

**Group of Experts on Action against Violence
against Women and Domestic Violence
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Report submitted by Albania
pursuant to Article 68, paragraph 1
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

**Received by GREVIO on 16 January 2017
GREVIO/Inf(2017)1**

Published on 19 January 2017



FIRST NATIONAL REPORT

ALBANIA

REPORTING PERIOD

JANUARY 2014 – DECEMBER 2015

TABLE OF CONTENTS

Abbreviation.....	4
I. INTRODUCTION	6
II. INTEGRATED POLICIES AND DATA COLLECTION.....	8
1. Action plans/strategies and policies adopted in addressing violence against women.	
2. Financial resources allocated for the implementation of policies/action plans, strategies.	
3. Role of Non Profit Organizations (NPOs) and other actors of civil society against domestic violence and gender based violence and inter-institutional cooperation.	
4. Measures taken to ensure effective inter-institutional cooperation at national and regional/local level.	
5. Authorities responsible for coordinating and implementing policies and measures to prevent and combat all forms of violence covered by the Convention.	
6. Authorities in charge of monitoring and assessing policies and measures to prevent and combat all forms of violence covered by the Convention.	
7. Entities responsible for data collection.	
8. Collection and publication of data at national level.	
9. Studies supported by the Albanian Government during 2011-2015.	
10. Population surveys on violence against women.	
III. PREVENTION	27
1. Campaigns and programs on the forms of violence launched by responsible authorities.	
2. Addressing gender based violence and domestic violence in formal and/or non formal education curricula.	
3. Categories of professionals that have received initial training.	
4. Professionals benefitting from training on violence against women services.	
5. Establishment of support programs for perpetrators of domestic violence and taking of relevant measures.	
6. Support programs for sexual offenders.	
7. Involvement of private sector, information and communication technology and the media, including social media, in drafting and implementing policies against domestic violence.	
8. Standards and codes of conduct in the ICT sector and the media, including social media, in the area of violence against women and/or gender equality.	
9. Measures to establish protocols and guidelines to raise awareness of human resources staff regarding issues of violence against women, including domestic violence.	
10. Other measures undertaken or planned to prevent violence against women.	
IV. PROTECTION AND SUPPORT	40
1. Measures taken to improve and guarantee DV victim protection	
2. Information on support services and legal measures for women victims of all forms of violence under the Convention	
3. Description of measures taken to provide general support services	
4. Measures taken vis-à-vis women victims to ensure their access to appropriate healthcare and social services	
5. Yearly number of women victims of violence supported by healthcare and social services	
6. Access to, and legal aid in, legal remedies	
7. Specialized support services for all victim women and their children	
8. Telephone helplines for all forms of violence	

9. Guaranteeing the rights and needs of the child victims witnessing violence against women in the provision of general and specialized support services for victims

V. SUBSTANTIAL LAW.....53

1. National legal framework on protection of women against violence
2. Legal provisions on civil remedies for the protection of women victims
3. Legal procedures for child custody decisions
4. Legal provisions on the various forms of violence
 - 4.1 Psychological violence
 - 4.2 Stalking
 - 4.3 Physical violence
 - 4.4 Sexual violence
 - 4.5 Forced marriage
 - 4.6 Female genital mutilation
 - 4.7 Forced abortion
 - 4.8 Forced sterilization
 - 4.9 Sexual harassment
 - 4.10 Instigation of violence of all forms
5. Criminal and administrative sanctions and other measures against violence perpetrators
6. Statistical data on victims of violence
7. Statistical data on perpetrators of criminal offences against women

VI. INVESTIGATION, CRIMINAL PROSECUTION, PROCEDURAL LAW AND PROTECTION MEASURES.....66

1. Information on interventions by law enforcement agencies in cases of violence against women
2. Protection order or immediate protection order procedures and competent authorities
3. Protection of and support for women in need of support and NPO role during victim counseling
4. Statistics on protection orders or immediate protection orders
5. Procedural rights of victims of violence

VII. MIGRATION AND ASYLUM.....70

1. National legal provisions on issuing permits of stay to victims of violence
2. National legal provisions on granting asylum to abused women
3. Nonrefoulement guarantees

APPENDIX73

ABBREVIATIONS

VET	Vocational Education and Training
AMA	Authority of Audiovisual Media
AMSHC	Agency for Support of Civil Society
ASPA	Albanian School of Public Administration
AWEN	Albanian Women Empowerment Network/
EU	European Union
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
DAP	Directorate of Public Administration
DB	Agricultural Directorates
DPQ	Directorate of Regional Police
DPSBGJ	Directorate of Social Inclusion and Gender Equality
DPSHBF	Directorate of Policies for Equal Opportunities and Households
VaW	Violence against Women
GBV/DV	Gender Based Violence/Domestic Violence
ITT	Inter-disciplinary Technical Team
AF	Armed Forces
CC	Constitutional Court
IWG	Inter-ministerial Working Group
IOM	International Organization for Migration
IPA	Instrument for Pre-Accession Assistance
INSTAT	Institute of Statistics
ISHPSHSH	State Labor and Social Services Inspectorate
ISHP	Institute of Public Health
GDI	Gender Development Index
NCGE	National Council for Gender Equality
KSHNJ	State Commission for Legal Aid
FC	Family Code, LawNo.9062/8.5.2003
CC	Criminal Code, LawNo.7895/27.01.1995
LC	Labor Code, LawNo.7961/12.07.1995
CPC	Criminal Procedure Code, LawNo.7905/21.03.1995
CPC	Civil Procedure Code, LawNo.8116/29.03.1996
KPA	Administrative Procedure Code, LawNo.44/2015
LBGJ	LawNo.9970/24.7.2008 “On Gender Equality in Society”
LDhF	LawNo.9669/18.12.2006 “On Measures against Violence in Family Relations”
LGBT	Lesbian, Gay, Bisexual, and Transgender
LPD	Law No. 10221/4.2.2010 “On Protection against Discrimination”
NAP	National Action Plan
MoES	Ministry of Education and Sports
MoI	Ministry of Interior
MoJ	Ministry of Justice
METE	Ministry for Economy, Transport and Energy
MF	Ministry of Finance
MSWY	Ministry of Social Welfare and Youth
MPJ	Ministry of Foreign Affairs
NRM	National Referral Mechanism for cases of domestic violence
SAA	Stabilization and Association Agreement
MoH	Ministry of Health

MTKRS	Ministry of Tourism, Culture, Youth and Sports
MZHETS	
EA	Economic Aid
GEE	Gender Equality Employee
GE	Gender Employee
LGU	Local Governing Unit
ChPU	Child Protection Unit
NPO	Non Profit Organization
OKB	United Nations Organization
PSO	Peace Support Operations
OSHMA	Audiovisual Media Distribution Operator
BPA	Beijing Platform for Action
SDG	Sustainable Development Goals
CCR	Coordinated Community Response
NARS	Needs Assessment and Referral Sector
NSGE-GBV&DV	The National Strategy for Gender Equality, Reduction of Gender Based Violence and Domestic Violence (it refers to NSGE-GBV&DV 2011-2015)
NSDI	National Strategy for Development and Integration
SSS	State Social Service
SIS	State Informative Service
ICT	Information and Communication Technology
PO/IPO	Protection Order/Immediate Protection Order
UNDP	The United Nations Development Program
UNFPA	The United Nations Population Fund
UNICEF	The United Nations Children's Fund
UN WOMEN	The United Nations Entity for Gender Equality and Empowerment of Women
CMD	Council of Ministers Decision

Introduction

Albania signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, CETS No. 210) on 19 December 2011. *The Assembly of Albania ratified it with LawNo.104/8.11.2012 “On Preventing and Combating Violence against Women and Domestic Violence”*. The Convention was adopted by the Committee of Ministers of the Council of Europe on 7 April 2011 and took effect on 1 August 2014.

With the ratification of the “Istanbul Convention” Albania has pledged its commitment to cooperate at the regional and international level against gender based violence and domestic violence. This commitment involves its readiness to take legislative, political and executive measures against such phenomena. Attainment of gender equality and reduction of gender based violence and domestic violence is one of Albania’s priorities, which it has clearly articulated in a number of national documents and programs, considering it as one of the conditions for sustainable development.

This document is the first National Report of Albania on the implementation of this Convention, which is an obligation stemming from its Article 68/1. This national Report was drafted pursuant to the Guidelines about the form and content of the report and in line with the questionnaire presented by the Group of Action against Violence against Women and Domestic Violence (GREVIO).

The report covers the period January 2014 - December 2015. It contains information on the implementation of the provisions of the Convention. The Report pays relevant importance to the legal and institutional aspects, the services delivered, and the difficulties/challenges in guaranteeing women’s rights in combating gender based violence and domestic violence.

The Report is the outcome of the coordinated work and the involvement of state institutions, pursuant to their fields of expertise on the issues addressed by the Convention. The institutions involved are both state and independent ones like: the Ministry of Social Welfare and Youth, the Ministry of Foreign Affairs, the Ministry of Interior and State Police, the Ministry of Justice, the Ministry of Health, the Ministry of Education and Sport, the Assembly of Albania, the Commissioner for Protection against Discrimination, the People’s Advocate, and others. The civil society organizations (human rights, women, minority organizations, be them local, national and international) have also taken part in the process of consultations for collecting information pursuant to the questions of the questionnaire, as well as in the process of revision of the draft report. The coordination process among all these institutions and the NPOs aimed at collecting the relevant information. This process was carried out under the supervision of the Ministry of Social Welfare and Youth (MSWY), which is the main responsible institution for issues of gender equality and domestic violence, according to the law “On Gender Equality” of 2008 and Law “On Measures against Violence in Family Relations” of 2006.

The sector of gender equality, part of the organizational chart of the Directorate of Social Inclusion and Gender Equality at the MSWY is the coordinating institution in the preparation and drafting of this Report. UN agencies such as UN Women and UNFPA have been part of this process by contributing with financial resources and expertise.

From the aspect of work methodology, the working group, after collecting the relevant information and putting it together in a draft report, held a consultation roundtable with the stakeholder NPOs operating in the field of human rights and, particularly, of women rights, with the state institutions at central and local level and with international agencies. They provided suggestions, feedback and opinions on how to improve this report and make it comprehensive.

Part of the methodology followed by the working group in drafting its contents and collecting statistical data was also the analysis, comparison and study of the existing reports prepared recently by the central and local state institutions, the civil society organizations, and the international organizations. These data were verified and improved in order to give a clear, realistic and updated overview of the situation.

II. INTEGRATED POLICIES AND DATA COLLECTION

1. Adopted Action Plans/Strategies and Policies for Addressing Violence against Women

- The priority of the Albanian Government is to build a society of equal opportunities for all and free from violence. This is expressed both in its policies undertaken on a macro level and in the goals and objectives of the strategies and specific programs of each ministry or institution at central and local level. Combating violence against women, including domestic violence¹, but also violence outside family relations in various forms such as rape, sexual harassment, and other forms of sexual violence, (stalking and persecuting the partner by the offender, and other forms) are at the focus of cross-sector cooperation and coordinated work among the MSWY, the Ministry of Justice, the Ministry of Education and Sports, the Ministry of Health, the State Police, the local authorities, and the civil society. The judiciary system, which includes the courts as such but also the prosecutor's office, the legal aid and others have a special role to play here.
- The strategies that have special importance in the context of the measures against violence against women and domestic violence with direct or indirect impact on preventing and combating this phenomenon and providing support for the victims of violence are the following:

1.1 The National Strategy for Gender Equality, Reduction of Gender Based Violence and Domestic Violence 2011-2015, and its Action Plan² for its implementation. This document was conceived on the basis of the analysis and elaboration of two main issues: Gender Equality and Reduction of Gender Based Violence. The vision of this strategy is: *“A society in which gender equality is respected and appreciated, taught, supported and promoted, where gender based violence of any form is not tolerated, but punished, where its victims are supported and defended, and where equality of opportunities and treatment is a reality for all, irrespective of gender”*. The Strategy has four concrete aims: the strengthening of institutional and legal mechanism; ensuring greater participation of women in decision-making; the economic empowerment of girls and women and, reduction of gender based violence.

- The specific strategic objectives [see points 4.1,4.2, 4.3, 4.4 in the Strategy document] comprise: prevention of gender based violence and domestic violence by constantly raising the awareness of Albanian society; the legal and administrative protection, support with services for victims of violence, the rehabilitation and

¹ The definition of violence and domestic violence is provided in Article 3 of Law No. 9669/18.12.2006 “On Measures against Violence in Family Relations”. Thus, it says, 1. “Violence” is any act or omission by a person against another person, which results in violation of physical, moral, psychological, sexual, social, and economic integrity. 2. “Domestic violence” is any act of violence pursuant to point 1 of this Article, carried out by or against persons who are or have been in family relations”.

² The Strategy was adopted with CMD No. 573/16.6.2011 and drafted with the support of UN Women in the framework of the Joint Program between the Albanian Government and the UNO for the period 2012-2016. The Action Plan comprises 14 specific objectives and 113 activities intended to be implemented during 2011-2015. The definition in footnote 1 is also the definition on which this Strategy is based.

reintegration of victims of violence and adequate services for all victims, including also the victims with disabilities; tougher punishment for acts of violence, through a legislative framework with zero tolerance against gender based violence; the protection and capacity building of public administration at the central and local level regarding issues of gender based violence and domestic violence, the rehabilitation of perpetrators, etc.

The concrete measures taken in this respect involve:

- **Annual awareness raising campaigns** (including but not limited to “**16 days of activism against gender based violence and domestic violence**”, “**He for She**”, etc.)³ which have had an impact on raising public awareness for gender (in)equality and respect for rights, and have resulted in changes in traditional attitudes and increased reporting to the law enforcement institutions of cases of violence against women and domestic violence;
- **Services for victims/survivors of Domestic Violence (DV)**. Such services comprise short-term services (such as: immediate protection orders, safety, medical assistance, accommodation, transport to safe accommodation places, information about/assistance in obtaining protection orders, referrals to further services) and long-term services (such as: long-term employment, social assistance, long-term accommodation, legal consultation and aid for termination of marriage and for parental responsibilities, counseling and psychotherapy, assistance for children, etc.)⁴.
- **Raising the capacities of professionals**(police, doctors and nurses, judges and prosecutors, forensic doctors, social workers, teachers and local coordinators against domestic violence.) The MSWY has played a special role in cooperating with the line ministries and other institutions at a central and local level, with the support of International organizations and national and local NPOs.

1.2 Establishment of a National Mechanism for coordinating work for referral and treatment of cases of domestic violence and drafting of the rules of its operation (NMR) with CMD No. 334/17.2.2011. This mechanism has already been established in 29 municipalities (out of a total of 61 municipalities). Establishment of this Mechanism has resulted in:

- Positive cooperation and coordination experiences in awareness raising and preventive action by the inter-institutional players. However, cooperation among the municipalities where such mechanisms have been set up is not at the same level of effectiveness;
- The need to improve the laws and bylaws and the institutional framework;
- The engagement of donors, who continue to be the main source of funding in activities for enhancing the capacities of professionals and also for raising the awareness of service providers, NPOs, and public institutions;
- The first services provided to perpetrators which require more time to be at the required level;

³ These campaigns have been organized by the MSWY, in cooperation with line ministries, the civil society organizations and with the support of international organizations.

⁴ See: *Assessment report – Implementation of National Strategy for Gender Equality, Reduction of Gender Based Violence and Domestic Violence 2011-2015 and its Action Plan*, UNDP, UN Women and MSWY, Tirana, October 2015.

-
- Greater engagement of men and boys as partners of women and girls and as a necessity to attain gender equality and reduction of gender based violence⁵.

1.3 “National Action Plan for Involvement of Men/Boys as partners with women /girls in combating gender based violence/domestic violence (2014-2019)”. This plan was developed by the MSWY in 2013 with the support of UN Women, UNDP, and UNFPA and was endorsed by the National Council for Gender Equality (NCGE) in November 2014. This Action Plan aims at reducing violence against women and promoting gender equality through involvement of men and boys together with women and girls as their allies, as examples and agents of change.

1.4 National Strategy against trafficking in persons and Action Plan 2014 -2017 [see Law No. 103/2014]⁶. This document aims at preventing the phenomenon of trafficking through social and economic empowerment of individuals, groups, and population in general, by means of effective enforcement of laws, the punishment of perpetrators, and the identification of each victim and potential victim of trafficking, by providing the necessary assistance, protection and support to them to recover and return to normal life, as well as by granting them damages and compensation. The protection of the rights of trafficked victims comprises legislative measures, effective prevention, intensification of the fight against domestic trafficking and re-trafficking of victims, free legal aid, social and health support, rehabilitation and reintegration, as well as improvement of the monitoring system. The Strategy embodies the commitment of the Albanian Government to implement and monitor this process, in cooperation with the anti-trafficking players. Participation of civil society and the NPOs and the cross-sector approach are considered indispensable for preventing and combating trafficking in persons and identification and assisting the victims of this crime. The civil society organizations and, in particular, the NPOs, are actively engaged in every decision made and measure taken to rehabilitate and enable victims to resume normal life by preventing their return to the trafficking networks, in the criminal prosecution and punishment of traffickers, and in the cooperation with the organs of justice. This Strategy takes account specifically of the special obligation that the state has regarding children. In order to guarantee the performance of such an obligation, the Action Plan has a section on trafficking in children, where it highlights the necessary measures to guarantee the fulfillment of children needs for special protection.

1.5 The National Action Plan for Women Entrepreneurs 2014-2020,⁷ developed with the support of UN Women, aims at creating an environment for the economic empowerment of the women and promoting a great number of women to start up and develop businesses and bring them to the attention of policymakers and donors. This document complements the existing National Strategy of Gender Equality, Gender Based Violence and Domestic Violence 2010-2015. The plan serves to promote further

⁵ Idem, p. 36.

⁶ The National Strategy against Trafficking in Persons is a sector strategy at the foundation of which lies the Strategy for National Security of the Republic of Albania, adopted with Law No. 103/2014.

⁷ The Action Plan for Women Entrepreneurship is part of the Strategy for the Development of Business 2014-2020. Furthermore, it also complements the Business Strategy and the Development of Business and Investments (2013-2020), and the Strategy for Employment and Skills 2014-2020. By Order No. 340/2014 of the Minister for Economic Development, Trade, and Entrepreneurship an Advisory Group was set up for coordinating and monitoring the implementation of this Action Plan, with representatives from the institutions linked with the scope of the Action Plan, as well as with the relevant stakeholders, including the associations in support of women entrepreneurship and civil society.

projects focused on women engaged in entrepreneurship and provide a comprehensive approach to the ways to be followed in order to establish an empowering environment for Albanian women entrepreneurs. The Action plan deals with important issues that have an impact on development of women businesses such as a supportive policy framework; education and training; access to funding instruments and competitiveness; networking and participation of women in the rural economy. The focal points of this group will be strategically involved in advocacy and leadership in the whole system of empowerment of women entrepreneurship.

1.6 “The National Strategy for Social Protection 2015-2020” with its Action plan for its implementation reflects the commitments of the Albanian Government in the field of social protection and address such issues as: i) the economic aid and disability scheme; ii) the existing social care services and the proposed services, and iii) any other issue in the field of social protection. This document constitutes the basis for the component of social protection in the National Strategy for Development and Integration (2015-2020). Its priority is to ensure the necessary funding for most vulnerable groups, comprising women headed households, families at risk of social exclusion, including the Roma, children and adults with mental disabilities; children and women affected by domestic violence, and others. It is foreseen that the aid will be tailored according to individual needs and developed on the basis of establishment of *sectors for needs assessments and referrals*, as well as on *a number of various services of social care*, organized and delivered by public and private entities at a central, regional and local level. In the context of this objective, the aim will be to deinstitutionalize services of residential care and to build and transform institutions into household and community based models. Services shall be outsourced to non-profit organizations or other service providers, including, among others, also residential services – shelters, accommodation homes, rehabilitation homes, homes for accommodation of small groups, residential institutions, and others.

