2 - 4 cases</b> (convictions)	<b>25 cases</b> (22 convictions, 1 acquittal, 2 cases dismissed, 3 incapacity decisions).
<b>Stalking</b> (Article 121/a)	<b>143 cases</b> (138 convictions, 3 acquittals, 1 case dismissed, 1 incapacity decisions).	<b>97 cases</b> (90 convictions, 2 acquittals, 2 cases dismissed, 3 cases sent back for additional investigation).
<b>Domestic violence</b> (Article 130/a)	<b>980 cases</b> (940 convictions, 10 acquittals, 16 cases dismissed, 3 cases sent back for additional investigation, 11 incapacity decisions).	<b>586 cases</b> (540 convictions, 14 acquittals, 15 cases dismissed, 2 cases sent back for additional investigation, 15 incapacity decisions).

<sup>24</sup> See Ministry of Justice, 2018 Statistical Yearbook, pp. 35-44, available at: <https://drejtesia.gov.al/ep-content/uploads/2019/07/Vjetari-Statistikor-2018-PDF.pdf>

<sup>25</sup> See Ministry of Justice, 2019 Statistical Yearbook, pp. 35-44, available at: <https://www.drejtesia.gov.al/ep-content/uploads/2020/07/VJETARI-STATISTIKOR-2019.pdf>

- Female genital mutilation – no data available.

**Note:** The 2020 Ministry of Justice Statistical Yearbook has not been published in the official web page of the Ministry<sup>26</sup>.

## ANNEX 2

### Information regarding the issuance of protection orders

Issuance of protection orders <sup>27</sup>	
2018	Number of cases
1. Court of Appeals, Korçë	10
2. Court of Appeals, Tiranë	91

Applications for protection orders <sup>28</sup>				
2019	GRANTED	REJECTED	DISMISSED	TERMINATED
1. District Court - Berat	44	40	56	7
2. District Court - Dibër	19	2	11	0
3. District Court - Durrës	326	18	88	0
4. District Court - Elbasan	84	63	71	0
5. District Court - Fier	138	41	37	7
6. District Court - Gjirokastrë	32	5	14	0
7. District Court - Kavajë	24	7	24	0
8. District Court - Korçë	34	5	15	0

<sup>26</sup> See <https://www.drejtesia.gov.al/statistika/>

<sup>27</sup> See Ministry of Justice, 2018 Statistical Yearbook, p. 230, 232, available at: <https://drejtesia.gov.al/ep-content/uploads/2019/07/Vjetari-Statistikor-2018-PDF.pdf>

<sup>28</sup> See Chapter XVI “Statistikë analitike e Rrethëve Gjyqësore Dhuna në Familje” (Statistical Analysis of District Courts Data: Domestic Violence, Ministry of Justice, 2019 Statistical Yearbook, p. 315-340, available at: <https://www.drejtesia.gov.al/wp-content/uploads/2020/07/VJETARI-STATISTIKOR-2019.pdf>

<b>9. District Court - Kruja</b>	44	4	18	0
<b>10. District Court - Kukës</b>	11	0	0	0
<b>11. District Court - Kurbin</b>	22	3	10	0
<b>12. District Court - Lezhë</b>	76	6	9	0
<b>13. District Court - Lushnjë</b>	68	13	55	0
<b>14. District Court - Mat</b>	19	0	1	0
<b>15. District Court - Përmet</b>	5	1	2	0
<b>16. District Court - Pogradec</b>	50	4	0	0
<b>17. District Court - Pukë</b>	6	0	4	0
<b>18. District Court - Sarandë</b>	50	19	7	0
<b>19. District Court - Shkodër</b>	110	20	44	7
<b>20. District Court - Tiranë</b>	269	19	27	0
<b>21. District Court - Tropojë</b>	2	2	5	0
<b>22. District Court - Vlorë</b>	132	22	37	0

### ANNEX 3

Data extracted from reports by the General Prosecutor's Office.

Table 1. Sanctions imposed

	Measures imposed			Convictions	Measures imposed			Convictions	Measures imposed			Convictions
	Total arrests	Total restraining measures	Barring orders		Total arrests	Total restraining measures	Barring orders		Total arrests	Total restraining measures	Barring orders	
<b>Domestic violence Article 130/a</b>	518	591	6	826	422	509	3	793	487	566	7	711
<b>Stalking Article 121/a</b>	73	87	0	78	0	0	0	0	32	46	0	57
<b>Sexual violence Article 107/a</b>	0	0	0	0	0	0	0	0	0	0	0	0
	15	19	0	13	22	23	0	23	19	21	2	18
<b>Forced marriage Article 130</b>	0	0	0	5	0	0	0	0	1	4	0	0
<b>Forced abortion Article 94</b>	0	0	0	0	0	0	0	0	0	0	0	0