1.7 National Action Plan for Integration of the Roma and Egyptians in the Republic of Albania 2016-2020 is a document coordinated by the MSWY and aims at improving the situation of the Roma and Egyptian families, granting them financial aid (economic aid and disability payments), ensuring child protection and community based services; increasing the participation of the members of Roma and Egyptian communities in social protection programs; and promoting/building programs for their reintegration, with the focus on the consolidation of households and their reintegration into the labor market; and reintegrating in society the families staying in the Transitional Emergency Center. Such services are very important for the Roma and Egyptians, particularly for addressing the needs of the street children, the victims of trafficking in human beings and of gender based domestic violence, of the people living in isolated and informal settlements and of other vulnerable groups. The Action plan aims to combine, coordinate and assist all the actors involved in this sector in order to realize a fairer inclusion and integration of the Roma and Egyptians in Albania.

1.8 Operational Plans for gender equality and combating violence against women comprise some plans developed by the Albanian Government in cooperation with the UNDP Albania during 2015 in some of the main municipalities of the country, with the view to identify existing issues and address them according to the specificities of various municipalities. Thus, work has been done to integrate the gender component in the

strategic plan of Burrel Municipality, in the Plan against domestic violence in Fier Municipality and in other municipalities of the country.

1.9 The Albanian Government has undertaken a number of important steps to draft special national strategies or plans for various groups. Such national documents aim at ameliorating in general the life of women and strengthen their voice in society, addressing the needs and inequalities of various groups and ensuring their equal and nondiscriminatory treatment and others. Worth mentioning are the following documents drafted in the last two years:

- “The Employment and Skills National Strategy 2014 -2020,”⁸
- “The Action plan for support of women entrepreneur 2014-2020,”⁹
- “The Basic Package of Primary Health Care Services,”¹⁰
- “Housing Strategy and Action plan for period 2015 – 2025,”¹¹
- “Political Document on Social Inclusion 2016-2020,”¹²
- “National Action Plan for Youth 2015 – 2020,”¹³
- “National Action Plan for LGBTI persons in the Republic of Albania 2016 -2020,”¹⁴
- “National Action Plan for Persons with Disabilities in the Republic of Albania 2016 - 2020,” etc.

All these together with the “National Strategy for Development and Integration 2015-2020” and a series of international documents have been taken into consideration during the drafting of the NSGE 2016-2020 to ensure a more effective coordination of interventions and resources and to avoid overlapping.

2. Financial Resources Allocated for the Implementation of Policies/Action Plans, Strategies

The national budget does not have any special line to invest in the promotion of gender equality and empowerment of women.

The budget of each ministry is allocated as a lump sum and all actions to promote gender equality are covered by various programs for each ministry without having a dedicated budget line for them.

Part of the state budget allocated for gender equality and domestic violence is also the amount granted to the NPO –s by the Agency for the Support of Civil Society.¹⁵ For 2015, the AMSHC has concluded 342 contracts with the NPOs amounting to

⁸ It was drafted by MSWY in 2014.

⁹ It was drafted by the MEDTS in 2014 with the support of UN Women, in line with the economic program of the Albanian Government, the Business and Investment Strategy for the period 2014-2020, the Strategy for Employment and Skills, and the EU Strategy 2020 for Supporting Entrepreneur Women.

¹⁰ It was drafted by the Ministry of Health, reviewed and adopted with CMD No. 101/04.02.2015, giving priority to the issue of violence against women and children.

¹¹ It was drafted by the Ministry of Urban Development in 2015.

¹² It was adopted with CMD No.87/03.02.2016.

¹³ It was drafted by the MSWY and adopted with CMD 383/06.05.2015.

¹⁴ The draft was prepared by the MSWY in March 2016.

¹⁵ Available in: http://www.amshc.gov.al/web/raporte/vjetore/2015/Raporti_Vjetor_2015.pdf and http://www.amshc.gov.al/web/raporte/vjetore/2014/Raporti_Vjetor_2014.pdf.

546,438,840 ALL of which the amount dedicated to projects in the field of domestic violence accounted for 3.1%; for 2014, this amount was in total 95,955,840 ALL for 64 NPOS, of which there was no funds earmarked for projects in the field of combating domestic violence.

The MSWY, as the main institution responsible for measures against domestic violence and for gender equality, plans the annual budget for gender equality and domestic violence within the budgetary program for *Social Inclusion*. The amount granted in 2014 for this program was 154,600 ALL, or 0.13% of the budget. The amount granted for 2015 was 95,949 ALL, or 0.2% of the budget (Period January-February 2015). The budget earmarked for gender equality and domestic violence has increased with every passing year. The MSWY has also entered into two cooperation agreements with the UN organizations (UNDP and UN Women)¹⁶. In this context the UN organizations in Albania provide support also for the NPOs.¹⁷

The funding situation regarding the budget for the strategies and relevant actions plans is as follows:

2.1 The National Strategy for Gender Equality, Reduction of Gender Based Violence and Domestic Violence, 2011-2015 in its four priority areas has managed to implement the greatest number of planned activities in the last five years, also because of a greater number of activities planned under the specific objectives that had to be implemented also by the MSWY itself. Based on the costing of the NSGE-GBV-DV, the total value is estimated to be **3.712.625.443 ALL**¹⁸.

2.2 The Fund for Supporting Women Entrepreneurs [see CMD No. 592/10.09.2011] has a total value of 26.500.000 ALL and an implementation period of 4 years. It is worth noting that for 2015, a total of 5 million ALL were foreseen in the state budget for the economic empowerment of women entrepreneurs.

2.3 A considerable part of the funding for the National Strategy to combat trafficking in human beings needed to implement the main measures of this strategy and the National Action Plan (NAP) is covered by foreign donor funds. Because of the constant shrinking of donor funds, the Strategy aims at ensuring a sustainable funding basis for such activities, through the state budget and other national sources of funding. All the actors are committed to ensure the implementation of the tasks foreseen in this document under their respective responsibilities. For this reason it is planned to include the anti-trafficking measures in the individual budgets of the relevant state institutions, for example, for activities commissioned by them or for which supplementary, and not the usual, sources are needed. The Action plan comprises the source of funds but not the cost for every measure; contemplating the drafting of complete annual budget and expenditure reports as well as the drafting of sustainable funding models for anti-

¹⁶The UNDP during 2014 has provided funds worth \$336,066 and during 2015, \$725,901, which were delivered by the Swedish Government for the UN Coherence Fund in support of development of gender equality in the framework of this program for Albania, http://www.al.undp.org/content/albania/en/home/operations/projects/poverty_reduction/gender-equality-and-gender-based-violence-programme-.html;

¹⁷ The UNFPA during 2015 has contracted civil society organizations for gender issues, and specifically for gender based violence services, for a total amount of \$261,041, of which 40% was granted to NPOs (104,192 USD).

¹⁸ Source: National Report on the Implementation of the Platform for Action Beijing +20, 30 April 2014.

trafficking, including the Special Fund created by seized assets, which is seen as a means to support and reintegrate the victims of trafficking, as well as to provide services to trafficked persons.

2.4The overall calculated cost for the implementation of administrative measures of the **National Strategy for Social Protection 2015-2020** and its Action Plan is around **825 billion ALL**. The sources earmarked for the MSWY in the budget program of “Social Care” cover about 62% of the estimated cost for this Strategy. The needs for funds for the period 2016-2018 are programmed in conformity with the ceiling quotas of the medium-term budget (2016-2018). The financial resources by donors cover about 22% of the Strategy costs, respectively about 96 million ALL by the World Bank, 83 million ALL by UNICEF and 565 thousand ALL by the UNDP. The financial gap uncovered by the budget, around 15.7%, is subject to negotiations with donors and is composed mainly by costs for complementary activities. The costing of the Action Plan for the implementation of the Strategy was done based on the methodology and practice of budget planning, more specifically taking into account the cost of projects materialized into products as well as those outside projects¹⁹. Costing and budgeting of the Action Plan of this Strategy has been based on the following elements:

The costs for the implementation of the Strategy take into consideration not only capital costs but also current costs, although they are of a lower weight, but they have been considered to guarantee the necessary capacities for the implementation of the Strategy. The donor funded costs have been considered as capital expenditures even in those cases when by virtue of their nature they are current costs (trainings, communication campaigns, seminars and conferences, etc.) in accordance with the relevant instructions of the Ministry of Finance.

The budgeting of the Strategy has been foreseen within the framework of an economic growth of not less than 2.5% per year in real terms. Such a growth rate makes it possible to ensure an average increase in nominal terms of the budget for social care, which covers the Action Plan for the implementation of this Strategy of 4 - 5% a year for the period 2015-2020.

2.5. The Action plan for Integration of the Roma and Egyptians 2015-2020 has a budget that covers the implementation of each activity. The total budget of this plan is in the value of 7,792,615,168 ALL, of which the state budget shall grant 4,339,222,307 ALL and the remaining amount of 3,484,392,861 ALL shall be provided by various donors.²⁰

¹⁹ Such a methodology is in conformity with the Medium Term Budget planning system in the Republic of Albania, as is foreseen in the Organic Budget Law and the relevant instructions of the Ministry of Finance (MoF).

²⁰ Source: National Action Plan for Integration of the Roma and Egyptians in the Republic of Albania, 2016-2020, November 2015.

Sector	Total Budget (ALL)	State Budget (ALL)	Donor Budget (ALL)
Civil registration and access to justice system	309,266,460	69,786,460	239,480,000
Education and promotion of inter-cultural dialogue	2,974,769,959	1,790,477,098	1,184,292,861
Employment and Vocational Education and Training (VET)	1,086,456,899	380,506,899	705,950,000
Health Care	584,232,400	428,432,400	155,800,000
Accommodation and Urban Integration	1,533,046,979	1,163,946,979	370,100,000
Social Protection	1,250,585,551	486,215,551	794,370,000
Policy Coordination and Monitoring	54,256,920	19,856,920	34,400,000
TOTAL	7,792,615,168	4,339,222,307	3,484,392,861

3. Role of NPOs and other civil society actors in combating domestic violence and Gender Based Violence and Inter-institutional Cooperation

NPOs operate in the area of specialized service delivery in cases of domestic violence alongside the actors of legislative, executive and judiciary powers,. In accordance with the Law on the functioning of the NPOs, they need to be registered with the court, to get licensed for the services they provide and to register with the Tax authorities (Tax ID number). The contribution made by the NPOs in delivering services in the context of prevention, protection, accommodation, and reintegration of victims of gender based violence is acknowledged by the government at the central and local level.

NPOs are primary actors in the delivery of services in support of the victims of domestic violence and gender based violence, the prevention of this phenomenon, and improvement of the legal framework. NPOs have also set up consolidated networks to help, assist, and follow up the victims of violence in the Court, providing victims with free lawyer, free psychologist during the legal proceedings, but also more with reintegration services and economic empowerment of the victims of violence such as accommodation, employment, and vocational training through involving them in various vocational courses.

a) The local government has also funded six service providers, providing 40% of the funding for two service providers, 10% of the funding for three service providers and 2% of the funding for one service provider. Those service providers that declare to be funded 100% from the municipal budget are one municipality and one state social service which, in principle, receive the greatest share of funds from the state budget and not from the municipal budget, and five others who have not provided information on the share of such a funding for 2014 (four municipalities and one NPO). In the case of one NPO, the municipality's contribution is by making available to it the offices (calculated more as a contribution in kind)''.

b) The foreign donors, including the UN organizations have funded 14 service providers.

c) The National charity foundations have funded one service provider with an amount of 50% of funds for 2014.

d) *The private companies* have funded six service providers with an amount of 90% of the fund for one service provider; 70% of the fund for 1 service provider; 40% of the fund for one service provider; and 10% of the fund for 3 service providers.

Other supplementary sources of funding include: *the national NPOs* that have funded two service providers with respective amounts of 90% and 20% for each; and the *State Agency for the Support of Civil Society* that has funded one service provider, specifically the *State Shelter*.²¹

In Albania today there are more than 127 public and non public institutions of social care under the supervision of the ISHPSHSH²², which deliver preemptive services (sensitizing, community services), social, economic and legal services (legal, social, psychological, medical counseling), enabling (training, capacity building, vocational courses and education), reintegration and economic empowerment (employment, housing, assistance), for a broad category of persons in need, women and girls, children and elderly people, etc. It is a fact that inter-disciplinary services for the victims of domestic violence at the local level are organized in limited networks, something that affects the quality and speed of service provision.²³

4. Measures Taken to Ensure Effective Inter-institutional Cooperation at National and Regional /Local Level

The measures taken comprise the adoption of legal acts and bylaws on defining the structures and relevant actors, their place and role, the composition and tasks at the central and local level; the vocational training and capacity building of the relevant actors; the protocols for coordinating their activity; and other tasks, in order to protect the victims and the other members of their families in cases of domestic violence and to prevent, combat, and eliminate gender based violence and domestic violence.

The legal framework of measures against violence in family relations enables the intervention of the state authorities to prevent and stop violence among family members. Such interventions can come from two directions, namely through the administration and the judiciary. The former is related to the establishment and operation of a coordinated network of institutions at the central and local level in defense of the victims; the latter is linked with the protections guaranteed by the judicial bodies through (1) civil rulings or protection orders and/or (2) criminal prosecution against the perpetrator.

²¹ Source – Albania – Final Report “*Mapping of Support Services against Violence against Women and Girls*,” Council of Europe and UN Women, Tirana, June 2015.

²² List of Social Care Institutions under the supervision of ISHPSHSH

²³ The basic inter-disciplinary emergency services rely on internal expertise and in the field, on the experience of the municipal staff (Gender Employees, Child Protection Unit experts, Legal Directorate and School Psychologist), emergency accommodation in buildings in ownership of the municipalities or managed by them (hospitals, dorms, elderly homes). The only Local Governing Unit that offers an integrated network of multi-disciplinary services is the Durrës municipality, which has outsourced a specialized NPO to operate in the field, as well as the municipalities of Tirana and Shkodra where there are specialized NPOs, funded by donors, which operate and deliver free services.

1. Authorities Responsible for Coordinating and Implementing Policies and Measures to Prevent and Combat All Forms of Violence Covered by the Convention

The establishment and consolidation of the responsible institutional mechanisms for realizing the objectives of prevention and reduction of violence, with the final goal of eliminating violence against women and domestic violence has been always at the focus of legislative, executive and judiciary powers.

• The administrative authorities in charge of Gender Equality and of Combating Domestic Violence are the following:

At a central level, the main administrative authority in charge is the MSWY²⁴. Other line authorities responsible at the central level are: the Local Governing Units; the Ministry of Interior; the Ministry of Health, the Ministry of Justice, and the Ministry of Education.

In the MSWY, a special role is played by the *Directorate of Social Inclusion and Gender Equality (DPSBGJ)*, which is part of the General Directorate of Social Policies. From March 2015, the DPSBGJ has been reorganized in two specific sectors: the Sector for Gender Equality and the Sector for Social Inclusion. This has brought about changes in their tasks, composition and resources. The task of the specialists of this Directorate is to conduct analysis and prepare reports on issues such as, legal and institutional framework, gender equality, gender mainstreaming and budgeting, gender based violence and domestic violence, the National Referral Mechanism, and treatment of cases of domestic violence, the periodical collection of monitoring data, treatment of the needs of the LGBT community, and others. Even after the reorganization of this Directorate in 2015, the number of staff employed as part of the Gender Equality Sector did not change, remaining at number three (one chief of sector and two experts). However, the institutional memory of this sector has been retained since the three specialists have more than 15 years of experience of work in the relevant structures in charge of such issues. Currently, the DPSBGJ is discussing with UN Women to conduct new analyses for the assessment of the needs of DPSBGJ experts to ensure that the outcomes of such analyses to better inform improvements needed in this structure. The budget made available to the Sector is lower, although the support and cooperation with international organizations, in particular with UN Women and UNDP, is stronger in the form of funds earmarked for specific projects and of greater support with human resources through facilitated contacts and making available consultants at various phases of work and when needed or requested.

• Administrative Authorities Responsible for Domestic Violence at Local Level

The municipalities have the duty to identify the cases of gender based violence and to provide assistance to the victims of violence through the referral of cases to the institutions offering social, educational, employment, health and other services, according to the needs of the victims. The municipalities and communes, depending on the seriousness of the

²⁴ Until September 2013 the responsible authority at the national level was the Minister of Labor, Social Affairs and Equal Opportunities, which exercised this competence through the *Directorate of Policies of Equal Opportunities and Households (DPSHBF-DPEOH)*. The mission of the DPSHBF was the drafting and development of policies for the promotion of GE and reduction of DV. From September 2013, this authority was transferred to the Minister of MSWY, who exercises this power through the *Directorate of Social Inclusion and Gender Equality (DPSHNGJ-DSIGE)*, part of the General Directorate of Social Policies at the MSWY.

phenomenon and especially on their priorities, among others, establish cooperation networks with the public and non public institutions and with the NPOs licensed to deliver social services to the victims of violence. The Sector or Department for Social Assistance and Services at the municipalities/communes identify the cases of domestic violence or violence against children, which are hidden and unreported. The administrators (or social workers) are in a better position through the interviews they conduct every month with the families applying for economic aid, to screen also the cases of domestic violence, gender based violence, or the cases of violence against children. At local level, in conformity with the requirements of Law 9355/10.03.2005 “On Social Assistance and Services,” of CMD No. 563/12.08.2005 “On Defining the County Responsibilities in Distribution of Social Care Services,” and Instruction No. 1/02.02.2007 for the implementation of this Government Decision, Committees for Planning the Needs and Provision of Community Services have been set up at every County. These are organs that conduct the process of needs assessments, define priorities of services and plan their distribution. The County is the local governing unit responsible for all the services delivered by the municipalities and communes, which are under its jurisdiction. In this context, every County shall draw up the Plan of Regional Social Care Plan on a continuous basis.

The National Referral Mechanism for cases of violence in family relations, operating at the local level, is composed of three structures, namely, *the steering committee, the technical team, and the local coordinator*. They cooperate to come to the aid of victims of violence. The composition, tasks and activity of each of them is regulated by the Law on Domestic Violence and CMD No.334 /2011²⁵.

The Steering Committee operates in every municipality and is chaired by the Mayor. It is composed of representatives from the Police, the Judicial District Court, the District Prosecutor’s Office, the Education Department, the Public Health Directorate; the Structure for Social Services in the commune; the Bailiff’s Office; the Prefecture, the relevant Employment Office; the religious institutions providing services to the victims of Domestic Violence; as well as the director of the Social Services Structure in that municipality; the Chairmen of the Communes in the administrative territory of that municipality; the directors of the NPOs dealing with DV issues; the directors of centers/ shelters set up for victims of DV in that unit of local government or at the level of the County; and the director of the Chamber of Advocacy in the district.

At technical level, **the National Referral Mechanism** comprises representatives from the Police, the Prosecutor’s Office, the Court, the legal representative/lawyer; the NPO specialized in such issues; the Coordinator for Domestic Violence at the local government unit; the specialist in the Children Protection Unit (Ch P U) at the municipality; and the school psychologist. The technical team follows up the case and the fulfillment of the needs of the victims, ensuring also a) their contacts with the appropriate services; b) the coordination and supervision of the service delivery; c) the case management; ç) the transmission of the data for the concrete cases to the inter-disciplinary technical team leader; d) the monitoring and reporting to the Steering Committee on coordinating the activity of the institutions of the responsible authorities at the local level and referring the cases of domestic violence, making sure that confidentiality of the victims personal data is preserved.

²⁵ The National Referral Mechanism started as an initiative of the NPOs with the support of the donors to build the first models of such a mechanism at the local level, based on the tasks laid down by the Law on Domestic Violence. Also with the support of international organizations was drafted the National Platform for Building the Coordinated Community Response against domestic violence at the local level (200()) which served as a roadmap to extend the piloted mechanism across the country.

The **local coordinator** for referral of cases of domestic violence is the representative of the social services office at that local governing unit. The coordinator leads and coordinates the work of the interdisciplinary technical team; serves as a intermediary with the NPOs, the Police, the Health Services, the Courts, the Social Services, and other referral institutions/organizations; assists the victims to become familiar with their rights and follow the procedure for getting an UMM/ UM; accompanies the victims of violence to the Court, the Police and other services; makes sure that the files and documentation on the clients are accurate, complete and updated; and organizes and monitors the meetings for management of cases, etc.

The Mechanism and its links are part of a whole chain. Putting in motion one link implies putting in motion the whole mechanism. The police have definitely first place in it, not merely because of the hierarchy within the system, but also because it is almost always the first organ to be informed of a case and to legally prosecute a case. However, the police have the duty to interact with the Mechanism. Thus, pursuant to CMDNo.334/2011, every part of this mechanism shall immediately, or after providing the emergency service, transmit the information to the Local Coordinator, or to specialized parts of the Mechanism, such as for example, to those in charge of providing medical interventions etc.²⁶ in this way, a multidisciplinary treatment of cases of domestic violence is ensured. A special role among the first actors is played by the NPOs specialized in services against violence against women. The specific role and the intensity of involvement of each actor are shown also during the organized technical roundtables in helping with the management of cases of violence²⁷.

The greatest commitment of the responsible institutions in combating violence against women was expressed in the signing of the Cooperation Agreement among the stakeholders (based on this CMD) to formalize the Referral Mechanism. Based on these agreements clear procedures have been defined so that each player knows his or her duties and all know who is doing what to carry out their responsibilities under this Mechanism. There are good experiences of effective inter-institutional cooperation in such mechanisms; however such mechanisms do not manifest the same level of effectiveness in all the municipalities where they have been set up. Where there are interventions with external support, for example, through international agencies, the projects implemented in cooperation with the NPOs and others have turned out to be more effective.

²⁶ Thus, once a victim/survivor of violence contacts one of the members of the Referral Mechanism – it being of no importance which member is contacted first – that member shall immediately start putting in motion the support system by informing at least one representative from the Municipality, the Police and the Health Structures. The services provided to the victim/survivor can be short and long term services. Over short term, such services include: immediate protection and security, health protection, and accommodation (including transportation to a safe place), and also information and assistance to start the procedures for obtaining an immediate protection order, or to for the criminal prosecution of the case. Meanwhile, depending on the case, it may be referred also to other institutions. Long term support includes referral to employment offices for support for employment, to get some professional recommendations, referral to the department of social services for economic aid, long term accommodations, legal counseling and assistance in case the survivor wishes to start divorce proceedings or to lodge a complaint against the violator, advice and psychotherapy to get healed from the trauma, but also for reintegration, and assistance for the children (that is, transferal to another kindergarten or school, counseling /therapy, if necessary, etc).

²⁷ About the role of the actors in the referral mechanism, for more see the report, “The mechanisms against violence and trafficking, synergies and developments of synergies” by the United Nations Program for Social Inclusion in Albania, August 2015, Tirana.

However such mechanisms are not the only authorities that ensure protection against violence against women and domestic violence. We see such effective cooperation among various stakeholders, including the NPOs, also in other mechanisms of a regional character such as “The Referral Mechanisms against Trafficking”, or the mechanisms that operate in the context of “The National Council for Gender Equality” and “Local Mechanisms for Children”²⁸. Some of them include:

- **The National Council for Gender Equality (NCGE)**²⁹ is an advisory body set up in 2009 and is composed of equal gender representation. The NCGE is chaired by the Minister of the MSWY. After the adoption in 2011 of the NSGE-GBV&DV 2011 – 2015, the Ministry of Economy, Transport and Energy (METE)³⁰ also became part of the NCGE. After 2013 and onwards, the NCGE is composed of nine deputy ministers and three representatives of the Civil Society Organizations. The NCGE has addressed various issues linked with the Gender Equality, the approval of bylaws, and with annual monitoring reports, and has given recommendations to central and local institutions. The NCGE is actively involved in the fulfillment of its tasks pursuant to its mandate, the review and support for concrete measures aimed at attaining gender equality such as: the programs for the economic empowerment of women; the promotion of women entrepreneurship; the promotion of the initiatives for women development in rural areas; and the transmission of messages against violence against women during awareness raising campaigns.

- **Gender Equality Employee Network (GEEN-GEE) at the central and local level:** The MSWY has set up a network of Gender Equality Focal Points appointed in 16 ministries, one at the Prime minister’s Office and one at the Department of Public Administration. The Gender Equality Employees (GEEs) at the central level do not work full time and carry out a number of other tasks and roles. With respect to the GEE at the local level or the so-called **Gender Equality Focal Points**, they are not full time employees either. Up to the end of 2014, out of a total 65 municipalities, only 18 had appointed full time gender employees and had opened relevant offices as part of the municipal organizational structure for this purpose. The GEE network at the central and local level is not yet fully consolidated, although job descriptions for the employees have been completed with special tasks and responsibilities in terms of gender equality and GBV&DV. In the majority of cases, during their routine work, such employees carry out at least the tasks of the local coordinators in managing domestic violence cases, but also other tasks related to child protection, persons with disabilities, the Roma and Egyptian minorities, the LGBT persons, and others. This is the situation in 44 municipalities out of 61 municipalities. There have been some sporadic efforts made to improve the situation, for example, by adding certain units for gender equality in the organizational charts of such institutions³¹, but they are not always coupled with the required budgetary arrangements. The Sector for Gender Equality

²⁸ For more, see Law No. 10347/4.11.2010 “On Protection of Child Rights”; CMD No. 265/12.04.2012 “On the Establishment and Functioning of the Mechanism for Coordinating the Work of Responsible State Authorities for Referral of Cases of Endangered Children, and Manner of its Prosecution”; Joint Instruction No. 3799/8.7.2014 “On the Establishment of the Responsible Authority for the Identification, Referral, Protection and Reintegration of Victims of Trafficking”.

²⁹ Established by Order of the Prime Minister No. 3/08.01.2009 "On the Functioning of the National Council for Gender Equality ", in accordance with Law on Gender Equality (LGE) No. 9970/2008, and then reformed by order of the Prime Minister No. 230/2013 "On the Functioning of the NCGE”.

³⁰ As required in activity 1.1.1. of the Action plan.

³¹ The most recent development in this regard was the establishment of the Gender Equality Office in the Bajram Curri Municipality in June 2014.

at the Department for Social Inclusion and Gender Equality (DPSBGJ) keeps regular contacts with the Gender Equality employees, shares information and reports with them, organized activities for training and consolidating their capacities and for monitoring activities, etc. With the view to ensure professional training of the Gender Equality Employees at the central level, the DPSBGJ cooperates with the Department of Public Administration. In the course of 2014, the MSWY was in constant contact with local gender equality employees, in order to collect the necessary information in the context of new changes made as a result of the territorial administrative reform and decentralization. The DPSBGJ maintains and updates a database of all gender equality employees and is working to develop a plan of coordinated interventions to ensure the further improvement of the gender equality employees.

- **At the level of the Assembly of Albania:** *The Committee on Labor, Social Affairs and Health Care* addresses issues linked with gender equality and the fight against domestic violence. A *Subcommittee on Minors, Gender Equality, and Domestic Violence* addresses issues related to gender equality and the fight against domestic violence. This Subcommittee on Minors, *Gender Equality and Domestic Violence* (chaired by a female member) was set up in 2013, with the view to monitor government policies in support of women and families, involving in this process also the Civil Society Organizations. At the *Committee on Legal Issues, Public Administration and Human Rights* there is also a subcommittee on Human Rights. **The Alliance of Women Deputies** was set up in November 2013 after a lobbying movement initiated by some women deputies,³² with the view to focus more broadly on issues of women and gender equality.

Other Mechanisms

- **“Regional Mechanisms against Trafficking”** are composed of members from Regional Committees on Combating Trafficking in human beings and the Technical Roundtables set up on the Order of the Prime Minister No. 139/19.06. 2006. In accordance with this Order, such regional committees on combating trafficking in human beings³³, in women and children, are established to supervise and coordinate government and non government actions at the regional level, for the prevention of this phenomenon and protection of the victims of trafficking. The members of the Committees appoint technical persons from their relevant sectors, forming thus the anti-trafficking technical roundtable. A representative from the Prefect’s Office is appointed as General Secretary of the Regional Anti-trafficking Committee and chairs the Technical Roundtable. The Technical Roundtable works to identify the primary problems at a regional level, to insure the implementation of anti-trafficking strategies in compliance with the measures foreseen for every institution; to collect and share data; to identify, refer, and solve concrete cases; present problems and find solutions to them; define the necessary actions to prevent trafficking and protect families, groups, persons and children at current or potential risk of trafficking, in accordance with the specific tasks of each agency represented in the Committee.

³² Currently composed of 27 women deputies, out of whom 14 are from the Socialist Party, nine from the Democratic Party and four from the Socialist Movement for Integration.

³³ Members of the Committee are: The Prefect of the County in the capacity of Chairman and member, the Mayor of Qendër Municipality, the Director of the Regional Directorate of State Social Service, the Regional Director of Employment, the Director of Police Directorate of the County, the Regional Director of Informative State Service, the Director of Regional Education Directorate, and the Director of Public Health Directorate. To these committees are invited also the District Prosecutor, representatives from the civil society at the regional level, and representatives from other organizations and agencies, when deemed necessary by its members and depending on the issues on its agenda.

-
- **“Local Mechanisms for Child Protection”**- Pursuant to CMD No. 265/12.04.2012 “On establishment and functioning of the Mechanisms for Coordinating Work among responsible authorities for referring children at risk, and the manner of prosecuting such cases”, this Mechanism for coordinating the work of referring the cases of children at risk is composed of: a) The Steering Committee “On coordination of work among responsible state authorities at the local level for referring cases of children at risk³⁴”; b) the Multidisciplinary Technical Group³⁵; c) the Unit for Rights of the Child at the level of County; d) the Unit for Child Protection at the level of municipality/commune.

6. Authorities for Monitoring and Evaluating policies and measures for preventing and combating all forms of violence foreseen by the Convention

The establishment of mechanisms to regularly monitor and evaluate the implementation of all proposed measures, the set standards, and good practices for ensuring their effectiveness should be borne in mind by the Albanian Government as a priority in its work. Therefore, the abovementioned mechanisms which, among other responsibilities, also monitor and evaluate the activities and the quality of the services delivered by the NPOs or other providers serve this end.

7. Entities Responsible for Data Collection

In the context of the Law on Domestic Violence No. 9669/18.12.2006, as amended, the state institutions below work under a coordinated system as authorities in charge of protection, support and rehabilitation of the victims, the facilitation of the consequences and prevention of domestic violence.

³⁴ The Steering Committee “On coordination of work among responsible state authorities at the local level for referring cases of children at risk”, functions at each County Council, is chaired by the Chairman of the County Council and has in its composition: a) the Director of Regional Police Directorate; b) the Director of the Technical Roundtable of the Regional anti-trafficking Committees; c) the Director of the Regional Educational Directorate; d) the Director of the Regional Directorate of Public Health; e) the Director of the Regional Directorate of State Social Service; f) the Mayors of municipalities/chairmen of communes of the Counties; g) the Director of the social services structure at the municipality/commune; h) the Director of the Unit for child rights in the County; the staff responsible for the rights of the child in the County; j) the staff responsible for the protection of the child at the municipality/commune; k) the Director of the Regional Employment Office; l) the representatives from the probation service; m) the representatives of the non-profit organizations who in their activity deal with issues of child’s rights; and n) Public and private social services providers

³⁵ According to the CMD, the Multidisciplinary Technical Group is an *ad hoc* group which functions at the municipality/commune, is called the basis of an initial assessment and headed by the Director/Chief of social services at the municipality/commune, and composed of the following: a) employees in charge of child protection at the municipality/commune; b) representatives from the Police structure; c) representatives from the Regional Social Service; d) representatives from the Regional Educational Directorate; e) the administrator of the economic aid and social services at the municipality/commune where the child lives; f) the parents/legal guardian of the child, or the family member; g) the kindergarten educator or the school teacher of the child; h) the coordinator of psychologists from the Regional Education Directorate (DAR), the school psychologist; i) the health specialists, the family doctor or a specialist who has examined or assessed the condition of the child; j) the coordinator for issues of violence in the commune; k) any specialist that knows the child or who may talk with the child about a serious issue that concerns the child (lawyer, psychologist, social worker, specialist who provides specialized services for child development, and others; l) NPOs that provide services to the child, public or private providers of social services; m) the child, depending on the age and level of maturity and taking into consideration the protection of the best interest of the child.

The responsible administrative authority, pursuant to the Law on Domestic Violence, that is, the MSWY, as the main responsible authority (former Ministry of Labor, Social Affairs and Equal Opportunities) and the other line ministries, such as MoI, MoH, MoJ, MoES, the local governing units, as well as the judicial authorities (courts) have, based on their specificity, among other tasks, also that of data collection on the situation of domestic violence.

- **The MSWY** keeps statistical data about the level of domestic violence at national level;
- **The Ministry of Health** records the cases of domestic violence in the relevant medical documentation approved by this Ministry; the health service also provides the victims with the relevant medical reports and refers or guides the victims to other support and protection services against domestic violence;
- **The Ministry of Interior (MoI) and the State Police:** All the cases of violence reported and recorded by the police are kept in a database set up for the cases of domestic violence reported to this institution. Among the tasks provided by the Law on Domestic Violence, Article 8, provides for the State Police, in the context of reporting and collecting the relevant data on domestic violence, to set up special registries for recording the cases of domestic violence, administered by every Regional Police Directorate and Police Commissariat; to draft statistical forms to identify cases of domestic violence; to establish special police structures to identify, manage and fill in the registries and statistical forms at every Regional Police Directorate and Commissariat³⁶. Most of the victims report to the police. Anyone may go to the police in case of an incident of violence. Hence the data contained by this institution are very important and comprehensive.
- **The Ministry of Justice (MoJ):** All the statistics on the protection orders or immediate protection orders issued by the Court are gathered by the Statistics Directorate at the Ministry of Justice. However, there is no special structure in this Ministry to deal only with issues of domestic violence. Domestic violence is covered by the Directorate for Inspection of Subordinate Institutions and Free Professions, which covers also the Bailiff's Service.
- **The local government** collects statistics through the gender equality employees/gender equality and domestic violence specialists, who publish on the Internet the data on cases referred and managed at the local level. In the majority of cases, such data cover only the urban areas (the territory of the municipality). The GEE are faced with difficulties in verifying and consolidating the data with the actors/members of other Coordinated Community Response members (CCR)(particularly with the Police, the Court, and the Prosecutor's Office, which report the data at the level of the County or the Prefecture) and very often there are delays in updating these data due to their workload in the field and the lack of their awareness about the institutional obligation to submit by-weekly reports to the GE and DV specialists. Hence, there are some actors of the CCR who, either in the framework of multi-disciplinary interventions, or when intervening on their own, are not coherent in their reporting. The information obtained from such organs becomes part of the debate at the technical roundtables and in reporting cases to the responsible organs at the Mechanism against domestic violence.

³⁶ Pursuant to the Order of the Minister of Interior No. 344/05.10.2010 "On Some Amendments to Interior Minister's Order No.251/15.02.2008, 'On Compilation of Crime Statistics'".

- The NPOs³⁷ collect and report data on the situation of domestic violence in the context of their participation in the Referral Mechanism.

- **Digitalized Online System for registration of cases of domestic violence.** As of 1st of July 2014, this system has started to be applied in 29 municipalities of the country as a project of the MSWY in cooperation with the UNDP. This electronic system contains data on the perpetrators, and follows up the cases of domestic violence from the moment a case is reported until it finds final solution. This system is the first of its kind that follows up the development of the cases of domestic violence. The system registers every kind of violence, monitors the development of the process, the issues encountered, and ensures that every reported case is followed up through to the end. In order to demonstrate the impact of this system, we would like to point out the data registered in a month since the system started to be used. The local coordinators of 29 municipalities registered 531 cases in the electronic system. It was noted that women made up the largest share of the persons affected by domestic violence and over 22% of them are above 50 years of age. A total of 73% of the victims of violence live in mountainous areas and 34% of them are unemployed. The registered data comprise gender, age, type of violence, the relationship of the perpetrator to the victim, the disability of the victim or perpetrator, if any, the geography of violence and other important data. This system serves to further improve the exchange of information among institutions, and help citizens receive better services and improve coordination in the work of police, municipality, health service, employment sectors and the judiciary system.

The online system is secure and respects the confidentiality of the survivors. It is used by local coordinators, who are specifically trained to respond to domestic violence, keep the secrecy of the data of the survivor and use and manage the system.

The advantage of data collection and reporting system is that it enables the municipalities and the MSWY to have access to comparative data on domestic violence at the local and national level from the moment the Coordinated Community Response (CCR) was established and to constantly provide the municipalities and the MSWY with information to monitor and analyze the CCR performance and manage the cases of domestic violence at the local and national level. It also helps identify gaps and the areas where improvements are needed in the relevant services delivered to the victims of domestic violence.

8. Data Collection and Publication at National Level

The collected data on domestic violence and gender based violence help to ensure public transparency at national level. They are also used in various studies conducted by the MSWY and the line ministries in cooperation with international agencies like UN Women, UNDP, UNFPA or local NPOs. Such data are referred to also during activities organized by the Technical Roundtables of the National Referral Mechanism and are used in training the professionals and raising awareness about the existing situation in order to draft appropriate policies.

The data are published at a national level also through the various publications by INSTAT or by Open Data Albania, and the Statistical Yearbook of the Ministry of Justice. The

³⁷ The services provided by the NPOs are usually diverse and multi-disciplinary and as such they are very effective in the protection and rehabilitation of the victims of violence. They may consist in shelters for women victims of violence and their children, special training programs to help these women adjust to the labor market; specialized health services (AIDS and SST); free legal aid; education for the victims and their children.

information on the progress made regarding the status of women and men in society is updated periodically, identified through quarterly and yearly statistics prepared by INSTAT, the line ministries and the local government unit.

A number of studies, surveys, data analyses and interpretations are published also in university textbooks.

Such official data are accessible, subject to the rules on preserving the secrecy of personal data, by any individual, pursuant to the Law on the Right to Information³⁸.

9. Studies Supported by Albanian Government during 2011-2015

During 2011-2015, the Albanian Government has supported, also with the support of international partners, a number of reviews focusing on the situation of domestic violence and specifically:

- “Legislation review in the field of Gender Equality and domestic violence from gender perspective and assessment of compliance with international documents,” (2013-2015) with the support of UNDP;
- “National Report on Implementation of the Beijing +20 Platform for Action (2014) developed by MSWY on behalf of the Albanian Government;
- Fourth Periodic Report on the Implementation of the “Convention on the Elimination of all Forms of Discrimination against Women in Albania” (2014);
- “Review of the functioning of the Referral Mechanism and treatment of cases of domestic violence at local level in Albania” (2015), supported by UNDP,
- “Synergies between two national mechanisms: National Referral Mechanism against trafficking in human beings and National Referral Mechanism against Domestic Violence”(2015), with the support of IOM;
- The Study “Albania–Final Report: Mapping of support services against violence against women and girls” (2015), with the support of the Council of Europe and UN Women, based on the standards of the Istanbul Convention;
- “Handbook for implementation of Council of Europe Convention on Preventing and Combating Violence against Women and Domestic violence”(2013), with the support of UN Women;
- The Study “Invisible violence – an overview of the phenomenon of violence against women and girls with disabilities in Albania” (2015), Albanian Foundation for the Rights of Persons with Disabilities, with the support of UNDP;
- The Study “Reduction of violence against women, focusing on LGBT community in Albania” (2015), with the support of the Alliance for Protection against Discrimination of LGBT persons, with the support of UN Trust Fund;
- The Study on “Strengthening of the role of women advisors in the Municipal Councils in Albania” (2016), with the support of UNDP;
- The Study on “Perceptions and stands of the public towards Gender Equality” (2016), with the support of UNDP, “*A practical approach to gender based violence*”;
- Handbook for Health Workers, new edition of the Ministry of Health, Tirana, 2011, with the support of UNFPA;
- Publication by INSTAT, “Females and Males in Albania in 2015”, which has been improved and contains more data related also to aspects that were not taken into consideration in the previous publications.