✚ Data extracted from reports by the General Prosecutor's Office

✚ Table 2. Defendant data

Year	2018 <sup>29</sup>	2019 <sup>30</sup>	2020 <sup>31</sup>
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<sup>29</sup> See *Raport i Prokurorit të Përgjithshëm mbi gjendjen e kriminalitetit për vitin 2019* (Office of the General Prosecution: 2019 Crime Situation Report), available at:

[https://www.pp.gov.al/Dokumente/RAPORTE\\_T\\_PROKURORIT\\_T\\_P\\_RGJITHSH\\_M/](https://www.pp.gov.al/Dokumente/RAPORTE_T_PROKURORIT_T_P_RGJITHSH_M/)

<sup>30</sup> See *Ibid.*

<sup>31</sup> See *Raport i Prokurorit të Përgjithshëm mbi gjendjen e kriminalitetit për vitin 2020* (Office of the General Prosecution: 2019 Crime Situation Report), available at:

[https://www.pp.gov.al/Dokumente/RAPORTE\\_T\\_PROKURORIT\\_T\\_P\\_RGJITHSH\\_M/](https://www.pp.gov.al/Dokumente/RAPORTE_T_PROKURORIT_T_P_RGJITHSH_M/)

	Number of defendants charged	Number of defendants convicted	Number of defendants charged	Number of defendants convicted	Number of defendants charged	Number of defendants convicted
<b>Termination of pregnancy without the woman's consent</b> (Article 93)	0	0	0	0	0	0
<b>Sexual or homosexual relations with minors</b> (Article 100)	6	4	23	9	9	18
<b>Sexual or homosexual relations with minors 14-18 years of age, involving the use of force</b> (Article 101)	2	2	10	3	10	9
<b>Sexual relations with adult women, involving the use of force</b> (Article 102)	3	3	7	1	4	3
<b>Homosexual relations with adult persons, involving the use of force</b> (Article 102/a)	0	0	0	0	0	0

<b>Sexual or homosexual relations with vulnerable persons (Article 103)</b>	0	2	2	2	6	1
<b>Sexual or homosexual relations by threat, with the use of a weapon (Article 104)</b>	0	0	0	0	0	0
<b>Sexual or homosexual relations by abusing official position (Article 105)</b>	0	0	0	0	0	0
<b>Sexual or homosexual relations with blood relatives or persons in care (Article 106)</b>	0	0	0	0	2	2
<b>Sexual or homosexual relations in public places (Article 107)</b>	0	0	0	0	0	0
<b>Sexual abuse (Article 107/a)</b>	0	0	0	0	0	0
<b>Indecent acts (Article 108)</b>	15	11	13	11	7	9

<b>Sexual harassment</b> (Article 108/a)	18	13	34	23	23	18
<b>Stalking</b> (Article 121/a)	116	78	92	85	82	57
<b>Domestic Violence</b> (Article 130/a)	1069	826	888	793	979	711

## II. RECOMMENDATIONS NO. 27 AND 206 OF GREVIO.

### Executive summary

This is a contribution of “Refleksione” Women's Association to the shadow report of the Government of Albania on the implementation of two recommendations<sup>32</sup> given to Albania- which is party to the Council of Europe Convention on “Preventing and Combating Violence against Women and Domestic Violence”, known as the Istanbul Convention (IC), - by the first GREVIO Baseline Report<sup>33</sup>, published in 2017, three years after the entry into force of this Convention<sup>34</sup>. This contribution presents the alternative perspective of the Women's Association “Refleksione”, based on up-to-date data from the field, about the implementation of the two recommendations mentioned above and covered the period 2018 – 2020.

The IC has been and remains a priority for the “Refleksione” Association<sup>35</sup>, since its provisions on the prevention of Violence against Women (VAW) and Domestic Violence (DV) are the most advanced ones to date and are part of the Association's strategy. The tasks assigned by this Convention are already part of the activities of “Refleksione”, starting from the establishment of the Coordinated Referral Mechanisms (CRMs) for the first time in Albania to address DV and VAW,<sup>36</sup> to the including of the IC's provisions in the primary prevention of violence till the support that must be given to the cases during the COVID-19 pandemic.

Since the IC is an integral part of the Association strategy, ever since Albania ratified the IC in 2013, Refleksione prepared, in the same year, a “Roadmap for the implementation of Convention in Albania”, the costs for its real implementation at the central and local government level. One year after its entry into force in August 2014, Refleksione, implemented the pilot project “Free from Fear of Violence – bringing Istanbul Convention at the local level”, in 10 municipalities of Albania. This project contributed to strengthen the prevention of VAW and addressing it at the local level, based on the IC provisions, as well as to introduce the IC provisions to the institutions, part of CRM and local communities, in particular men and boys.