³⁸ Law No. 119/2014 “On Right to Information in the Republic of Albania.”

Since the drafting of a strategy requires a preliminary and a profound study of the situation, the abovementioned list may also include any narrative material attached to a strategy.

10. Population Surveys Regarding Violence against Women

The information on the progress made regarding the status of women and men in society has been subject to frequent studies conducted by INSTAT.

The annual publication by INSTAT “Females and Males in Albania” is realized in cooperation with UN Women and Sida. The goal of this study is to contribute to the improvement of monitoring of Gender Equality through an integrated system of statistical indicators. The indicators are enriched every year with new indicators, making it possible to give a multidimensional picture of the life of women and men, boys and girls in Albania.

The publication “Females and Males in Albania in 2015³⁹” was improved and contains more data related also with aspects that were not taken into consideration in previous publications.

The publication covers the entire territory of Albania and lists the most important national changes made in the field of Gender Equality (1995-2015); the population and its changes with all its dynamics, males and females, statistics based on gender, age, origin, place of residence, education at all levels, employment, private initiatives and businesses, marriages and births; legal statistics, including also statistics on reports of domestic violence, on cases of punishments, denunciations by female victims against their perpetrators, murder cases resulting from such denunciations of perpetrators; prisoners, females in decision-making, women representation in decision-making and in politics, or the local and central administration institutions in relation to males.

An earlier study conducted by the same institute in 2013 with the contribution of UNDP is “*Domestic violence in Albania: Population Based National Survey*” and is accessible in the official website of INSTAT⁴⁰. This report focuses on an analytical overview of the phenomenon of domestic violence from the statistical point of view regarding the population trend at national level. The study makes an analysis of the legal framework on domestic violence, the situation of violence, the National Strategy of Gender Equality and Domestic Violence, the population based survey of 2007 on domestic violence in Albania, the need for a second population based national survey on domestic violence in Albania, and the real situation of DV through statistics in all walks of life.

Such observations, studies and publications are available to the public also in the official website of INSTAT together with the publication of sources from which such data have been taken, and specifically: <http://www.instat.gov.al/al/home.aspx>.

³⁹<http://www.instat.gov.al/al/publications/librat.aspx>

⁴⁰<http://www.instat.gov.al/al/publications/librat/2013/dhuna-n%C3%AB-familje-n%C3%AB-shqip%C3%ABri.aspx>

III. PREVENTION

1. Campaigns and Programs on Forms of Violence Promoted by Responsible Authorities

Awareness Raising Campaigns

Such campaigns have been organized by the MSWY in close cooperation with other line Ministries and NPOs and with the support of international organizations. Some of them include:

- ❑ “16 days of activism against gender based violence and domestic violence” – as part of the global campaign (with the same name) carried out every year in the period 25 November -10 December. During the last years, this campaign is focused on the active involvement of men/women in advocacy actions for gender equality and against violence against women. Its slogan is: “Men and boys, part of the solution. Show you are against Violence!” In carrying out such a campaign, Albanian institutions have cooperated closely with NPOs and local authorities and have been supported by international organizations, where a special role has been played by the UN organizations. The 2013 campaign was deliberately extended from 25 November 2013 up to 8 March 2014, in order to distribute information and messages more broadly and to highlight the link between women rights, their advancement on the one hand, and the reduction of gender-based violence, on the other.
- ❑ “He for She” as a campaign organized by *UN Women*, which was joined also by the MSWY in July 2014. This campaign aims at involving the youths, particularly the boys and men, in order to contribute to combating gender stereotypes. About 65 messages from Albanian men/boys for the empowerment of women/girls and for society support were published into the website “One Story”⁴¹. This campaign was improved during 2015 and has led to an increase in the number of boys and men who have taken an active part in various concrete arrangements against gender based violence and domestic violence.
- ❑ The Institute of Public Health, in cooperation with the Public Health Directorate in 10 districts of Albania, has organized promotional activities with the health staff, in community and in schools for raising awareness about domestic violence against women and children⁴². The findings of the national interventions for capacity building of the health staff to address gender based violence show that the training received about gender based violence has considerably improved their capacities (knowledge, attitudes, and practices) of service providers; and that trainings, innovative in content and organization, have laid the foundations for provision of gender based violence services in the primary health care⁴³.
- ❑ UNiTE (United to end violence against women)⁴⁴ held especially during the 16 days of activism against gender based violence is designed as part of the global social movement to raise awareness and promote concrete actions for elimination of violence against

⁴¹ <https://www.onestory.com/campaigns/djemte-e-burrat-per-barazine-gjinorehttps://www.facebook.com/heforshe/posts/273067892888673>

⁴² Source of data: Ministry of Health, April 2014.

⁴³ Source: Roundtable: Presentation on the assessment of national intervention “Capacity building for health staff to address gender based violence” dated 17.04.2014, organized by UNFPA, National Center for Social Studies, in cooperation with the Ministry of Health.

⁴⁴ UNiTE campaign in Albania was an initiative of the United Nations Agencies and the MSWY for coordinated action with civil society organizations, with the financial support of UN Women, UNDP, and the Swedish Government.

women and girls. In Albania this movement starts on 25 November with “16 days against violence”, the International Day for Elimination of Violence against Women. This campaign declared open by the Minister of MSWY and the National Council for Gender Equality in Tirana on 24 November 2014 spread also to various cities and villages of Albania according to a calendar of activities, aiming at the involvement and commitment of the local community, the civil society and state institutions for a society free of violence. The focus of the campaign activities of UNiTE 2014 was the engagement of the community and the individual at “local” level through “door to door” raising of awareness – not only in government institutions, but also in schools, universities and everywhere. The campaign was designed with the motto that all have a role to play in their community: men, boys, women, girls, religious leaders, local staff and leaders, professionals and others.

Other promotional and awareness raising activities include:

- National conferences, meetings, discussion panels,
- Programs in the electronic media,
- Preparation and distribution of sensitizing materials, posters, television spots, etc.
- “An hour with poetry on women” is another event to this end;
- Photo exhibitions like the one titled “Retrospective and reality, successful girls and women in the world ”.

Some of the outcomes of the Campaign are:

- Greater awareness about gender issues, more open discussion and easier acceptance of taboo issues,
- Greater number of denunciations of cases of domestic violence by women to the support structures,
- Changes in traditional stands and greater number of reports of cases of violence against women and domestic violence to law enforcement organs. Such awareness raising campaigns aim at eliminating gender stereotypes, gender based violence and domestic violence.

2. Addressing Gender Based Violence and Domestic Violence in Formal and/or Informal education curricula

The Ministry of Education and Sports has as its priority the improvement of the educational situation with special focus on the rights of women and girls, promoting their *education and raising their awareness to prevent intolerance and discrimination*.

Legal framework and obligations of the MoES

The Law on Domestic Violence of 2006 in its Articles 4 and 7 describes the MoES as the mainline Ministry. Among its most important tasks are the drafting of curricula for high and higher schools regarding the rules of conduct in the family; the preparation of textbooks and other complementary materials for the education of pupils and/or students to end violence in family relations.”

The Law on Protection against Discrimination of 2010 contains a special chapter [Chapter III, Articles 17-19] devoted precisely to prohibition of discrimination in education and the concrete tasks of the **Council of Ministers and the Minister of MoES** in order to incorporate in the teaching programs information on discrimination; concepts and actions

against models of discriminatory behaviors; ensure education to all the population, and in particular to participate in activities in favor of women and girls, minorities, persons with disabilities and persons who are or who are likely to become subject of discrimination. Likewise, it provides for special tasks for the **principals of every educational institution**, such as combating models of discriminatory conduct that constitute or incite discrimination within the institution; taking of disciplinary measures against every person who is found to have carried out a discriminatory act, provided it is appropriate, proportional, and in conformity with the powers of the principal.

The Law of 2008 on Gender Equality has also a special chapter [chapter V, Articles 24-25] on equal treatment and protection against gender based discrimination in education and training. Article 25, titled “Education of gender equality” lays down that “entities providing education, qualification and training, as well as those drafting the textbooks, teaching programs and other didactic means at all levels, shall ensure teaching of the necessary knowledge and use teaching methods, training and qualification in a manner that can help in the promotion, encouragement, and formation of education of equality and prohibition of discrimination due to gender, negative stereotypes, customary prejudices and practices, or any other custom that affects the principles of gender equality”.

LawNo.69/29.06.2012 “On Pre-University Education System in the Republic of Albania”, as amended in 2015, is all-inclusive and has as its main aim *the guaranteeing of the constitutional right to education for all and without discrimination*. Among the main principles of this Law [Article 4] is that the pre-university education system shall respect, uphold and promote human rights and freedoms, in general, and the rights of the child, in particular. Furthermore, according to this Law, the pre-university education system shall guarantee pupils and students protection against all forms of action or omissions which may cause discrimination, violence, maltreatment, or moral damage. The curriculum of the pre-university education is treated in a special chapter [Chapter VII, Articles 44-47].

Some of the measures taken in the field of education comprise:

- ❑ The initiative “*School, a community center –a friendly school for all*”. This initiative was spread to 222 schools across the country and aims at enhancing cooperation and improving school-family-community partnerships for the development of the full potential of each pupil and student.
- ❑ For the implementation of Order No.195/25.04.2016 of the Minister of Education and Sports, “On the adoption of document– Education and formation of teachers for all-inclusiveness – Profile of an all-inclusive teacher”, the criteria for the profile of teachers working with all inclusive standards have already been set. The “Standards of all inclusive teachers” have been drafted and adopted and have started to be piloted in eight 9-year schools in four regions. The “Profile of an all inclusive teacher” is adopted, which is a module for the professional formation and development of teachers.
- ❑ The criterion for inclusion in textbooks of gender, race, national and religious equality and of democratic principles of nondiscrimination is foreseen in the *Standards of Textbooks 2015*.
- ❑ In order to implement Instruction No. 25/17.08.2015of the MoES “*For the Academic Year 2015-2016 in the Pre-University Education System*”, the annual plan was drafted by the Institute for the Development of Education (IZHA) drafted the annual plan of trainings on gender stereotypes in education, which will be held also for non teaching staff (inspectors) of Regional Education Directorates/Education Offices. They will cover issues linked with the fight on discrimination due to sexual orientation. Chapter II of this

Instruction, “The legal basis for the activity of school institutions” includes the Law “On Protection against Discrimination”.

- ❑ Instructions for respecting gender equality principles: In order to implement Instruction No. of the MoES 14/12.5.2015 “*On Setting Criteria and Procedures for Introducing Guided Education in Schools*”, it was foreseen to take into consideration also the gender ratio in admissions to the foreign language schools; Instruction No. 36/25.9.2015 of the MoES “*On Selection of Candidates for Members in the National Council of Pre-University Education*” sets forth that the commission for the selection of candidates for members of the National Council of Pre-University Education shall respect gender equality criterion;
- ❑ Vocational training and formation: Instruction No. 16/03.08.2016 of the MoES, “For academic year 2016-2017 in the pre-university education system” referring to Chapter V of the “National Strategy for Gender Equality, Reduction of Gender Based Violence and Domestic Violence” document has made possible that: Regional Education Directorates/Education Offices and directorates of educational institutions plan and carry out trainings with teachers and communities of parents on gender stereotypes in education; teachers shall cover and coordinate gender equality activities; the educational institutions shall give priority to the avoidance of gender stereotypes in the selection of branches and the direction of further studies.
- ❑ The MoES on the other hand is working to improve the Psycho-Social Services in schools with the view to get to know the problems manifested by the community of students and pupils who come from disadvantaged strata, and to find relevant solutions for them.
- ❑ Gender statistics: The report on the assessment of achievements of grades 3 to 5 in statistical findings and indicators has included also gender indicators; the preliminary report on the outcomes of the needs identification instrument, the Tirana Regional Education Directorate has presented on 10 and 11 November 2015 a graph with the outcomes of female and male teachers. The graph indicates that 75% of female teachers have scored good results in grades III and IV, while 45% of male teachers need to make considerable improvements.

In the context of the judiciary reform, an important document with an impact in the field of education on rights is the Strategy for Legal Education of the Public. This document aims at raising legal awareness of the public in Albania. The low level of knowledge about the laws constitutes an obstacle to human and economic developments in Albania. Legal education of the public aims at: (i) enhancing its knowledge about the laws; (ii) promoting respect for the law; (iii) facilitating the relations of citizens with the administration; (iv) reducing the number of legal conflicts; and (v) increasing public access to judicial organs, and enhancing effectiveness of the courts and public organs, with the view to consolidating the democracy.

In order to ensure the implementation of the Strategy, the Working Group has proposed, among others, the improvement of some laws that will constitute the normative basis for a National Strategy of Legal Education of the Public, through systematic monitoring and coordination. The legislation foreseen to be amended comprises the Law on the Right to Information, the Law on Legal Aid, the Law on Pre-University Education, the Law on Protection of the Rights of the Child, the Law on Mediation in the Settlement of Conflicts, and the Law on Protection Against Discrimination.

3. Categories of Professionals Who Have Received Initial and Profound Trainings

In the course of 2014 initial trainings were provided to the following categories of professionals:

- The State Police in cooperation with, and with the support of, SIDA funded project has carried out 13 trainings for police officers on the topic “How to respond to domestic violence” during which 224 police officers were trained (163 men and 62 women). The topic of domestic violence is also part of the basic professional training curriculum.
- In 38 service providers, 202 employees have received basic training *to work directly with the victims of violence against women*. In 16 service providers⁴⁵ (24.6%) 101 employees have received basic training *to work directly with victims*; in 12 service providers (18.4%) *the majority of workers, more specifically 79 of them, were trained particularly to work directly with the victims of violence against women*; in 10 service providers (15.3%), *22 workers were trained particularly to work directly with the victims of violence against women*.
- The Ministry of Health: 4400 *health care workers* (the staff of health centers like doctors and nurses, midwives, the advisory personnel of women and children counseling centers in towns, the maternity hospitals and hospital emergency care) have been provided training to identify, prevent and treat cases of violence beginning from 2010 onwards.
- *The training “The basic concepts of gender identity and development, gender mainstreaming and legislation in this field”*, organized by the MSWY, in cooperation with the Department of Public Administration and Albanian School of Public Administration also with the support of UN Women. The total number of trainees was 27 (18 gender employees and nine specialists of budget planning).
- *Three-day training “Gender budgeting in the Medium-term Budgetary Program”* organized by MSWY with the support of UN Women. The total number of trainees was 25 (the specialists of budget planning in the line ministries and the gender employees).
- A total of *51 local coordinators were trained* to register cases of domestic violence.
- The School of Magistrates is the institution set up by law in 1997 to train judges and prosecutors. The School has two main programs: the initial training program and the continuous training program. The former program of initial training is a three year program and is dedicated to the candidates for judges and prosecutors. The topic of domestic violence and gender based violence mainly falls into the curriculum of the subject “Family Law”, “Criminal Law”, and “The Right to Gender Equality and Nondiscrimination” and the course on “Trafficking in Human Beings”. Such courses are compulsory for all candidates for magistrates and this program is considered initial not because of its contents, but because of the participants. It should be noted that the curriculum of these subjects has been enriched and updated every year also with knowledge on international standards, including the Istanbul Convention and the case law of the ECHR. For the academic year 2013-2014, the number of candidates for initial training was in total 37 students (of whom: 11 in the first year; 9 in the second year, and 17 in the third year). Hence, as can be seen, the School of Magistrates has a limited number of students, depending on the needs for judges and prosecutors. With respect to the continuous training program, it is devoted to practicing judges and prosecutors. The topical program is drafted on the basis of needs assessment of practicing judges and prosecutors, but also on the basis of the assessments of the Steering Council regarding important topics of relevance. The School of Magistrates has the topic of domestic

⁴⁵ Three NPOs, four municipalities, one independent institution, two state social services and six health care services.

violence, equality and nondiscrimination almost part of its program of criminal and civil law. In organizing its activities, the School of Magistrates has cooperated also with its international partners. In the program of continuous training, special attention is devoted to the training of judges on the Istanbul Convention. The following activities were held during 2014: International standards on the treatment of victims and prevention of re-victimization; the psychological and health impacts on the victims [29 participants of whom 15 judges, 11 prosecutors, 2 judicial police officers];Domestic trafficking in human beings and difference from other criminal offences [44 participants of whom 18 judges, 16 prosecutors, 3 pedagogues, 7 judicial police officers].

In the course of 2015, initial trainings have been provided to the following categories of practitioners:

- The School of Magistrates has like wise attached importance during this year to trainings on gender based violence and domestic violence. Regarding the candidates for magistrates, during the academic year 2014-2015, there are a total of 20 students (of whom 11 in the second year and nine in the third year of studies). There are no candidates in the first year. The above mentioned subjects of the initial training program of 2014 were taught also during the current academic year.
- With respect to the continuous training of the practicing judges and prosecutors, among the trainings organized on the topics of gender based violence, domestic violence, gender equality, etc, we might mention the following activities:
 - “Role of justice system in the protection of promotion of standards of equality and gender nondiscrimination”, where some 17 professionals (judges, prosecutors, candidates for magistrates) were trained;
 - Victim assistance in criminal cases. Rights of and services to victims, where a total of 27 prosecutors were trained;
 - Defense in the court of women victims/survivors of domestic violence; Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic violence (Istanbul Convention). A total of 23 judges and four prosecutors were trained.
 - The role of justice system in the protection and promotion of standards of gender equality and nondiscrimination; protection of violence victims; Istanbul Convention. A total of 34 judges, 26 prosecutors, and 3 judicial administration staff were trained).
 - Roundtable: Gender equality and nondiscrimination in the context of gender equality and nondiscrimination in the framework of continuous training with the participation of 17 judges and prosecutors.
 - Meeting of experts: the review of the curricula and modules of the School of Magistrates in the subject of trafficking in human beings.
- Six-day training "The capacity building of service providers to victims of violence and trafficking for economic empowerment [of women]," organized by IOM and UN Women – Tirana. A total of six shelter workers have been trained in treating the victims of domestic violence alongside the workers of other shelters in Albania.
- A training provided by the Director of the National Shelter for 14 of her workers.
- Training on the subject “How to assist the survivors of domestic violence and their children,” made possible by the UNDP, in cooperation with State Social Service (SHSSH), which trained a total of 14 workers.

-
- Based on the Order of the State Police Director some 2-3 day trainings have been organized on the topic “Domestic violence, legal basis and procedures followed for the treatment of cases of domestic violence, minors, perpetrators and injured parties at the phase of preliminary investigations, protection of children at risk, the legal basis of the procedures of inter-institutional cooperation,” which trained 50 police officers
 - A training activity was organized in cooperation with the OSCE and the Dutch Embassy in Tirana titled, “Diversity and Hate Crimes”, “Domestic Violence and Anti-trafficking”, divided in six sessions during which 120 police specialists were trained.
 - Capacity building in the field of gender equality was made possible through trainings, conferences or study visits to the countries of the region. During December 2015, in the premises of the Ministry of Defense was held “A briefing course on gender issues and integrity” during Peace Support Operations, with the participation of instructors from the Regional Center in Sarajevo and Bosnia-Herzegovina. Among the participants in this course were also soldiers of various ranks and representatives from the State Police and also 17 women.

The NPOs delivering specialized services seem to be aware of the importance of such trainings and irrespective of limited budgets, they plan trainings and activities to build the capacities of their staff on an annual basis and try to address their needs through various sources of funding or through cooperation with other actors. Trainings have been organized in the municipalities that have established Referral Mechanisms also in the context of inter-agency cooperation.

- During 2012-2014, a total of 339 workers (210 women) were trained from the Inter-disciplinary Technical Teams, part of the referral mechanisms with the support of UNDP.
 - A total of 37 workers from the National Center for Victims of Domestic violence were trained in 2014 with the support of PNUD (of whom 28 were women).
 - In the period January-April 2014, the MSWY, with the support of UNDP, trained 51 workers on gender issues and local coordinators on digitalized registration of domestic violence cases⁴⁶.
 - In 16 service providers (24.6%) some workers have been specifically trained to work directly with the victims of violence, and 71 of them have received further training to work with the victims of violence against women.
 - In 12 service providers (18.4%) the majority of workers were trained especially to work directly with the victims of violence: 37 have received further training in this direction.
 - In 10 service providers (15.3%), all the workers have been trained specifically to work directly with the victims of violence; 22 workers have received further training in this direction.
 - Only 29 service providers (44.6%) demand that their staff have professional qualification (e.g., training in the relevant field, the certificate of professional trainings or licenses), based on the existing legislation and the special standards applicable to their work. In principle, all the workers should have at least a university degree and, if possible, also post-university qualifications. The psychologists, the social workers, the lawyers, the doctors, the local coordinators/case managers and children specialists need to have not merely a
-

university degree, but also other qualifications (license in the case of a lawyer), and previous work experience in their profession. Other work positions, such as finance managers, coordinators, directors, need to have also professional degrees and previous work experience in this profession, post university qualifications, and other necessary qualifications, depending on the service providers.

- A total of 122 military/civil personnel have taken part in education and qualification courses held abroad for the armed forces, of whom 11% were women, while in the qualification courses in the country, women accounted for 27.3%. A novelty in 2014 was the participation for the first time of women (Second lieutenant) in the course of air traffic.

4. Support Programs for perpetrators of domestic violence and relevant measurer

The Law on Domestic Violence, as well as CMDNo.334/17.02.2011 “On the Establishment of the National Referral Mechanism for cases of violence in family relations, and the manner of its functioning” make up the legal basis for such programs.

The programs on perpetrators are almost entirely new in Albania and in a limited and insufficient number. Such a situation is reflected also in the National Strategy for Gender Equality and Reduction of Gender Based Violence and Domestic violence,.

Issues related to the programs on perpetrators include:

- Various models applied by various service providers and not all of them in line with the requirements and specificities of such programs. Sometimes there are merely special sessions provided to perpetrators that cannot be considered complete;
- In some instances, sessions are provided by professionals, but not all of them are specifically trained to work with perpetrators (especially during the provision of mediation or counseling of couples);
- Efforts have been made to cooperate with programs on women, or to work both with the victim and the perpetrator, but again more efforts, greater knowledge, resources and activities are needed for capacity building.
- Recognition, standardization and certification of services to perpetrators as a necessity for the enforcement of the Law on Domestic Violence;
- Psychological, psychiatric and medical treatment of more serious cases, in accordance with a coordinated referral system between the providers of rehabilitation services and the state structures;
- Financial support by state structures for services delivered by the civil society organizations⁴⁷.

Positive models:

- “The counseling line for men and boys” has been established (more similar to a specialized service) which is functioning as an entirely new service. Such an experience will facilitate the adoption and implementation of the requirements of the Convention for this kind of service, defining it as a priority not only for this center, but for all the service providers that may begin/continue working with perpetrators. The program has started to operate in 2014 and is managed by the Advisory Center for Women and Girls

⁴⁷ Source: <http://awenetwork.org/wp-content/uploads/2016/09/Leter-e-hapur-AWEN-Sherbime-Rehabilituese-per-Dhunuesit-15.9.2016.pdf>

(an Albanian NPO). The staff of this project is made up of male counselors trained in cooperation with various international organizations specialized in this area. There is a growing interest and increased number of phone calls by men who are not ordered by the Court to follow a program at this center⁴⁸.

- ❑ Furthermore, the office “For Boys and Men” has been set up (founded by the association Gruaja tek Gruaja – Women to Women, Shkodra, in 2014), however the growing number of cases and their complexity, the social factors, the demographic distribution of cases, the complexity and difficulties in addressing the urgent needs of the victims of domestic violence have brought about the need to resort to an holistic approach in the work for the psychological rehabilitation of perpetrators of domestic violence. Besides being a multi-disciplinary approach, it needs to be consistent, multilateral and comprehensive.
- ❑ The outcomes of the performance monitoring of this program will inform a better policy of expansion and more effective implementation of this service across the country.
- ❑ The steps taken through specific campaigns devoted to men and boys, such as the campaign BASHKOHU (UNiTE), the campaign He for She, or the existence of a national action plan for men, the special program for perpetrators, etc, are positive and need to continue and be strengthened.
- ❑ The outcomes need to be regularly monitored in order to have a clear view of the actions undertaken in order to achieve better results⁴⁹.

Irrespective of all efforts made and piloted models of working with perpetrators, it is very important to set up and consolidate a strong movement of men and boys. Also it is necessary to take new initiatives to initiate special programs for perpetrators.

Some service providers have begun working with perpetrators because some victims/survivors have demanded this. Some others have started this work because it is one of the requirements of the Law on Domestic Violence. All the actors involved in piloting the models of programs for perpetrators declare that they are aware of the importance of starting a serious intervention in this respect. The models used so far need to be improved and consolidated, and then to be extended to various municipalities of the country.

The situation regarding service providers for perpetrators is as follows:

- ❑ *Nine service providers delivering programs for perpetrators.* In five of them, *referral to programs for perpetrators is voluntary*, for one service provider, referral to programs for perpetrators is compulsory, while for four others, referral to programs for perpetrators is both voluntary and compulsory, depending on the situation.
- ❑ Eight service providers (of 9) deliver *support services to women spouses of the perpetrators who have access to their services*, such as counseling and legal representation, anger management, building of healthy relations with the spouse, health services (gynecological, family planning, test and counseling for HIV/AIDS or SST, services related to abortion, etc.); counseling to face the issue of domestic violence, information on legislation and their rights, referral to employment offices, or services linked with mental health problems.
- ❑ Five service providers *have worked together with the victims and perpetrators, providing therapy to couples*, family counseling and psychological support for women

⁴⁸ Source: “Albania – Final Report on Mapping of Support Services against Violence against Women and Girls”, 2015.

⁴⁹Source: “Albania – Final Report on Mapping of Support Services against Violence against Women and Girls”, 2015.

and children, particularly during the follow up of proceedings in the court, the prosecutor's office, or the bailiff's offices.

6. Support Programs for Sexual Offenders

Sexual offenders are treated generally like all the other offenders. The programs are mentioned in the above point.

7. Promotion of Private Sector, Information and Communication Technology and Media Sector, Including Social Media, in Drafting and Implementing Policies against Domestic Violence

The Media in Albania have been and are very sensitive to all the issues related violence against women and children. Many journalists have been very often involved in trainings on coverage by the media of cases of violation of human rights, the rights of women and of children, in particular. The cases of electronic and print media coverage of cases of violence against women and children have been numerous.

The most common topics related to violence against women and children are those of:

- their trafficking,
- their exploitation for work of women and children,
- their use for prostitution and organ transplants, and
- their involvement in crimes in the family, and others.

Positive impacts:

- greater awareness of political circles and given segments of state administration and public opinion.
- In many cases media coverage of issues related to violence against women and children has served to urge specialized institutions to undertake the necessary actions in identifying cases of violence, such as investigations and criminal prosecution, etc.
- The print and electronic media have been involved in the implementation of the National Strategy against Domestic Violence through coverage of sensitizing activities. For this purpose, national conferences, meetings, programs in electronic media, etc, have been organized.

Problems identified:

- In general, the media coverage of the phenomenon of violence against women and children sporadic.
- The media have almost ignored the more moderate forms of violence against children, showing greater interest in more serious cases.
- In many cases, both the print and electronic media have addressed this phenomenon without respecting professional ethics, in a sensational manner and mainly for commercial purposes. The Albanian Government has sought to encourage protection of secrecy, the private life of the individual and coverage of good examples, development and distribution of sensitizing materials, posters and broadcasting of television spots, etc.

8. Standards and Codes of Conduct for ICT and Media Sector, Including Social Media, in Area of Violence against Women and /or Gender Equality

Such standards are part of Law No. 97/2013 “On Audiovisual Media” and are applicable directly to audiovisual entities and AMA in the exercise of its regulatory and supervisory function in the media sector. Specifically Law No. 97/2013 “On Audiovisual Media in the Republic of Albania” Article 4, explicitly provides that audiovisual service operators in the course of their activity shall be guided by such principles as banning of broadcasts that incite or justify violence.

Decision No. 01/27.01.2014 “On adoption of Broadcasting Code by the Audiovisual Media Authority” spells out the basic principles of broadcasting and regulates the audiovisual activity almost in its entire range. The Code is structured in different sections covering principles and rules for information programs, protection of minors in programs of all types, against extreme violence on television broadcasts, various commercials, respect for dignity, protection of personal data of persons with disabilities, etc. Points 1.5 and 1.13 of this Code lay down that, “Audiovisual broadcasts shall not incite intolerance or justify violence among citizens” and audiovisual broadcasts shall not contain harmful messages, incitement of crimes, physical violence or hate”. Furthermore, in point 4.19, the Code makes it compulsory for the Operator of Distribution of Audiovisual Media (OSHMA) to misuse vulnerable groups in the informative broadcast, but should promote a positive approach to all vulnerable groups (minorities, violated women, persons with disabilities, etc).

Currently, the Audio and Audiovisual Media Sector has not provided in any bylaws or internal acts any code of conduct for the provider entities of audio and audiovisual services or any self-regulating standards on how to treat violence against women and/or gender equality.

9. Arrangements to Establish Protocols or Issue Guidelines for Raising Human Resources Personnel Awareness of Violence against Women, Including Domestic Violence

The Albanian Government has promoted the establishment of protocols and issuance of various guidelines by improving the legal framework in force, in order to make it applicable to all the relevant structures responsible for delivery of services in combating domestic violence.

This legal framework has been improved through amendments to the Law on Domestic Violence, the Criminal Code, the Labor Code, etc.

Some of the important protocols or guidelines to be implemented by professionals are divided according to various professions and tasks.

Thus, important for the activity of State Police are the following:

- ❑ **Order no. 96/10.02.2015 by General State Police Director “On the adoption of the standard procedure ‘Policies and Procedure for dealing with cases of harassment and sexual harassment in the State Police’”.** The aim of this procedure is to lay down rules and formal and informal procedures, including policies and concrete procedural and administrative arrangements; to set up a specific mechanism and lay down the responsibilities of the authorities for the prevention, investigation, and taking of disciplinary measures against harassment and sexual harassment. In this way, the State Police is committed to promoting the creation of a work environment which is safe and

free, to promote, prevent, reduce and ensure protection of every worker who is in work relations in the police structures against all forms of harassment, sexual harassment, and misuse of authority. Adoption of such a procedure was coupled with training activities for all police structures.

- ❑ The handbook “On standard procedures that a police officer needs to implement in taking measures for preventing violence, protecting and caring for the victims of violence in family relations” approved by Order No. 1035/17.11.2008 by the General Police Director. This handbook describes in detail the procedures and tasks of the police officers in response of cases of domestic violence. Furthermore, the Handbook “How to respond to domestic violence with special focus on State Police”, published in 2013 by the Center Gender Alliance for Development, in the framework of the project “Support by Swedish Government for the Ministry of Interior/State Police of Albania for Community Policing”. This project was funded by Sida.

The following have had an impact on the health service personnel:

- ❑ The Basic Package of Primary Health Care Services, revised and adopted with CMDNo.101/04.02.2015. This package is provided by primary health care services in villages and in towns. The Ministry of Health has prepared the unified documentation for health institutions regarding identification, diagnosis and treatment of cases of violence. This package comprises:
 - A template registry to register cases of violence (divided according to age groups, including also pediatric ages).
 - An individual clinical card for violated persons reporting to health institutions.
 - A special medical report on a person subjected to violence.
 - The consensus form of a patient for agreeing to the examination/counseling or medical treatment of the violence suffered.

All health institutions are equipped with this template Registry to register the cases of violence (divided according to age groups, including pediatric ages).

An important document is the “Manual on Violence for Judges”

- ❑ This Manual is developed by the OSCE Presence in Albania and the USAID in 2006 and then it was updated in 2013 and 2016. It raises questions and provides answers to help judges in issuing protection orders/immediate protection orders.

Also important is the “Manual for Victims of Domestic Violence and the NPOs”

- ❑ This Manual was developed by the OSCE Presence in Albanian 2007 and is currently under a process of review from the perspective of victims of violence and NPOs on “How to seek protection against domestic violence”.

Package for Service Providers

- ❑ Besides the responsible central institutions, engaged in combating domestic violence are also the **service providers**, who in accordance with the laws in force and the bylaws shall make possible the delivery of services to the victims of domestic violence. A service provider shall deliver a full and effective package of services in accordance with the complex needs of the beneficiaries, in cooperation with the primary and alternative

providers, in order to make possible the protection of violated persons, the rehabilitation and reintegration of the victims of violence. This is done on the basis of the standards approved by the MSWY, guaranteeing the coordination of such services with those of other service providers, in conformity with bilateral or multilateral agreements, or by drafting work plans for them⁵⁰.

- Furthermore, CMDNo.505/13.07.2011 “On adoption of standards of social care services for victims of domestic violence in public and non public residential centers”, besides setting the standards for such services, has also defined the rules on the basis of which the shelters shall operate in their reception and accommodation of victims of domestic violence⁵¹. In this framework, work has been ongoing to raise the capacities of the public administration in recognizing, identifying and referring cases of gender based violence, and in particular, of domestic violence, including also the sector of human resources.

10. Other Measures Taken or Planned to Prevent Violence against Women

Among the other measures taken by the Albanian Government with the sole purpose of preventing domestic violence we might list the amendments to the legal framework such as:

- **Labor Code:** In December 2015, the Assembly of Albania adopted Law No. 136/5.12.2015 “On Some Additions and Amendments to Law No. 7961/12.7.1995, “Labor Code in the Republic of Albania”, as amended. The Labor Code lays down some important elements of the *acquis*, which have to do with the safety and health of workers, the prohibition of discrimination, the work relations, and the special protection granted to women. Amendments to the Labor Code include:
 - Other reasons for which discrimination at work and professional training is prohibited like “sexual orientation” or “Living with HIV/AIDS”. Likewise the meaning of discrimination is made compliant with the EU directives, the Constitution of the Republic of Albania, and Law No.10221/4.2.2010 “On Protection against Discrimination”. The burden of proof is left up to the employer, in order to make it incumbent upon him to make all the necessary arrangements to respect the principle of nondiscrimination.
 - A more accurate and complete definition of “sexual harassment”. The burden of proof is left up to the person alleged to have carried out the sexual harassment with the view to strengthen measures to prevent cases of sexual harassment at work.
 - The obligation of the employer to guarantee suitable work conditions for pregnant women or for breastfeeding women, when they decide to return to work after 63 days postpartum. In agreement with the employer, a woman that has decided to return to work shall benefit a paid leave of two hours within the normal working hours or reduced working hours by two hours with the same pay that she is entitled for a normal day’s work.
 - Supplementary guarantees to ensure the return to work of the woman after the end of her childbirth leave.
 - Nondiscrimination in pay for all, and not only for males and females.
 - The Labor Code lays that that, “Where an employee presents serious data that imply the existence of discrimination, the employer is obliged to prove the opposite”. In the case of dissolution of a labor contract by an employer, when a woman is working

⁵⁰ www.sherbimisocial.gov.al/wp-content/uploads/2014/03/standardi_personat_trafikuar.pdf

⁵¹ www.sherbimisocial.gov.al/wp-content/uploads/2014/03/standardi-per-dhunen.pdf

during the pregnancy period, or has returned to work after childbirth, it is up to the employer to prove that the cause for her lay off has not been her pregnancy or the birth of the child”.

- ❑ Law No.173/18.12.2014 “*On Military Discipline in the Armed Forces of the Republic of Albania*” provides in the category of grave disciplinary offences, for the cases of sexual harassments, sexual violence, and for gender based violence committed by a soldier.

Other measures for prevention of violence against women and domestic violence in the future are:

- Review of Law No. 9669, dated 18.12.2006, “On measures against violence in family relations” as amended, and of criminal legislation;
- Approval of the National Strategy for Gender Equality and its Action plan 2016-2020;
- Specific programs for the economic empowerment of women;
- Constant national well coordinated awareness raising campaigns; establishment and functioning of specialized services;
- continuing of work for raising of professionals’ capacities;
- Strengthening and extension of referral mechanisms against domestic violence all over the country.

IV. PROTECTION AND SUPPORT

1. Measures taken to improve and guarantee DV victim protection

Legal measures with direct impact on the protection of, and support for, domestic violence victims/survivors include:

- ❑ Training violence victims under the cash social assistance scheme. This was made possible by the 2014 amendments to Law No. 9355 of 10 March 2005 “On Social Safety Net and Services” (see Law No. 47/2014), providing benefits to victims of domestic violence that are not treated in social welfare institutions during the protection order/immediate protection order validity period.
- ❑ The right to collecting cash social assistance benefits, and changes in the cash social assistance form to enable wives to apply for it. Council of Ministers’ Decree No. 375 of 11 June 2014 amended Council of Ministers’ Decree No. 904 of 12 December 2012 On specifying the criteria, procedures and documentation required to receive cash social assistance in pilot areas, recognizing that right to wives, too.
- ❑ Provision of an aid of ALL 3,000 to all beneficiaries that are domestic violence victims and victims of trafficking receiving social welfare services in public residential centers and lacking personal income. This was made possible by Council of Ministers’ Decree No. 840 of 3 December 2014 amending Council of Ministers’ Decree No. 114 of 31 January 2007 On specifying the amount of contributions payable by persons placed in public residential social welfare institutions.
- ❑ Automatic placing in residential social welfare institutions providing services to the victims of domestic violence. This means that where a domestic violence victim is identified by such responsible structures as: the police, NGOs providing social welfare services related to domestic violence, or local government structures responsible to address violence, regardless whether the individual possesses a PO/IPO the individual shall be automatically placed in those institutions. This was made possible by Council of Ministers’ Decree No. 839 of 3 December 2014 amending Council of Ministers’ Decree No. 425 of 27 June 2012 On the specification of criteria and required documentation for

admission to public and nonpublic residential welfare institutions. The above was also included in the European Union recommendations.

2. Support services and legal measures for women victims of all forms of violence under the Convention

Every part in the Referral Mechanism is a responsible authority when informed of a domestic or gender-based violence case. That authority then has the obligation to act ex officio or to inform other parts of the Mechanism, such as coordinator, police, health, social services, specialized NPOs, legal aid, psychological help, etc., and use any reasonable means to protect a victim and prevent continuation of violence.

In any case, informing domestic violence victims is of special importance. Victims are thus informed of any options and means of protection and response, and explained their effects and timeframes. Victims often think that completion of an application for a protection order/immediate protection order is a lawsuit application for a divorce as well and will govern the divorce, including the division of marital assets. In case of an immediate protection order, victims are also explained that its effects last for 20 days only and that the order needs to be confirmed in another court hearing within 20 days from the hearing when the immediate protection order was issued, where various pieces of evidence and testimonies are required. Victims are informed by the referral system links, including the police, on the inclusion in the cash social assistance, under which domestic violence victims possessing a protection order or an immediate protections order receive cash social assistance benefits throughout the validity of the protection order.