In 2020 and during the first quarter of 2021, “Refleksione”, implemented the project “Prevention of VAW before it occurs - Providing support to cases of violence in post covid/19 lockdown times”,<sup>37</sup> in 12 municipalities. One of the main objectives of this project was to provide information about the IC articles focusing on the prevention of Dv and VAW, addressed to the institutions, part of CRMs, and local actors, as well as to the rural and urban women and

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<sup>32</sup> Albania – Grevio Evaluation Report, 2017, **paragraph 27 on** strengthening the machinery for combating violence against women by providing appropriate financial and human resources at central and local level; **paragraph 26 on** establishing and funding an efficient legal aid system for victims of all forms of violence covered by the Istanbul Convention.

<https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>

<sup>33</sup> GREVIO- Group of Experts on Action against Violence against Women and Domestic Violence.

<sup>34</sup>The Istanbul Convention entered into force on 1 August 2014.

<sup>35</sup> “Reflections” is one of the three women's rights organizations that were firstly founded in Albania shortly after the political changes of 1991.

<sup>36</sup> <http://refleksione.org/developing-a-sustainable-system-for-addressing-the-violence-against-women-in-albania/>

<sup>37</sup> <http://refleksione.org/wp-content/uploads/2021/04/Raport-Refleksione-2021-online-final.pdf>

girls' communities. The information disseminated about the IC had an added value due to increased cases of DV during the COVID -19 pandemic, which was also the time when this intervention was implemented.

On May this year was marked the 10th anniversary of signing of IC. Given the fact that Albania is one of the first eight Council of Europe member countries to sign the IC in 2011 and ratify it in February 2013<sup>38</sup> fulfilment of the GREVIO recommendations is a priority commitment for all actors involved in reducing violence against women. The GREVIO recommendations encourage the government of a small country like Albania to improve national legislation to comply with IC standards.

A decade after its signing, the IC has become more important than ever before for Albania in fighting DV and VAW. It is now a guiding principle and a standard in the government and other stakeholders policies to prevent, reduce and eliminate the VAW, as well as for the protection and support of its survivors.

In this contribution "Refleksione" presents its findings regarding the implementation of GREVIO Recommendation No. 27 and No. 206 in the Baseline Report for Albania<sup>39</sup> followed by the respective analysis and conclusions, as well as the annexes on the level of DV and VAW in the e last 3 years, after the first GREVIO baseline report.

### **Recommendation No. 27.**

- a. Strengthening the machinery for combating Violence against Women by providing appropriate human and financial resources at both central and local (municipal) levels;

Regarding this sub-paragraph of recommendation No. 27, Refleksione will focus on financial and human resources at the local level dedicated <sup>40</sup> to ensure the operation of CRMs addressing DV and VAW at local level.

The up-to-date data of 12 municipalities - Berat, Elbasan, Fier, Kavaja, Lezha, Lushnja, Përmet, Pogradec, Roskovec, Korça, Shkodra and Vlora- indicate that the salaries of the local coordinators, within these multi-disciplinary mechanisms, out of 61 Albanian municipalities in total , are funded by the state budget, while, at the same time, they perform also the task of Gender Equality Officers at local level, besides 11 Officers at central level, one for each ministry.<sup>41</sup>

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<sup>38</sup> Albania has made IC provisions mandatory for the national legal framework for the prevention of Violence against Women and Domestic Violence, as well as the protection of its victims/survivors.

<sup>39</sup> <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>

<sup>40</sup> According to the report prepared by the Ministry of Health and Social Protection, the medium-term budget programmes expenditures have increased by 2.3% in the period 2017- 2019 and 6.3% in the period 2019-2021. ( Report, p. 14)

<sup>41</sup> Albania - Report of the Ministry of Health and Social Protection supplementing GREVIO's recommendations, p. 8. Annual salary of the Gender Equality Officer and the local coordinator against domestic violence in the Municipality is ALL 696.000, each.

The CRMs remain the most important institutional structure at the local level for preventing and combating DV and VAW. Therefore, empowering them with financial capacities and human resources to be able to perform their legal duties, since the implementation of IC requires a more meaningful engagement than simply appointing local coordinators at each municipality, whom, at the same time, carry out also the duties of Gender Equality Officers, and funding their annual salary by the state budget.