To that end, the following is performed immediately:

- informing the victim or the person accompanying them on the remedies to be followed and the measures to be taken according to the law and authorities they should refer to. For instance, police officers should assess the specific circumstances of each case and determine whether the lawsuit should be up to the victim or should be submitted by the police if the circumstances are such as not to allow it to be up to the victim. It is important for the police officers to know that the difference in this case would be decisive for the continuation of the court proceedings.
- Informing the victim or the person accompanying them on existing social services and accompanying them to appropriate centers and institutions. In this regard, each part of the mechanism should have the up-to-date list of licensed NPOs available with services across the country or the ones that are closest to the victim's domicile/residence;
- Providing for transportation of the victim and the person accompanying them to medical or social services centers
- Providing them with the protection of a policeman in life endangering cases
- Informing victims of the options for obtaining a protection order/immediate protection order. Each part of the referral mechanism has the legal obligation to guide and inform

domestic violence victims on (civil or criminal) proceedings that may be initiated based on their abuse or refer them to the competent authority as per the above.

Service providers are aware of the importance of providing sufficient timely information on their services; however, not all of them take adequate measure to comply with this Convention requirement.

Information method and quality

- ❑ Out of 43 service providers (66%) report providing information to the public in relation to the services they provide in the area of violence against women, 16 service providers (24.6%) do not provide information to the public, and two others (3%) do not know.
- ❑ According to the collected data, ten service providers post the information on their websites; two service providers provide their information through Government websites; in relation to one service provider, the information is provided through women organization networks' websites; and in relation to 16 service providers, public information is provided through brochures distributed in public sites such as libraries and community centers; in relation to five service providers the information is provided through healthcare services (e.g. hospitals, ERs); and in relation to two service providers the information is provided through television networks.

However, these methods of public information on existing services, including websites or the use of the technological capacities, cannot quite be considered to be supporting women and girls given the lack of available special technological skills and resources for some of them (e.g. women in suburban and rural areas encounter more difficulties in terms of using technological capacities). These methods help expand the options for service providers to be included in networks and share their experience on similar other services at national and international level. Making information available on the internet is also a method to ensure transparency and accountability⁵².

3. Measures taken to provide general support services

The services provided to domestic violence victims and gender-based violence victims are divided into two types: general and specialized.

Nationally, 42 services (69.3%) are general services, and 19 (30.6%) are specialized services. Of these 12 service providers (20.3%) work with victims of violence against women directly about 75% or more, 10 service providers (16.9%) work directly in about 50-75% of their work, 11 service providers (18.6%) work directly in about 25-50% of their work, 12 service providers (20.3%) work directly in less than 25% of their work. Specifically in relation to specialized services, the results show that seven service providers (53.8%) dedicate 75% or more of their work to the victims of violence against women directly; two services (15.4%) dedicate 50-75% of their work directly; two services (15.4%) dedicate 25-50% of their work directly, and two other services (15.4%) dedicate less than 25% of their work to victims of violence against directly.

If we were to group them in key categories, the types of services provided by general and specialized services are the following: 11 of them (7%) provide housing, employment and vocational training programs; 14 (9%) *telephone helpline*; 35 (24%) *support for sexual*

⁵² Albania – Final Mapping Report on Support Services against Violence against Women and Girls, 2015.

violence victims; 28 (19%) support in legal proceedings; 20 (14%) provide services in counseling center/emergency (crisis) center; 10 (7%) include programs for perpetrators in their services, and 29 (20%) include support for children witnessing violence in their services.

- ❑ **Information and counseling** is provided by 48 services (85.7%). Of these, 13 are specialized services. In principle, no restrictions apply to providing information and counseling. But this is provided to every women and girl in need and any other family members that might have been subjected to domestic violence. The problem is that counseling and informing are not round-the-clock services. In addition, they are not provided in various languages. If this service is requested on the telephone, most of those calls are not free. The service is often provided by NPOs; however, their services rely on donor funding and projects.
- ❑ **Support in crisis (emergency) situations** is provided by 41 services (75.9%). Of these, 12 are specialized services. Crisis support is provided round the clock only for women and girls or their family members suffering violence against women/domestic violence meeting the required edibility criteria to be admitted to round-the-clock specialized services (e.g. national shelters or some NPOs). In other cases, this type of services is provided only in certain hours. In Albania this service is provided by some NPOs, which makes sustainability of the services highly donor-reliant because they are project-based.
- ❑ **Counseling on the telephone** is provided by 19 services (38%). Of these, 8 are specialized services. Counseling on the telephone, too, is a service mainly provided by NPOs and, in addition to reliance on project duration or donor support, the service is not always free and is not made available in various languages.
- ❑ **Face to face counseling** is provided by 46 services (85.2%). Of these, 13 are specialized services. This service type, too, is confused and misunderstood, especially when provided by general services. In many cases, when referring to face to face counseling, service providers imply a face to face meeting, which might also have some elements of emotional support but are not planned in the form of real counseling and are not always conducted by trained counselors. For instance, the provision of the requested/required information on the steps to be taken for obtaining a protection order sometimes is considered as (and confused with) face to face counseling. Furthermore, some of the service providers were found to consider it as a round-the-clock service; however, none of them mentioned an example of planning counseling sessions in late evening hours. Despite this, the finding remains valid because many service providers claim to be providing face to face counseling services in late evening hours if their clients/victims/survivors need and request the service in such late hours. This service is not provided free of charge, nor is it provided in various languages.
- ❑ **Support/self-help groups** are provided by 13 service providers (28.3%). Of these, 4 are specialized services. When received by the service providers' target groups, violence victims/survivors benefit it free of charge. This service is not provided in various languages, either. In some cases, more capacity building activities are needed to consolidate this service and to provide it in line with the required standards.
- ❑ **Mediation/couple counseling** is provided by 14 service providers (29.2%). Of these, 6 are specialized services. This service is mainly provided by NPOs and is free of charge. The service is not provided in various languages. It usually consists of a couple of sessions the main purpose of which is to find the possible balance in the couple relations. However, this purpose is sometimes misinterpreted by service providers which try to "persuade women to forgive their husbands" for what has happened (incidents of

violence) and to “try to consider it as a mere incident that will never be repeated”. The fact that, when applied to partners that have committed violence against each other, this service is not properly understood by service providers makes clear the need for capacity building activities for the service providers applying mediation/couple counseling.

- ❑ **Outreach** is provided by 37 services (68.5%), of which 12 are specialized services. This type of service is provided free of charge. It is not made available in various languages, and it often focuses on large cities and is less present in suburban and rural areas. The means used for outreach purposes are mainly limited to brochures, booklets and posters. The media are used less frequently and/or only in major national campaigns. The use of television and radio for outreach purposes carries financial costs that are often unaffordable for service providers. Recently there has been an increase in the use of social media for outreach purposes; however, despite being found to be a very effective method in most of the cases, one should also take into account that not all women and girls in need can access the social media (especially true to those living in suburban and rural areas).
- ❑ **Case advocacy (referral)** is provided by 45 services (86.5%). Of these, 13 are specialized services. This type of service seems to be more present in the cases of coordinated response (interdisciplinary groups/teams) and is provided free of charge. The service is not provided in various languages. Sometimes service providers do not dedicate adequate time to victim’s understanding of their rights and existing services while providing this type of service, and they merely refer the cases.
- ❑ **Legal counseling** is provided by 26 services (52%). Of these, 9 are specialized services.

4. Measures taken vis-à-vis women victims to ensure their access to appropriate healthcare and social services

Under the obligations deriving from the Istanbul Convention, the measures taken to ensure access to appropriate healthcare and social services include:

- ❑ **Forensic medical examination:** This is provided by 18 services (36%). Of which, 2 are specialized services. NPOs report providing this type of service and mainly referring the cases to a forensic physician or healthcare services which can provide help in ensuring the necessary forensic medical examination. In the latter case, forensic physicians are not their staff members. A characteristic feature of this service is that women and girls (and other family members subjected to domestic violence) do not have direct access to it. The procedure requires an official application and referral from the police department/commissariat or the prosecution office for the forensic medical examination to take place. Thus a person may not go to a forensic physician freely (as freely as she may go to a hospital or another healthcare facility) for an examination and for a copy of the examination report. This restricted approach can have an impact on the situation of women and girls as it prevents them from documenting various violence cases. Even when they are referred to a forensic medical doctor by a police officer or a prosecutor they may not have access to a forensic medical report because the report is officially submitted to the authorized body requesting the examination (e.g. the police or the prosecution office).
- ❑ **Medical/healthcare service** is provided by 35 services (63.6%). Of these, 8 are specialized services. Even though these services are provided without any restrictions, an issue found in practice is that physicians do not provide persons (victims/survivors) with a formal medical report (as required by the DVL). The rule is that the report is proof that a GP has examined the victim and has found injuries caused by violence.

Under the DVL, a victim is entitled to receiving a medical report (a formal report issued by a physician) that is proof of the fact that she has been to a hospital or an ER and has been examined by a GP who has found, for instance that the victim had injuries in her arm or has stomachache. That is the physician has to fill in a body injury map without making a classification of the degree of injuries, i.e. without encroaching the scope of a forensic medical doctor's work. Although this is a legal obligation and the report serves as evidence, physician often bypass this step on the excuse that issuance of a report is the competence of a forensic medical doctor, or taking advantage of the fact that in many situations victims are not aware of this right and do not ask physicians to issue a formal medical report. This finding points to the urgent need for awareness raising and increasing the responsibility among physicians so that they comply with their obligations and provide appropriate and effective services to victims of violence against women/domestic violence.

- ❑ **Immediate financial assistance/support** is provided by 8 services (16.7%). Of these, 2 are specialized services. In some cases, this service merely involves the preparation of the documents necessary for the victim to benefit cash social assistance, if there is a protection order or if she has the status of a “victim of trafficking”; in other cases some service providers offer support in the form of food parcels or clothes for children, or, in the case of a shelter, safe accommodation can be coupled with food, clothing, etc. It is of concern that this service is temporary and does not meet victims/survivors' needs entirely and appropriately.
- ❑ **Economic empowerment (training/education/personal development)** is provided by 20 services (40.8%). Of these, 9 are specialized services. It is of concern that this service does not involve the completion of a full training cycle, but knowledge is mainly taught in the form of short courses (two to three days long) and not necessarily as part of a training package. This differs in the case of NPOs (especially in the case of the organizations providing sheltering services) which obviously focus their work on women's economic empowerment by planning and conducting training courses dedicated to that end.

5. Yearly number of women victims of violence supported by healthcare and social services

The following were helped by the social services in 2014:

- ❑ Psycho-social and legal services: 84 persons, of which 29 women and 55 children. 59 new cases, of which 21 women and 38 children.⁵³
- ❑ 22 women and their children left the center in 2014; six of them were followed up with by the Center staff, in the form of assistance for their monthly rent or food aid until full empowerment; 16 of them returned to their families or were assisted by the staff to find employment⁵⁴.
- ❑ In January-December 2014 the reintegration program of various organizations assisted 103 beneficiaries and 60 (their) children, of which 53 cases and 33 children

⁵³ The first national center for domestic violence victims under the State Social Services in Albania.

⁵⁴ All the activities conducted in the center and outside it aim at increasing women's independence, making them self-sufficient, and increasing their self-confidence. Some of those activities include: Training and capacity building in (a) increased skills to find employment, (b) parenting, discipline methods and communication skills, (c) health care, (d) gender discrimination and domestic violence, etc. Involvement in occupational activities such as cleaning, cooking, sewing, maintenance, and admission of qe children over six years old in the summer camp for one month. Project “Provision of contemporary standards in the treatment of domestic violence victims”, made possible by AMSHC, etc.

were newly admitted in the program in that period, with the rest of the cases carried forward from the previous year and continuing to receive support under the reintegration plan. Out of 53 new cases, 40 cases were victims/potential victims of trafficking and 13 remaining cases were domestic violence victims.

- ❑ Police structures identified and handled *a total of 4,121 cases of domestic violence* in 2014 (1,101 more cases than in 2013⁵⁵). *2,422 cases* were addressed with an application for *immediate protection order/protection order* (571 more cases than 2013). The number of persons harmed by domestic violence was 3,090 women⁵⁶ (74.9% of the total number of victims of violence) and 1,031 men (24.1%). The number of wives harmed by violence was *1,798 women (43.6%)*.
- ❑ In 2014 there were 17 domestic murders with 22 victims, of which 10 victims were girls/women and 12 victims boys/men (6 suicide perpetrators). Compared with 2013⁵⁷, there was a fall in this crime with nine cases and six victims. The murders were classified as passion killings, depression-incited, or property ownership disputes. In 2014, the Forensic Medical Institute in Tirana treated seven violated women or girls under 14 years old, and 79 violated women and girls above 14 years old. The following types of perpetrated violence were reported: sexual assault against girls under 14 years old: two cases; sexual assault against women and girls above 14 years old: one case; domestic violence: 23 cases; and violence by other perpetrators : 60 cases.
- ❑ Health facilities reported 186 cases of domestic violence to the Ministry of Health in 2014.

The following were helped by the social services in 2015:

- ❑ The National Domestic Violence Victim Treatment Center continued to provide its services, and treated a total of 75 persons, of which 28 women and 47 children. There were 55 new beneficiaries, of which 21 women and 34 children. 52 beneficiaries were released from the program, of which 21 women and 34 children. Three persons attended vocational training courses (two women and one child under 17 years old). A total of eight persons were employed (six full time, and two part time).
- ❑ A classification of the collected data from the State Police Directorate by categories for gender-based violence indicates that:
 - In January-December 2015, State Police structures identified and handled **3,866 cases** of violence and other domestic criminal offences, **255 fewer cases or 6.1% less** than in 2014. The number of persons harmed by domestic violence and other offences was **3,969**.
 - **2,148 cases** were addressed with an application for immediate protection order/protection order (there had been **2,422 applications** in 2014). This indicator fell by **274 cases (11% fewer cases)** in 2015.
 - The intention in 2015 was to follow up specific cases with criminal proceedings under Article 130/a, with **1,300 cases** being referred to the prosecution office. The number of persons harmed by domestic violence and other offences was **2,954 women and girls (74.4%** of the total number of domestic violence victims), and **1,015 men (25.6%)**, which shows the gender basis of the violence. In **112 cases** court IPOs/POs were breached.

⁵⁵ 3,020 domestic violence cases were identified in 2013.

⁵⁶ Wives, sisters, sisters-in-law, mothers, daughters.

⁵⁷ In 2013 there were 26 cases of domestic homicide, with 28 victims,

-
- In 2015 there were **18 domestic murders with 20 victims**, while in 2014 there had been **17 cases with 22 victims**. From a gender perspective, in 10 cases the victims were women and in **10 cases** the victims were men or boys.
 - In January-December 2015, health staff reported **36 cases of violence** to the Ministry of Health.

6. Access to, and legal aid in, legal remedies

Under the DVL, the Ministry of Justice obligations include the one to budget for free legal assistance mandated under the Law, and ensure a sufficient number of trained lawyers to provide said assistance (Article 7 (3) (c)). The Law also provides that the petitioner is assisted by a lawyer free of charge for the preparation of the petition, completing the necessary documents and filing them in the court. The National Bar Association and the State Commission for Legal Aid send the list of lawyers authorized to provide free legal aid to the courts.

In Law No. 10039 of 22 December 2008 “On Legal Aid”, in 2013 [see the amendments made by Law No. 143/2013) amendments were made which provided for including domestic violence victims and victims of human trafficking in the category of beneficiaries. In addition, the amendments provide for the establishment and operation of local legal clinics to provide the necessary legal assistance in the provision of legal aid.

Access to legal aid: This means providing victims especially with counselors that have been trained in domestic violence or other types of support/referral services which might help and support victims during investigation and court proceedings. In some cases, access to legal aid also involves psychological counseling for psychological/emotional preparation of victims to cope with giving testimony in front of an accused person, accompanying victims in court and/or supporting them in any other practical and emotional way.

28 service providers (43%) provide support through legal aid in gender-based and domestic violence. In 21 of them (75%) the service is provided by government employees, and in four of them (14%) the service is provided by specialized NPOs. (Two service providers, or 7%, chose the “Other” option, specifying that their service pertains to an organization or a healthcare service – which means that they also provide referral to other support service in the legal area – but they also reported lack of a lawyer in their staff, which supports the finding reported at the beginning of this section, which is that they confuse with this service with a strictly legal service); In 15 service providers “referral to their services is mandatory”, while in 13 service providers it is “voluntary”⁵⁸.

The support provided to victims also depends on their needs. In many cases the services include immediate psychosocial/emotional support; information on possible legal procedures to be followed to address the case; support and information on their legal rights and obligations; information on available services; information on the social assistance provided by various players involved in the case management; practical information on how to apply for covering their basic economic needs; support in completing the necessary documentation set; etc.

⁵⁸ Albania – Final Mapping Report on Support Services against Violence against Women and Girls, 2015.

*Women's access to justice*⁵⁹. The Legal Aid Law (2008), as amended,⁶⁰ specifies the set of legal aid beneficiaries. They include persons in need to defend their rights by lodging a lawsuit application lacking the means sufficient to pay for the court fee and the necessary expenses of notification and other court services.

In this case persons have to provide proof of being admitted to social protection programs or complying with their eligibility requirements; or being a domestic violence victim or a victim of human trafficking in the related court cases. In this case the State Commission for Legal Aid will cooperate with the responsible institutions to obtain the necessary documentation. The inclusion of victims of trafficking and of domestic violence in the legal aid beneficiaries was suggested by the People's Advocate and was adopted.

Regarding access to courts and court fees, Constitutional Court Ruling No. 7 of 27 February 2013⁶¹ stated that an ordinary judge will not be precluded from investigating and exempting a plaintiff from the payment of court fees when that plaintiff cannot afford such a payment, which may be concluded by the court after a review of the documentation submitted by the plaintiff as proof of inability to afford the payment.

Actual situation. Lack of legal aid has an impact on women enjoying the rights provided for in the Convention. While several years have passed since the State Legal Aid Commission was established, the number of legal aid beneficiaries is still small. Despite the priorities set by the State Legal Aid Commission in relation to provision of legal aid, the number of Roma women, Egyptian women, disabled women, women victims of domestic violence, trafficked women, and women facing discrimination remains limited in terms of receiving legal aid. For instance, only two women subjected to domestic violence received legal aid from the State Legal Aid Commission in the first half of 2014. The Commission reported that in 2015 it had covered expenses in 153 cases in terms of providing legal aid, counseling and defense in criminal proceedings; however it is not clear how many such cases involved domestic violence victims. This was also recognized in the National Fourth Periodic Report on CEDAW Implementation⁶², which clearly stated issues in relation to access to legal aid. A significant practice established by NPOs⁶³ providing legal services to domestic violence victims in cooperation with Tirana District Court consists of applying for exempting domestic violence victims from court fees based on relevant submitted proof. Cases of exempting the abused party from psychologist's expenses in court proceedings are an additional achievement in this respect. The justice reform is expected to result in positive changes in this respect.

⁵⁹The assessment also refers to Article 15 of the CEDAW Convention, and paragraphs 14, 15 and 27 of the Concluding Remarks of the CEDAW Committee.

⁶⁰Amended by Law No. 143/2013, "Amending Law No. 10039 of 22 December 2008, "On Legal Aid".

⁶¹The subject-matter of the case is: "Verification of the constitutionality of Article 11/2 of Law No. 9975 of 28 July 2008 "On National Fees", as amended; Repeal on incompatibility with the Constitution grounds the Minister of Finance and Minister of Justice Instruction No. 991 of 3 February 2011 amending Instruction No. 13 of 12 February 2009, on specifying the services fees for actions and services at court administration, Ministry of Justice, Prosecution Office, notaries and Immovable Property Registration Office; Final interpretation of Article 155 of the Constitution in relation to the application of Law No. 9975 of 28 July 2008 "On National Fees", as amended, on the basis of solvency principle; submitted by Pogradec District Court, Tirana District Court and the Center for Civic Legal Initiatives.