Considering the first GREVIO's Baseline Report, one of the positive developments we want to point out in this contribution to the shadow report is the fact that the local coordinators / gender equality officers in each municipality are no longer in charge of other tasks, such as, for example, the social and economic assistance, etc., which previously used to be a concerning issue, as the local coordinators for DV and VAW in the municipalities were working mostly on other tasks, rather than dedicating most of their time to tasks for the prevention and combating VAW or supporting its victims /survivors.

For the period 2018-2020, a non-positive development is the fact that none of the mayors of the 12 targeted municipalities has used 5% of their total municipal budget to support cases of DV and VAW. The Mayor, with the approval of the Municipal Council, has the competence to use such funds for emergency cases that need support.

As regards human resources, the lack of psychologists/s in police stations remains a serious problem for most of the above mentioned municipalities. When the victims report violence at police stations, in particular, in the presence of children, both mother and children are under the shock and need specialized professional psychological support.

In terms of efficiency, the CRMs in 12 municipalities are characterized by different level of efficiency and not consistent, but based on the local context.

The operation of CRMs lacks standardization. They also lack, although not at an equal extent, coordination and cooperation between local institutions that are parts of CRM which prevent them to make a timely and quality performance of their legal duties.

The representatives of local institutions, that are integral part of CRMs, constantly need to enhance their professional capacities to understand better the national legal framework and the IC provisions and to use the latter as instruments in their daily work to manage the DV and VAW cases.

Furthermore, building human capacities within Administrative Units in rural areas is even more emergent. More specifically we are referring to the building up capacities of the Social Administrators appointed after the Local Elections 2019 since most of them appointed after those Local Elections of 2019 lack the professional education required for this job position.

- b. To expand significantly the budget allocated to the entity responsible for preventing and combating violence against women;

As regards this sub-paragraph of Recommendation No. 27, the up-to-date data of the target municipalities indicate that there is no significant expansion of the budget for CRMs, which are the institutional structures at local level in charge of preventing and combating DV and VAW.

The financial situation in these municipalities is as follows:

### **Berat Municipality:**

This Municipality has no budget allocated for 2021 to support DV and VAW cases. According to the updated data by Berat Municipality, the staff of Social Service Directorate is increased as of July 2020. Until June 2020, only one officer was covering two positions: the Local Domestic Violence Coordinator and the Child Protection Officer. These two overlapping positions are now separated and the municipality has one local coordinator in charge of only the DV and VAW cases.

### **Fier Municipality:**

Compared to previous years, Fier Municipality has increased significantly the budget for services to victims / survivors of DV and VAW.

According to the approved Social Care Plan 2019 - 2023, this Municipality has a budget by 5 million ALL (equivalent to \$ 47,200) for social services (for women and girls victims of violence, children, etc.). This budget includes also the funding of awareness raising activities organized throughout the year, not only during the 16 days of global anti violence actions. In 2020, the awareness raising activities were carried out in cooperation with “Refleksione” Women's Association .<sup>42</sup> The \$ 47,200- budget covers also the emergency assistance, fuel to accompany the victims of violence and other services.

### **Elbasan Municipality**

In 2019, this Municipality allocated a fund by 100,000 ALL to pay the rent for emergency cases of DV and VAW as well as for the cases of socio-economic problems (six cases of VAW and five against the children were noted in 2019). For the period October 2019 - September 2020, Elbasan Municipality forecasted a fund by 1,500,000 ALL for social services under the project supported by the “Social Fund” of the Ministry of Health and Social Protection. This Municipality's budget for 2020 has allocated a fund by 8,700,000 ALL to support the cases of DV and those with social and economic problems, thus increasing the Social Fund to 1,500,000 ALL in 2020.

The fund for participation in joint projects is ALL 3,500,000. The fund for gender equality issues is ALL 500,000, whereas the fund for economic assistance, from the municipal revenues, is ALL 3,200,000. From this fund, the economic assistance for the cases of Restraining Orders (RO) and Urgent Restraining Orders (RO/URO) takes ALL 2,000,000.

For the period September 2018 - September 2020, Elbasan co-financed with UNDP with \$25,000 under the Regional Programme for Local Democracy in the Western Balkans (ReLOaD), funded by the European Union and implemented by UNDP in six Western Balkan countries, for joint funding of NGOs in and outside Elbasan, and VAW was among the main objectives.

Elbasan Municipality offered social bonuses to 117 families in 2020 with a co-financing with the Ministry of Infrastructure and Energy for a total fund of ALL 14,794,394.80. Elbasan

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<sup>42</sup> <http://refleksione.org/gallery/>

Municipality subsidized from its own funds ALL 4,173,553.60. 43 out of 117 persons benefiting the social bonus were women.

### **Kavaja Municipality:**

To prevent and combat VAW Kavaja Municipality allocated a fund by 200,000 ALL for emergency shelters for victims of DV. (In the beginning of this contribution to the shadow report, it is mentioned out that the salaries of local coordinators are covered by the budget that the state has allocated to municipalities and/or by the revenues generated by the municipalities)

### **Korça Municipality**

The financial resources that Korça Municipality has allocated to prevent and combat DV and DAW are: ALL 288.00 fund for the Emergency Shelter for victims of DV, 136.900 ALL for raising awareness of communities in rural areas to fight DV..

### **Lezha Municipality.**

To the victims of DV and VAW are offered ALL 6,000 per month, depending on the number of children. Considering, however, the economic situation, this amount is not sufficient to make their ends meet. Lezha Municipality has experienced an increase in the number of cases of DV who have benefited social housing with municipal funds. The number of activities intended to raise awareness in terms of prevention of violence is increased, but the budget the Municipality has made available for such purpose are minimal or nothing at all. Those who are mostly and significantly contributing in this regard are the non-governmental organizations.

### **Lushnja Municipality.**

The fund allocated for two years (2019-2021) is ALL 200,000, but it is not increased. In the meantime, this amount was never being used to support cases of DV and VAW. Some efforts are made to implement gender-responsive budgeting for proper funding to prevent and combat violence. In May 2021, the Municipal Social Service Directorate asked the Mayor<sup>43</sup> to use the funds available for the cases of DV and gender equality.

So, the Finance Department used ALL 27,000 to produce some brochures providing information about the legal amendments and the services provided by the Municipality, through the DV coordinator, for the victims of violence of all forms of violence covered by the IC. The fund reserved for the cases of DV is ALL 200,000 and this year, only ALL 27,000 is used.

### **Përmet Municipality.**

Përmet Municipality is small and its revenues are modest. The funds allocated to support the cases of DV and VAW are not set as a separate budget item. Përmet Municipality has not made a gender-responsive budgeting.

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<sup>43</sup> The former Mayor of Lushnja, Fatos Tushe was arrested on 10 July 2021 for corruption in the public tender for the restructuring of a \$ 24million water-supply and he is serving a prison sentence.

### **Pogradec Municipality.**

Pogradec Municipality has approved for 2021 a symbolic fund of ALL 500,000 for combating DV and VAW and supporting its victims / survivors. In 2020, the Municipal Council signed the European Charter on Gender Equality and approved, under a decision, the Local Action Plan for Gender Equality 2020-2023.

In 2021, Pogradec Municipality won a project from the Social Fund of the Ministry of Health and Social Protection to empower new families. A psychologist is added to the structure, for this Project, who provides counselling to young women on family planning; how to cope with the difficulties of married life, etc.

Pogradec Municipality does not have a gender-responsive budgeting. However, the Local Coordinator against DV is making its maximal efforts to have it for the 2022 budget. It is aimed at including women of rural and urban areas of Pogradec Municipality to participate in the discussions, to voice their opinions about the focuses of the municipal budget for 2022.

### **Roskovec Municipality**

This Municipality has a separate budget item for the cases of DV and VAW. In addition to the monthly salaries of Local Coordinator, the budget forecast also for the maintenance of an Emergency Shelter for victims of violence for up to 78 hours, providing food and clothing while they stay in the shelter and food packages accordingly.

Another fund is allocated to co-funding of projects with foreign donors to help women and victims of DV..

### **Vlora Municipality.**

In 2021, Vlora Municipality allocated a dedicated budget for social services, including ALL 10.000 for a 24-hour green line at “Vatra” Center for victims of DV. There is a fund by ALL 660,000 allocated by the decision of Municipal Council that aims to provide free attendance of kindergartens and nurseries for children in the families where are occurred violence cases, trafficking and children with social and economic problems, as well as an ALL 3,000 for economic aid for victims of violence that have a RO/URO.

Vlora Municipality has not allocated yet a special fund for the DVe Unit, since it is included in the general fund comprising other vulnerable groups. Vlora Municipality has made efforts to enhance the capacity of staff through various training. In this context, ASPA, in cooperation with CIES has held two-year trainings on gender-responsive budgeting, for the period 2016-2018.

- c. To commit budgetary resources dedicated to preventing and combating violence against women for other concerned line ministries;<sup>44</sup> (For this sub-paragraph, please see footnote No. 41)
- d. To pursue and step-up efforts in implementing gender responsive budgeting, so as to be able to allocate appropriate funding and to monitor public spending dedicated to combating violence against women and to measure the progress achieved.

It should be noted here that the devastating earthquake of 26 November 2019 and Covid-19 pandemic, which affected Albania in March 2020, had a negative impact also in implementing this sub-paragraph of Recommendation No. 27. The municipal budgets dedicated to prevention of DV and VAW as well to support its victims with increased funding compared to previous years were reorganized / reallocated to respond to the emergency situation caused by both disasters. Therefore, there was no increase of budgets nor dedicated public spending to measure the progress achieved.