⁶²The National Fourth Periodic Report on CEDAW Implementation, adopted by Council of Ministers' Decree No. 806 of 26 November 2014. Official Gazette of the Republic of Albania No. 187/2014, p. 10184. (4 cases/2013; 2 cases in the first half of 2014 – one Albanian woman and one foreign).

⁶³Cases from the Center for Civil Legal Initiatives.

7. Specialized support services for all victim women and their children

Shelters

Shelters were established as early as 1998, first under NPO initiatives/projects, with the goal to provide immediate safe accommodation in all cases of women and girls that were victims/survivors of violence and whose lives were in extreme danger. For this reason, shelters were designed/perceived of as very secret sites, and admission procedures were clearly drafted with strict guidelines and rules requiring many selection interviews. Accommodation lasted from six to 12 months, with the idea to support women into the divorce proceedings or any other legal proceedings and to prepare them for any subsequent changes in their lives after the completion of those proceedings, such as empowerment, access to various vocational training courses, provision of various employment opportunities, etc.

A similar approach was taken to the establishment of first shelters for victims/survivors of human trafficking. They were located in completely secret sites and applied strict accommodation procedures and special protocols, which necessitates the need for easily accessible shelters with short accommodation periods (e.g. until a court issues an Immediate Protection Order). This type of shelters is perceived as emergency/crisis shelters, and many institutions, especially police directorates/commissariats, healthcare services and other players in the referral mechanism, ask for their establishment as a matter of high priority.

Thus, based on the characteristics described above (shelters considered as secret ones with strict selection procedures and accommodation lasting to 12 months, and emergency shelters conceived as providing accommodation for shorter periods), the situation in relation to this service in Albania is as follows:

- ❑ 10 service providers (12.9%) offer sheltering, of which one was established specifically for disabled children, and one for LGBTI persons. These existing shelters provide a total of 153 beds for women and their children victims/survivors of violence, and the number of persons that can be accommodated in each of them simultaneously varies from 5 to 50. In order to achieve the minimum standard required by the Istanbul Convention (1 bed per 10,000 population) Albania will need to secure an *additional 137 beds*.

In the framework of measures for meeting this requirement, it is very important to also take into account the requirement for having a higher number of available emergency shelters to address the emergencies facing women and girls involved in the process of getting a protection order.

In 2014, eight shelters accommodated a total of 145 women and 179 children. No woman failed to be accommodated on grounds of lack of beds in shelters. Children were not accommodated on grounds of lack of beds in shelters in only four cases. The police do emphasize, however, the urgent need for having more shelters which they can refer women and girls victims/survivors of violence to. While there are 153 available beds, the need for shelters that are easily accessible for women and girls is clear. Current shelters are located only in Tirana (capital), two major cities in the south (Elbasan and Vlora), and in the north (Shkodra). This means that access to this service is also very difficult due to limited geographic coverage, in addition to the current rules on the secrecy of shelter sites, making them difficult to be accessed by women.

Sheltering by religious communities

There are some other players supporting women and girls in terms of sheltering. One such example is the shelter recently opened by a religious community in the north of Albania. The issue is that, in principle, religious communities may provide various services to women and girls, but those services are still in the unknown because religious communities prefer not to talk openly about their availability.

Period of accommodation for violence victim women and girls in existing shelters

This varies from less than one week in some shelters to three to six months in some others; in the two government national shelters⁶⁴ it could be as long as seven to 12 months, and in another shelter there is not duration limit.

Eligibility Criteria

The eligibility criteria to be met by women for them to be admitted in shelters were laid down in Council of Ministers' Decree No. 425 of 27 June 2012 On specifying the requirements and documentation required to admit persons in public and nonpublic residential social welfare institutions.⁶⁵ Seven shelters allow women to bring their children, and six shelters provide special staff to support women's children. On security grounds, however, restriction apply to older boys. Those restrictions vary between government shelters and NPO shelters. In principle, government shelters do not apply any restrictions to boys under 18 years old, but they do require for boys above 14 years old to provide a psychosocial report issued by the competent bodies referring the case to the shelter. On the other hand, NPO shelters apply a restriction to boys above eight years old. *When providing such specialized services one should always take into account the fact the victims/survivors' needs should be in the focus of all services and that the highest interest of the child is another basic principle.*

In the case of government shelters, restrictions are based on the criteria laid down in the legislation, which have recently improved. Council of Ministers Decree No. 839 of 3 December 2014 Amending Council of Ministers' Decree No. 425 of 27 June 2012 On specifying the requirements and documentation required to admit persons in public and nonpublic residential social welfare institutions, specified new criteria for admission in public and nonpublic social welfare institutions. Under that Council of Ministers' Decree, a Protection Order/Immediate Protection Order is required only the cases where the initiative to apply for admission in social welfare institutions is taken by the abused individuals. This provides domestic violence victims with more possibility to be sheltered in public and nonpublic residential institutions by submitting only one document, i.e. the Protection Order/Immediate Protection Order.

Other restrictions are related to women's health and physical condition.

⁶⁴ Shelter for women and girls who are domestic violence victims and national center for victims of trafficking.

⁶⁵As noted in Chapter V, women must: (a) have obtained a protection order, (b) have a referral document written by the police, (c) have a written report written by the municipality or commune social worker, and (d) have a forensic medical examination report. In some other cases, the admission criteria are related to: (a) having a criminal report of the violence and being in the process of obtaining an immediate protection order or a protection order, (b) having the status of a victim recognized by formal procedure, or (c) approval by an identification commission. Some shelters report that, while there are such criteria, they admit women even when they lack the full set of documents – if a case is referred by the members of the Referral Mechanism or by police departments/commissariats, it has priority and the process becomes easier. In other cases, a written document that has been issued by the referring institution/organization is important.

Three shelters apply restrictions to women suffering from mental health disorders or serious health problems requiring hospitalization. In the case of serious disabilities or serious mental health disorders, shelters refer cases to specialized services, because they lack the specialized staff to handle those special cases. Five shelters do not provide access for disabled women. Five shelters are accessible to women with mental health problems, including post-traumatic stress disorder, anxiety and depression disorders and schizophrenia, while two other shelters do not provide such access. Five shelters are accessible to women with addiction issues, e.g. alcohol or drug addiction, this access is not possible.

So, based on the specific needs, it is still necessary to either increase the number of shelters or to create the necessary conditions in the existing shelters—premise enhancement, increase in the number of trained and specialized staff, etc.

No restrictions apply to women's rights during their stay in the shelters except for the cases with a high level of life danger. However, in compliance with national service standards, while women are free to get out of the shelter from six o'clock in the morning till ten o'clock in the evening, they usually leave the shelter alone.

8. Telephone helplines for all forms of violence

Under Article 7 of the DVL local governments (municipalities, communes) have the publication to install regional 24-hour toll free telephone lines, which will then establish links to local units, police, medical emergency units and NPOs, thereby coordinating their actions. Pursuant to the Law, helplines have been established at municipality level, but they do not operate round the clock yet and do not offer the full set of services, as required in such cases. The topic of establishing a national telephone line for women is on the agenda. To that end, special studies have been carried out to determine the most appropriate model of operating this service in Albania while also paying attention to compliance with the required standards.

The National Helpline for Children (ALO 116) is in place.

Potential issues related to counseling lines

In relation to the specialized services enabling a helpline, the data show that *none of the service providers is able to ensure that the calls cannot be traced*. This poses a great risk to women, especially given the men's mentality and their control over their wives' lives, because in many cases they monitor what their wives do by also checking the list of the telephone calls they have made. Therefore, if they find out after checking the list of made phone calls that they wives are trying to ask for help (since telephone calls can be traced easily) and the situation gets worse, the violence might escalate and the women's lives might be put in great danger.

Confidentiality

All services apply a confidentiality policy on telephone callers. They apply the principles of confidentiality and Code of Ethics. All phone calls are recorded in special logs or in the callers' personal files – those logs or files may be accessed by the service provider specialized staff only. The files are completed in compliance with the national social service

standards. The information is kept in hard copy and electronically, and is kept under key or encryption.⁶⁶

Access to referral mechanism data

All services *share information their service users* with other agencies, as normal practice, but this is also a legal obligation for all services that are part of the Referral Mechanism (the data are mainly shared at Interdisciplinary Technical Team – case management also requires data and information sharing). The data are selected into the following: usually the personal details are shared only upon request from the Police Department/Commissariat, Economic and Social Services Department, and the Local Coordinator (specialist in domestic violence cases) in municipalities (as a legal obligation). In other cases (meetings, requests from other institutions) only statistics are shared, but not personal details (as normal practice).

9. Guaranteeing the rights and needs of the child victims witnessing all forms of violence against women in the provision of general and specialized support services for victims

Quite often children witness various forms of violence. This is how they experience the so-called “assisted violence”. There are also cases of children being direct victims of violent acts.

Service providers guarantee the rights of the child through:

- psychosocial and psycho-emotional support;
- social and education activities;
- support for the educational process (signing them up in educational institutions, providing support for the necessary learning materials, etc.);
- provision of special supplementary courses;
- covering basic needs for food and clothing;
- healthcare services;
- legal support when necessary;
- representation in court;
- coordination with Child Protection Units for additional supplementary services;
- protection; housing;
- group therapy;
- identification of (short-term and long-term) needs;
- case assessment and management; etc.

Those services are mainly provided by specialists trained in handling children cases. Service providers have clear procedures for handling cases with children witnessing violence, and devote the proper time to the rendered services and evaluating them.⁶⁷

29 service providers (45%) provide support for children witnessing various forms of violence, 34 service providers (52%) do not provide services for children witnessing violence, and two service providers (3%) did not answer this question.

V. SUBSTANTIAL LAW

1. National legal framework on protection of women against violence

Albania has constantly revised its domestic legislation and approximated it to the international standards. As a result, generally speaking, the legal framework is almost in line also with the scope of the Istanbul Convention. The words “generally speaking” are used above because an assessment carried out by a team of experts with UNDP support has identified a number of needs in relation to the compatibility of the Albanian domestic legislation with the Convention.

In the framework of the justice reform, the legislation is under revision, and the set of specific suggestions made by the UNDP-supported experts has been made available to the respective committees.

Criminal Code

The Criminal Code has been revised constantly to include new criminal offences and new forms of hidden—direct or indirect—violence against women and increasingly harsher penalties against perpetrators. Some of the amendments to the Criminal Code were inspired by the Istanbul Convention, especially the amendments made after 2013 (made by Law 133/2013). Amendments to the Code both introduced new criminal offences that had not been provided for in the past and made the existing criminal offences more comprehensive by inserting paragraphs referring to the violence against women and domestic violence directly. They have been made to both the General Part and the Special Part of the Criminal Code. The legal provisions in the General Part apply to all criminal offences. They include, for instance, the mitigating circumstances provided for in Article 48 of the Criminal Code. The 2013 amendments exclude from the right to benefit from mitigating circumstances the perpetrators of criminal offences against children or of domestic violence, despite renormalization of their relations with victims/harmed persons. In addition, Article 50 of the Criminal Code on aggravating circumstances specifies that where a criminal offence is committed against persons in family relations taking advantage of those relations it is considered to be an aggravating circumstance (Article 50 (g) of the Criminal Code). In addition, the aggravating circumstances include cases where a criminal offence is committed during or after a protection order or an immediate protection order has been issued against the perpetrator (Article 50 (e) (1)),⁶⁸ or cases where a criminal offence has been committed on gender-related motivation (Article 50 (j)). In addition, the Criminal Code prohibits suspended sentence if the convict has committed a criminal offence of violence against his or her family members.⁶⁹ The Code also provides for increased sentence for perpetrators of murder or serious intentional injury of persons in family relations, under which the sentence is a minimum of 20 years in prison and a maximum of life imprisonment.⁷⁰ Specific provisions of the Criminal Code will be discussed later in this Report more specifically.

Criminal Procedure Code

Provisions of special importance are included in Article 58-68, which are on the rights of a person harmed by a criminal offence and the so-called “civil claims in criminal proceedings”. Article 61 of the Criminal Procedure Code provides for making a civil claim in criminal proceedings by persons suffering material damage and, therefore, quite often in

⁶⁸ Article 50 of the Criminal Code, amended by Law No. 144/2013.

⁶⁹ Article 59/a of the Criminal Code, amended by Law No. 144/2013.

⁷⁰ Articles 79/c and 88/2 of the Criminal Code, amended by Law No. 144/2013.

criminal proceedings civil persons do not make an application for determination of non-economic damages. However, the draft amendments to the Civil Procedure Code under deliberations in the Parliament (January 2017) change this provision to also include the noneconomic damages. Article 68 of the Criminal Procedure Code provides that courts may allow a civil claim in full or in part or dismiss it. When a civil claim is dismissed during criminal proceedings, the claimant may not resubmit it to a civil court. Article 395 of the Criminal Procedure Code does not provide for the method of assessing damages but the rule stating that when the admitted evidence may not be used to specify the damages the court makes a determination on the right to compensation of damages in full or on referring the case to a civil court. This provision is hardly applied in practice. As already noted, the Code is in the process of being amended in the context of the justice reform, with expected effects on the procedural protection of victims, including victims of violence, trafficking, etc.

It should be admitted that a greater protection is granted to domestic violence victims and women victims of violence following adoption of Law No. 104/2012 “On ratifying the and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”, despite the absence of the necessary amendments to the Criminal Procedure Code (e.g. the guarantees in Article 54, Article 55, which is a procedural provision, and Article 56, which are required to be complied with in the proceedings). Currently there is a need for amending the Criminal Procedure Code in line with the provisions of the Convention, because some of the measures required in Articles 54, 55 and 56 have not been implemented in practice appropriately exactly for this reason.

Special Law “On Protection Measures against Domestic Violence” (DVL)

Since its adoption in 2006, the Law has been revised twice to properly address the phenomenon of domestic violence. The Law lays down the definitions of violence, domestic violence, and protected subjects. Experts have found that, regarding the set of protected subjects, the DVL makes a different regulation from what is provided for in the Convention. The purpose of the Law is to establish a coordinated network of responsible (administrative and judicial) institutions; establish the responsible structures and bodies at national and local level; empower the judiciary in taking protection measures against domestic violence and issue PO/IPO; and ensure/guarantee quick, affordable, free and simple services to the victims of domestic violence provided by courts and other law enforcement agencies in compliance to the law. The Law also includes provisions on the rehabilitation of perpetrators of domestic violence, etc.

Other laws of importance include:

the Law “On Protection against Discrimination”, 2010 (PDL); the Administrative Procedure Code (APC); the Family Code, 2003 (FC); the Labor Code, 1995, as amended (LC); the Civil Procedure Code (CPC) and the Civil Code; Law No. 9355 of 10 March 2005 “On Social Safety Net and Services”; Law No. 10494/2011 “On Electronic Surveillance of Persons under Restricted Freedom of Movement by Court Order”,⁷¹ which are not the only ones to include provisions related to the protection of women’s rights. Their content is discussed below. These laws include special provisions on the prevention or administrative punishment of any act of violence against women.⁷²

Thus, for instance, Article 61 of the Family Code provides courts with the power to take immediate measures if one of the spouses significantly fail to comply with his or her obligations and

⁷¹ This Law also provides for cases where electronic surveillance may be applied to persons on whom a protection order or immediate protection order has been issued. See Article 7 of the Law.

⁷² The text below reflects specific provisions, with the text of the relevant provisions being shown in an annex.

jeopardizes the family's interests, and Article 62 (Measures against violence) of the Family Code provides that the spouse against whom violence has been committed has the right to lodging a court application for an immediate order banning the abusing spouse from the marital dwelling.

Guidance, protocols, manuals, etc.

In order to ensure the best and most coherent implementation of legislation possible by law enforcement bodies and in compliance with the obligations deriving from international acts, various guides, protocols and manuals have been prepared for such players as the police, prosecutors, judges, healthcare staff, education staff, bailiffs and special units that specialize in the cases of violence, which have been prepared with support from international organizations and domestic NPOs. Some of them are cited in the sections of this Report. On this issue, see Chapter II. Prevention, Section 9.

2. Legal provisions on civil remedies for the protection of women victims

In addition to the provision on criminal proceedings against perpetrators of violence against women, the Albanian legislation provides actions of a civil measure that may be taken against abusers. Any abused person/victim may initiate a civil action against a perpetrator of violence for purposes of receiving financial compensation for caused damages. The CPC and the DVL provide for detailed procedures allowing victims to take civil actions against abusers.

The Albanian legislation provides for two options:

- A civil claim in criminal proceedings. This means that during criminal proceedings, claims of a civil nature against the perpetrator may also be submitted. In the Criminal Procedure Code, Article 61 provides for making a civil claim in criminal proceedings for claiming economic damages but it does not provide for noneconomic damages, which is a barrier to making such claims.
- A civil claim after criminal proceedings.

The Albanian legislation also explicitly provides for the criminal liability of the responsible natural persons as carriers of public government authority if they are found to have omitted to avoid or respond to cases of violence; however, in terms of civil liability there are no such provisions, which means that the general provisions apply. Those provisions include Article 647/a of the Civil Code, which deals with the methods and requirements of determining the civil liability and the amount of noneconomic damages, and Article 625 of the Civil Code, which deals with the liability for noneconomic damages. Those provisions generally apply to any case of payment of noncontractual damages in civil law. There have been no cases in practice where natural persons carrying public government authority have been held civilly liable when found liable for omission in avoiding domestic violence cases.

So, as already noted, the Albanian legislation provides for payment of damages under a civil claim in criminal proceedings or a civil claim before a civil court.

Thus, Article 58 of the Criminal Procedure Code provides crime victims (including victims of violence) with the right to “demand prosecution of the culprit and payment of damages.” This is a general provision, but other provisions in the Criminal Procedure Code give the right to demand prosecution of culprits and payment of damages only to the accusing harmed party who is presented as the accuser (known as private accusation) in the

proceedings. Domestic violence is not included in those offences in which the harmed party may demand prosecution of culprits. In the case of offences of domestic violence, domestic child abuse, etc., it is the prosecution office the one that demands prosecution of culprits, while victims may apply for damages by submitting a civil claim in criminal proceedings (or by making a lawsuit application with a civil court). (Cases where damages in domestic violence are applied for are few in practice).

Victims may file a civil claim against the abuser for payment of damages. Thus, under Article 625 of the Civil Code, victims of violence have the right to damages, even when the harm caused is only moral and not economic. This applies only to civil courts, because, as already noted, Article 61 of the Criminal Procedure Code provides for material damages only.

Victims are entitled to representation by a legal representative.⁷³ At the end of the case, when deliberating on the sentence and expenses, courts must also review any claims for damages and either grant them in full or in part or dismiss them.⁷⁴ Courts may decide to separate a civil claim and refer it to a civil court if it determines that its review will make the criminal proceedings “more difficult or longer”.⁷⁵ “When the admitted evidence may not be used to specify the damages the court shall make a determination on the right to compensation of damages in full or on referring the case to a civil court.” This has become a known practice after Albania ratified the European Convention on the Compensation of Victims of Violent Crimes in 2007. However, the scope of law on damages in Albania is not well developed, yet. Claims for damages date from after 2013. Until 2013 no claims for damages were submitted in criminal cases.⁷⁶ The reasons for that include:

- lack of free legal aid for victims of trafficking;
- lack of free legal aid for domestic violence victims, as there is no roster of defense lawyers providing free legal aid;
- low level of awareness of their legal rights among victims of trafficking;
- the fact that lawyers do not advise their clients properly, and the fact that abused persons are too afraid to claim for damages in fear of repercussions.
- Other causes include: Often courts decide to separate civil claims from civil proceedings, which means that the court review would last for longer; court expenses; lack of defendant’s economic means to pay damages; lack of a government compensation scheme; and the fact that victims are not notified of the first court hearing and are not able to submit a civil claim in criminal proceedings prior to court review.