### **CONCLUSIONS:**

1. Increasing the financial and human resources to comply with the provisions of IC and its recommendation, including all four sub-paragraphs, remain a challenge for the Government, the civil society and international donors. The situation is even more difficult in small municipalities. Nevertheless, even those municipalities considered as big do not have a gender responsive budgeting.
2. The Administrative Units in rural areas are in a difficult financial situation and the Social Administrators are not able to perform their duties assigned by law, including the provisions of IC due to lack of transport and communication within the areas of their Administrative Units.
3. The lack of professional and specialized psychologists in the local State Police Directorates, mainly due to lack of funds, is an urgent matter that needs to be changed, so as to enable the implementation of GREVIO Recommendation No. 2.
4. The mayors should implement the legal provisions and use their legal powers to use 5% of their total municipal budget, with the approval of the Municipal Council, to provide the financial support for the cases of DV and VAW and make possible the implementation of the legal provisions of IC.

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<sup>44</sup> Albania - Report of the Ministry of Health and Social Protection supplementing GREVIO's Recommendations, Citation:

*"Regarding the financial resources, the budget has increased, which mainly goes to staff salaries. Other activities, such as awareness-raising events, capacity building, monitoring and evaluation processes are also supported by international organizations. In addition, the Section was supported with expert technical assistance, through presence of experts in the Section from international organizations (mainly United Nations agencies and the Council of Europe)"(p. 10)*

## **Establishing an effective system of legal aid. (Grevio, paragraph 206)**

The sub-paragraphs of GREVIO's recommendation No. 206 are the following:

- a. To establish and fund appropriately an effective system of legal aid for the victims of all the forms of violence against women covered by the Convention, based amongst others on the involvement of adequately trained lawyers;
- b. To ensure that victims are properly informed of their right to access free legal aid.
- c. To recognize, support and promote the work of NGOs specialized in procuring legal assistance to victims.

### **Situation at local level about the above sub-paragraphs of Recommendation 206.<sup>45</sup>**

#### **Berat Municipality:**

To manage cases of DV this Municipality has cooperated and mediated with lawyers. In cases when CRM had to take a decision but was not sure of all the legal aspects, a lawyer or attorney is asked for help. The Municipality's Coordinator for DV always informs the victims on their right to access to free legal services. The victims were also referred to lawyers or centers that provide these services when it is needed (for example divorce application free of charges, hearing for verification of URO, etc.). Berat Municipality has and is working effectively with various civil society organizations to reduce and combat violence against women. It is making its premises available to NGOs to hold their project activities. This was also the case in 2020 and the first quarter of 2021 with the Association "Refleksione".

#### **Elbasan Municipality**

In 2019, Elbasan Municipality set up a free Legal Aid Office, in cooperation with the Ministry of Justice, providing free primary legal aid to vulnerable persons, including cases of DV. The staff of the office is trained by UNDP to provide services to victims of DV. The Local Coordinator in the Municipal Social and Community Service Directorate, who is managing the cases of DV, provides legal advice and support to about 80-90 cases, victims of DV per year. Some NGOs, such as "Woman's Forum", "Other Vision Association", have been operating for years in Elbasan Municipality, providing free legal aid to victims of DV / victims of trafficking in human beings. "Woman's Forum" is licensed by the Ministry of Justice to provide free legal aid to the above-mentioned categories. The number of cases benefiting from these services are up to 300 per year.

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<sup>45</sup> *The funds for free legal aid allocated by the Government (Ministry of Justice) experienced an increase as follows: 1) Free legal aid for vulnerable women and girls: 10% increase in 2018 compared to 2017, 64% in 2019 and 56% in 2021; 2.) Women prisoners serving their sentences in prisons: a 4% increase in 2018 compared to 2017; 3.) Women sentenced to parole: 1% increase in 2019, 3% in 2020 and 1% in 2021.4) Protection orders for women increased by 8% in 2018 compared to 2017, and 41% in 2021. (Albania - Country Report, Supplementation of GREVIO recommendations, p. 12)*

### **Fier Municipality**

Fier Municipality has not undertaken any concrete initiative to train lawyers who provide legal aid to cases of DV and VAW. The access to legal aid is provided under cooperation agreements with NGOs providing this type of service for years. This municipality has recently signed a cooperation agreement with the Free Legal Aid Directorate of the Ministry of Justice.. In terms of access to legal aid, Fier Municipality is open to cooperation and provides human, financial and logistical resources to any NGO focusing not only on social protection of marginalized groups, but also on capacity building for the staff of the Municipality.

### **Korça Municipality.**

Free legal aid office is not present yet in this Municipality, but it is foreseen to be opened in the next years. Up to date, the victims were informed of their rights by the officer for domestic violence through awareness raising and information activities. Free legal aid for victims of violence was provided by organizations and the local coordinator for domestic violence, in particular in the Prosecution Office, for the cases reported by the police station. Korca Municipality has no civil society organizations providing free legal aid to victims.

### **Kavaja Municipality**

Free legal aid and psychological support office is not present yet, but it is foreseen to be opened in the next months. A lawyer and psychologist are planned to be part of the staff in charge of legal and psychological assistance to victims of violence, as well as assisting them in court.

Up to date, the victims were informed on their rights by the officer for domestic violence through awareness raising and information activities. Free legal aid was provided by civil society organizations and by the local coordinator, when victims were reported in the police station.

### **Lezha Municipality.**

A free legal aid service is set up thanks to the pilot project implemented by UNDP. The staff is composed of two lawyers employed by the Ministry of Justice who provide free legal aid to victims of violence and vulnerable groups of population. The victims of violence are regularly informed of their right to access free legal aid. Lezha Municipality pays particular attention to cooperation with specialized NGOs to provide free legal aid as it is a costly service and the funds are limited.

### **Lushnja Municipality.**

The Social Service Directorate has no lawyers dealing with legal aspects of victims of violence, but, the Office of Free Legal Services is opened for two years now, as a project funded by the Ministry of Justice, with which the cooperation is excellent. All cases referred by the municipal Coordinator and CRM receive legal services free of charge. The community and mainly victims of violence are informed about all services provided by Lushnja Municipality as well as free legal services, through social networks, information meetings in each administrative unit of the Municipality, distribution of brochures as well as posters illustrating the services provided, how and where they can have access. These posters are displayed in Police Stations, the Court,

Prosecution Office, the Labor Office, ADISA, Health Centers and the 9-year schools and the high schools.

### **Roskovec Municipality.**

This Municipality has no lawyers trained, neither does the CRM. The Local Coordinator seeks cooperation with any lawyer in the Municipality assisting with legal interpretation of the case and RO.

An UNDP-supported project that was completed by the end of 2020 provided free legal aid to 10 cases of domestic violence. Roskovec Municipality cooperated with “Refleksione”, the “Center for Legal and Civic Initiatives” that have realized their projects providing significant assistance, despite the lack of financial and human resources. Any victim or potential victim of violence was informed of the services and access to free legal aid provided by the state and any other supporting services provided and coordinated by Roskovec Municipality.

### **Përmet Municipality.**

This Municipality has no lawyer trained only for legal aid to victims of violence. The officer in charge of Gender Equality and Domestic Violence informs also the victims of domestic violence about the legal provisions. Përmet Municipality has no specialized civil society organizations providing free legal aid to the cases of victims of DV and VAW.

### **Pogradec Municipality.**

The Office of Free Legal Aid was opened in Pogradec for the first time with the support of UNDP. This Office serves every citizen in need of legal aid, but assists also the victims of gender-based violence in legal problems faced during the trial process. “Me, the Woman” Association has in its focus the victims of gender-based violence and offers free legal aid through external lawyers and counselling through psychologists. In addition, in cooperation with UNDP, this association provides trainings to the administrative staff of Pogradec Municipality to increase capacity and raise awareness on issues related to domestic violence and social policies that the Municipality should implement for gender equality. Fortunately, some NGOs are present in Pogradec town, which are very active in the community for victims of domestic violence but also for the integration of women in public life.

### **Vlora Municipality.**

This Municipality collaborates closely with specialized lawyers trained by Vatra Legal Clinic for all types of referrals that the local coordinator makes for domestic violence cases. This Clinic provides free legal and psychological assistance and counseling thanks to the cooperation and a permanent agreement that Vlora Municipality has with the Vatra Center since 2009.

The victims are informed through direct telephone contact, as well as through interviews conducted by the local coordinator, who provides a wide information about the range of social services for referral and guidance. Throughout the year, awareness raising events are organized targeting men, women and children, schools and universities about gender-based violence, the

legal rights of every violence victim, providing information about the institutions and CRM. Leaflets are distributed offering information and raising awareness about the problem of violence.

The centers “Vatra”, “Aulona”, “Together for change” cooperate together to organize various activities, trainings and awareness-raising campaigns to support cases of violence, to provide accommodation, mediation, employment, psychological assistance and family planning advice. The cooperation agreement signed with CRM in December 2020 is renewed to continue working together and this cooperation is further strengthened.

## **CONCLUSIONS:**

1. Free legal aid should be decentralized and a fair geographical distribution should be made across the country. Based on updated information from the above-mentioned municipalities, free legal aid is centralized in those big municipalities where UNDP and the Ministry of Justice have invested financial support and human resources. Whereas in those municipalities where such investment is not made, free legal aid is not offered according to the legal obligations of the respective Law No. 111/2017, “On legal aid guaranteed by the state” adopted in the context of justice reform and under the legal provisions of IC.
2. Vulnerable groups of women, especially in rural and remote areas, should be provided access to free legal aid.
3. It is urgent for lawyers and employees providing free legal aid to build their professional capacities, deepen their knowledge about domestic legal framework and IC provisions.
4. The victims of domestic violence and violence against women, as well as other vulnerable groups of women urgently need to be empowered through information on the existence of free legal aid and of their right to seek it and have access to justice. This would enable a much greater enforcement of the Law 111/2017 “On free legal aid”.

## **Violence against woman remains a concerning issue**

Insufficient financial and human resources, the lack of infrastructure according to the IC provisions have resulted in the partial fulfilment of the two IC recommendations, i.e., No. 27 and 208. Despite the progress reached in improvement of legislation preventing, combatting and reducing DV and VAW the facts show that these forms of violence remain to a concerning level. According to NSTAT Index for “Gender Equality in Albania, 2020”,<sup>46</sup> Albania turns out to be 7 points below the EU member states' average, despite its aspiration for accession, except for participation in political decision-making, where Albania has a higher gender equality rate than EU countries. State Police data indicate an increasing trend or an insignificant and unstable decrease of violence against women in the last 3 years.

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<sup>46</sup> [http://www.instat.gov.al/media/6661/gender\\_equality\\_index\\_for\\_the\\_republic\\_of\\_albania\\_2020.pdf](http://www.instat.gov.al/media/6661/gender_equality_index_for_the_republic_of_albania_2020.pdf)

Annex 1.

<b>Number of cases reported in 2018 for domestic violence</b>	<b>3759</b>
<b>Total persons injured by domestic violence</b>	<b>3788</b>
<b>Women/girls out of this number</b>	<b>2757</b>
<b>Applications for Restraining Orders</b>	<b>2311</b>
<b>Women/girls out of this number</b>	<b>1727</b>
<b>Criminal Offences under Article 130/a</b>	<b>1045</b>
<b>Women/girls out of this number</b>	<b>815</b>
<b>Murders/ victims</b>	<b>9/18</b>
<b>Women/girls victims out this number</b>	<b>11</b>

Annex 2

<b>Number of domestic violence cases reported in 2019</b>	<b>3619</b>
<b>Total persons injured by domestic violence</b>	<b>3764</b>
<b>Women/girls out of this number</b>	<b>2812</b>
<b>Applications for Restraining Orders</b>	<b>2201</b>
<b>Women/girls out of this number</b>	<b>1823</b>
<b>Criminal Offences under Article 130/a</b>	<b>1032</b>
<b>Women/girls out of this number</b>	<b>802</b>
<b>Murders/ victims</b>	<b>13/15</b>
<b>Women/girls victims out this number</b>	<b>11</b>

Annex 3

<b>Police Directorate, 2020, Restraining Orders and victims</b>													
	<b>Total</b>	<b>Tirana</b>	<b>Durrës</b>	<b>Vlora</b>	<b>Shkodra</b>	<b>Berat</b>	<b>Fier</b>	<b>Kukës</b>	<b>Dibra</b>	<b>Elbasan</b>	<b>Gjirokastra</b>	<b>Korça</b>	<b>Lezha</b>
<b>Evidenced</b>	4629	1587	764	392	153	195	478	41	86	338	91	316	188
<b>Instituted criminal proceeding</b>	1793	669	220	161	70	62	183	23	44	136	38	102	85
<b>Murdered/victims</b>	14/17	3/4	1/1	3/3	0/0	0/0	1/2	0/0	1/2	2/2	2/2	1/1	0/0

Annex No. 4.

**State Police Data for 2020 by districts**

	<b>Total</b>	<b>Tirana</b>	<b>Durrës</b>	<b>Vlora</b>	<b>Shkodra</b>	<b>Berat</b>	<b>Fier</b>	<b>Kukës</b>	<b>Dibra</b>	<b>Elbasan</b>	<b>Gjirokastra</b>	<b>Korça</b>	<b>Lezha</b>
<b>Total cases of violence evidenced</b>	<b>3593</b>	1213	675	262	147	128	352	34	59	236	94	225	152
<b>Women killed by persons within the family</b>	<b>6</b>	2	2	0	0	0	0	0	0	0	0	1	1