It should be noted that there is no full regulation of the rights of victims of violence in criminal proceedings. This shortcoming is expected to be addressed in the context of the justice reform which is in progress in Albania, where, inter alia, the Criminal Procedure Code is being revised focusing on the rights of victims of violence. This will also reflect a part of the obligations deriving from the Convention with regard to abused women.

3. Legal procedures for child custody decisions

The Albanian legislation refers to child custody in cases where the person exercising parental responsibility is not the legally recognized parent of a child but a third party, a

⁷³ Article 67 of the Criminal Procedure Code.

⁷⁴ Article 68 of the Criminal Procedure Code.

⁷⁵ Article 62 of the Criminal Procedure Code.

⁷⁶ Analysis of the Criminal Justice System of Albania, OSCE 2013, p. 131.

foster family or residential center. The DVL needs to be revised in this respect. This section discusses how parental responsibility is exercised in cases of domestic violence.

Article 10 of DVL provides for a number of protection measures affecting the exercise of parental responsibility over children in the cases of domestic violence. Those measures range from those restricting physical contact between the child and the abuser (through an immediate ban from the dwelling for an indeterminate period of time; readmission to the dwelling only by court authorization and in company of other people; restraint order to not go near the dwelling and, especially, the child's school; child meeting restriction or restraint order, etc.); economic measures (payment of rent for the victim's permanent or temporary dwelling, and alimony for the victims, the children or other dependents); measures related to the exercise of parental responsibility by provisionally transferring this right from the abuser to the victim; and measures of foster care (taking measures for establishing child rearing centers for abused children or children witnessing violence between their parents). Pursuant to Article 11 of the DVL, a protection order or immediate protection order issued by a court, or expiry thereof, does not permanently prejudice the rights related to parental responsibility. Therefore, those measures produce effects as long as a protection order/immediate protection order is valid.

Final regulation of the exercise of parental responsibility or placing a child in custody is made by means of lawsuit applications lodged under the Family Code. The Code specifies as grounds for divorce (Article 135) constant quarreling, ill-treatment, serious insults, etc., without making a distinction whether they are between spouses or addressed to children. The Code does not specifically provide for ceasing conciliation efforts or alternative dispute resolution by the court in the cases where due to the divorce there is violence within the family, but judges trained by the School of Magistrates apply Article 48 of the Convention directly. The practice has shown that conciliation efforts in court proceedings have even resulted to be fatal for the victims in some cases. However, harmonization of the domestic law with this provision of the Convention has been suggested by the UNDP expert team in the case of both the Family Code, the Law on Mediation, the Civil Procedure Code and the Criminal Procedure Code.

The presence of a psychologist or a person from the local government social services unit is mandatory in all cases involving children. They will provide their expert's opinion to courts only after having heard the children. Article 156 of the Family Code states that, "The court shall decide on the parental responsibility over the child, including possible placement with a third party, upon request of one of the parties, members of the family, or the prosecutor, in cases where there are grave grounds related to abuse of parental responsibility." A parent may be deprived of visiting and dwelling rights on serious grounds of harming the interests of the child. When a parent abuses their parental responsibility or shows grave negligence in its exercise, or by their actions create a harmful effect on the education of the child, upon request of the other parent, relatives of the child or of the prosecutor, his/her parental responsibility **may be removed** (Article 228 of the Family Code). Parents of a child **may lose** their parental rights through a criminal conviction for committing or collaborating in a criminal act towards their child, as collaborators in a criminal act performed by their child, or if they have been convicted of family abandonment, as long as they have failed to fulfill their family obligations (Article 223 of the Family Code). While this article does not specifically refer to domestic violence or child abuse, it implies so in a general way. In some cases, with a view to the best interests of the child, on one hand, and parents' right to be in touch with their children by visiting rights, courts have determined to allow monitored contacts.

It is still necessary for the legislation to include specific provisions in relation to the specific situations provided in the Convention in terms of taking into account the violence when making a decision on parental responsibility, custody or frequency of child visits. However,

there is a wholly new draft law on the rights and protection of children (currently under review at the Albanian Parliament), providing that when making a decision on custody or parental responsibility cases courts will have to take into account whether the parent is an abuser of the children and/or the other parent. Indeed, district courts do take this into consideration when making a decision on parental responsibility and child custody.

Criminal Code

Article 30 (10) lists “termination of parental responsibility” among supplementary penalties, while Article 43/a “**termination of parental rights**” (inserted by Law No. 23/2012 of 1 March 2012, Article 7) provides that it is ordered by a court against a person exercising the parental rights when that person has been sentenced as perpetrator of or accomplice in a criminal offence against the child, or as an accomplice with the child in the commission of a criminal offence.

A protection order or an immediate protection order may be used as evidence in court proceedings governing divorces and divorce arrangements. Immediate protection orders, however, may be issued by courts on the basis of internal belief created by the submissions of one party of both parties and not on evidence. Therefore, a court reviewing a divorce case or parental responsibility case will look at an immediate protection order in conjunction with the rest of evidence and, depending on the case, it will decide on how parental responsibilities and rights are to be exercised.

4. Legal provisions on various forms of violence

4.1. Various forms of violence in the Albanian legislation

Domestic Violence Law (2006), as amended

Article 3 of the DVL gives the definition of violence and domestic violence. DVL defines domestic violence as “any act or omission of one person against another, resulting in violation of the physical, moral, psychological, sexual, social and economic integrity between persons who are or used to be in a family relation. This is also true to other legal provisions on the various forms of violence, which fail to provide a more extensive interpretation of forms and grounds of violence. It should be noted that the terms in the DVL and the Criminal Code and Criminal Procedure Code should be harmonized with the ones in the Convention.

Law No. 10347 of 4 November 2010 “On Protection of the Rights of the Child”

This Law provides an important definition of violence and its forms. **Violence against children** is defined as deliberate use of physical or other force, in the form of threat or actual use thereof, resulting or likely to result in injury, death, psychological harm, maldevelopment or deprivation of rights. Article 21 “Protection against all forms of violence” of the Law underlines that: Children shall be protected against any form of (a) psychological and physical violence; (b) corporal punishment and debasing and denigrating treatment; (c) discrimination, exclusion and insult; (ç) ill-treatment and abandonment; (d) neglect; (dh) exploitation and abuse; (e) sexual abuse.

Criminal Code

Domestic violence against children is a criminal offence. Article 124/b of the Criminal Code provides that: “Physical or psychological abuse of a minor by his or her parents, sister, brother, grandfather, grandmother, legal guardian or any person who is obliged to care for the minor, shall be punished by imprisonment of three months to two years.” A person exercising parental rights who is sentenced as a perpetrator or accomplice of a criminal offence against a child is deprived of parental rights (Article 43/a of the Criminal Code).

Law No. 10221 of 4 February 2010 “On Protection against Discrimination” (Article 3 (5)) defines harassment as any form of discrimination occurring in the form of unwanted behavior with the purpose or effect of violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment, and in a less favorable treatment caused by opposition or non-submission to such a behavior by the affected person.

Law No. 9970 of 24 July 2008 “On gender equality in the society” provides a definition of harassment in Article 4 (10). It defines “Sexual Harassment” as any kind of unwelcome conduct, by means of words or actions, physical or symbolic, of a sexual character, which intends or leads to violating personal dignity, specifically when it creates a threatening, hostile, humiliating, disparaging or insulting environment constitutes. “Gender Based Harassment” is any kind of unwelcome conduct relating to the gender of one person and aiming and/or resulting in violating personal dignity or creating a threatening, hostile, humiliating, disparaging or insulting environment (Article 4 (9)).

a. Stalking

Article 121/a of the Criminal Code: Stalking

This criminal offence was first introduced in the Criminal Code in 2012. A victim is intimidated or harassed through repetitive actions, with the intent to cause a state of constant and severe anxiety to or fear for personal safety, or the safety of a relative or person with whom that person has a spiritual connection, or to force him or her to change his or her way of living. The Article provides that where the offence has been committed by an former spouse, former cohabitant, or person who had a spiritual connection with the injured party, the punishment will be increased, which also applied to cases where the offence has been committed against a minor, pregnant woman or a person unable to defend himself or herself, and where it has been committed by a person in disguise or accompanied with the carrying or use of weapons.

b. Forced marriage

Article 130 of the Criminal Code: Forced marriage (the actual title in the Criminal Code is: Forcing or impeding to cohabit or divorce)

The Criminal Code provides that coercing or prohibition to start or continue cohabitation, or coercion to enter into or dissolve a marriage constitutes a criminal offence. It also provides that forcing someone in various forms, including a promise of marriage by asking that person to go abroad is also punishable. Under the Family Code (Article 33) a marriage concluded without the full and free consent of one or both of the spouses is null and void.

Article 37 of the Family Code provides that “a marriage concluded as a result of a threat against one of the parties, without which the marriage would not have taken place, shall be declared null and void.” In terms of the legal age to get married, the Albanian legislation provides that a person has to be at least 18 years old to get married. Only in important cases, a court allow marriage prior to this age, i.e. for persons under 18 years old (Article 7 of the Family Code).

The criminal provision seems to be in line with the conventional standard. However, for the other legal provisions in force to be in line with the Convention (Articles 32, 37 and 59/4) there is still room for improvement. Those improvements have been proposed by the UNDP expert team; they include the following: the Family Code should specify a minimum age under which a court may not allow a marriage on important grounds; include those marriages when their validity is rebutted in the Legal Aid Law in order to ensure free proceedings for victims; në Ligjin nr.Law No. 10347 of 4 November 2010 “On Protection of the Rights of the Child” should include an additional provision on the right of the child to be protected against forced marriage or to be encouraged to leave Albania with the intention of getting married, etc.

Criminal offences provided for in Articles:

- 130 of the Criminal Code (Forcing or impeding to cohabit or divorce),
- 89 of the Criminal Code (Non serious intentional injury),
- 102/1 of the Criminal Code (Nonconsensual sexual intercourse with adult women or between spouses or cohabitants),
- 105 of the Criminal Code (Sexual intercourse through abuse of office)

(which are specifically provided for in Articles 35, 36 and 37 of the Convention) are included in the offences to be prosecuted following a complaint, pursuant to Article 284 of the Criminal Procedure Code, and for which prosecution may not continue if the victim withdraws his or her complaint. Article 55 of the Convention provides that Parties ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall **not** be wholly dependent upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

c. Termination of pregnancy without a woman’s consent (genital mutilation)

Article 93 of the Criminal Code: **Termination of pregnancy without the consent of the woman**

There are, in fact, three criminal provisions criminalizing pregnancy termination in the Criminal Code. They are included in Section V CRIMINAL ACTS ENDANGERING LIFE AND HEALTH DUE TO TERMINATION OF PREGNANCY OR OMISSION OF HELP. They are:

-
- ❑ Article 93, *'Termination of pregnancy without the consent of the woman'*. Thus, the Criminal Code provides that forced termination of pregnancy without a woman's consent, or any other forced action that will result in pregnancy termination, is a criminal offence. According to the 2015 Ministry of Justice Yearbook, there was only one case with this criminal offence. There were no such cases in 2014.
 - ❑ Article 94: *'Termination of pregnancy performed in unauthorized sites and by unauthorized persons'*
 - ❑ Article 95: *'Provisions of means to terminate pregnancies'*

Other provisions governing pregnancy termination are in Law No. 8045 of 7 December 1995 "On Pregnancy Termination", as amended, and Law No. 8876 of 4 April 2002 "On Reproductive Health", as amended (Articles 6 and 9). For the criminal provisions to be in line with the conventional standard laid down in Article 39 of the Convention, it should be made clear that the consent should be obtained in advance; the provisions should also include forced sterilization, since it is not criminalized yet.

With regard to the criminal offence provided for in Article 38 of the Convention, it is not specifically criminalized in Albania yet; therefore, those cases are covered by the general provisions on injuries. In addition, there is no reporting in relation to FGM/C.

d. Sexual violence

The Criminal Code criminalizes sexual violence as a separate criminal offence. It is provided for in Article 107/a, and includes the performing of actions of a sexual nature on the body of another person through the use of objects. The legislation specifically provides for the cases where this offence is committed with accomplices, against several persons, more than once, or against children from 14 to 18 years old and against children under 14 years old, as well as when it results in the death or suicide of the victim.

However, the Criminal Code has a special section on sexual crimes, which also includes Article 107/a: Section VI: Sexual Crimes. The sexual crimes laid down in this Section also include cases involving spouses or partners, such as:

- ❑ Sexual or homosexual intercourse with children (Article 100);
- ❑ Sexual or homosexual intercourse by violence with a child who is 14-18 years old (Article 101);
- ❑ Forced sexual or homosexual intercourse with adult women (Articles 102 and 102/a);
- ❑ Sexual or homosexual intercourse with persons who are unable to defend themselves (103);
- ❑ Sexual intercourse with extended family members or under custody (106), etc.

The Albanian criminal legislation also criminalizes forced sexual intercourse between spouses or cohabitating partners (Article 102 of the Criminal Code). This Article provides that: "Sexual intercourse by violence with adult females or between spouses or cohabitants,

without the consent of either of them, shall be punishable by three to ten years imprisonment.” The Article provides for the aggravating circumstance when the sexual intercourse by violence is done with accomplices, more than once, or when the victim had serious health consequences; it also provides for the qualifying circumstance when the act has caused the death or suicide of the aggrieved person.

A person is considered to be an adult when he or she is at least 18 years old. Which means that anyone under 18 years old is a child. The criminal legislation makes the distinction between children under 14 years old—or minors who have not reached sexual maturity (Article 100)—and minors from 14 to 18 years old (article 101). In the former case, punishment is not linked to the use of violence against, or obtaining the consent from, the child. Thus, any sexual intercourse with children under 14 years old or children who have not reached sexual maturity yet are punishable. The provision also includes qualifying and aggravating circumstances. Unlike Article 100, Article 101 includes the element of violence against children from 14-18 years old and children having reached sexual maturity.

4.6. Sexual harassment

The Criminal Code criminalized sexual harassment in 2013. Pursuant to Article 108/a, actions of a sexual nature affecting the dignity of a person, by any means or form, through creating a threatening, hostile, degrading, humiliating or offensive environment, constitutes a criminal offence. When this offence is committed in collaboration, against several persons, more than once, or against children, the Criminal Code provides for harsher punishment.

However, in addition to the criminal legislation, sexual harassment is prohibited also by the special legislation governing employment, which treats it under the protection of employees’ personality. See Article 32 of the Labor Code, which obliges employers to take measures if an employee faces such action.

Sexual harassment is also prohibited by the GEL and the LPD.

4.10. Instigation of violence

Under Article 26 of the Criminal Code, an instigator is someone who instigates other accomplices to commit a criminal offence.

The Criminal Code provides that collaboration in committing any criminal offence is an aggravating offence. This also applies to all offences related violence against women, as referred to above.

See also Articles 25 and 50 of the Criminal Code.

5. Criminal and administrative sanctions and other measures against violence perpetrators

The criminal code punishes not only committed criminal offences with specific consequences, but also any attempts to commit criminal offences regardless whether there have been any consequences. This also applies to attempted offences related to women violence against women (Articles 22 and 23 of the Criminal Code).

In its entirety, the Albanian legislation does not include the following elements in the mitigating circumstances or in the facts that would change the classification of a criminal offence: culture, customs, belief, traditions or honor. These elements have even been considered as elements of a crime of passion, however they have not resulted in reduced punishment or in classifying the criminal offence into a lower category of punishment. The Criminal Code provides the aggravating circumstance where the violence occurs in family relations or in close relations between the victim and the perpetrator. Thus, the nature of relation does not affect the amount of punishment or level of danger of the criminal offence; in the contrary, it aggravates the standing of the offence perpetrator.

DVL provisions does provide for any mediation or conciliation proceedings as part of the court proceedings in domestic violence cases. Article 338 of the Criminal Procedure Code provides for the **Attempt to conciliate** in the case of offences being prosecuted at the request of an accusing harmed party. As noted above, domestic violence criminal offences provided for in Article 130/a are not included in those cases. In the case of criminal offences that are prosecuted at the request of an accusing harmed party, courts will summon the harmed party and the defendant and will propose a resolution through conciliation. If the harmed party withdraws his or her request, and the accused party accepts the withdrawals, courts will dismiss the case. Otherwise, courts will set a hearing date and inform the parties that they may be assisted by defense counsels.

Under Article 284 of the Criminal Procedure Code criminal offences that are initiated upon a complaint by harmed parties and are related to the Istanbul Convention scope are the ones provided for by Articles 89, 102, first paragraph, 106, 130 and 275 of the Criminal Code. A harmed party may withdraw his or her complaint at any stage of the proceedings. They may submit their complaints to the prosecution office or to the judicial police. In cases provided for by article 59 of the Criminal Procedure Code, the complaint is filed with the court by the accusing harmed party. Article 59 of the Criminal Procedure Code includes criminal offences provided for by articles 90, 91, 92, 112, first paragraph, 121, 122, 125, 127 and 254 of the Criminal Code, in which cases the person has the right to apply in court and take part in the trial as a party to prove the charge and claim damages.

If we are to refer to the Criminal Code, we can note that the same offence committed against family members incurs heavier sanctions. For instance, while battery is punished under Article 90 of the Criminal Code with a fine or with six months imprisonment, if it is committed against persons in family relations it is punished under Article 130/a with heavier sanctions—two to five years imprisonment. This means that a criminal offence committed between a victim and perpetrator in family relations is considered to be in aggravating circumstances.

It should be noted, however, that the Albanian legislation is rather a penalizing one, i.e. it mainly provides for criminal sanctions, as shown above. Administrative or other sanctions are scarce, except for cases related to employment, to which the Labor Code or other acts governing employer-employee relations apply. The Criminal Code does provide for the termination of parental rights only where a parent has committed a criminal offence that has

harmed his or her children directly; however, it does not require for the offence to be directly linked to the safety of the children's mother (perpetrator's wife).

With regard to the cases where as a result of domestic violence a victim also applies for divorce, the procedures governing divorce are mainly laid down in the Family Code and the Civil Procedure Code. Where a victim of violence, in addition to applying for a protection order or arresting the perpetrator of violence, applies for divorce, the judge, in reference to the rules in the relevant legislation (i.e. DVL, Criminal Procedure Code and Family Code), will separate those two proceedings and give priority to the issuance of the protection order or immediate protection order and provide guidance to the victim on the divorce proceedings.

Divorce proceedings may continue in parallel to the protection action proceedings resulting in rulings on protection orders/immediate protection orders. Article 132 of the Family Code provides for the right of either spouse to apply for divorce on grounds of continuous quarrels, maltreatment, severe insults, resulting in the cohabitation becoming impossible and the marriage losing its purpose for one or for both of the spouses. In such a case, under Article 139 of the Family Code, the court, upon request of one of the parties, may order temporary measures for child support, education and edification of minor children, alimony for the spouse, when deemed reasonable, provisions for use of the marital residence, and for the administration and use of assets created during marriage, if such exist. The decision for temporary measures is valid until a final decision is issued. Upon divorce, courts will always rule on the effects for the former spouses and the children. They include the right to **use the family residence** (Article 153 of the Family Code). Under that Article, if the family residence is owned by one ex-spouse and the other spouse does not have another appropriate residence in their usual place of abode, the court may allow the use of the residence by the non-owner ex-spouse when, inter alia, that spouse has custody of the children, until they reach the age of maturity. Prior to the court issuing a ruling or a judgment on parental rights and responsibilities and visiting rights, it will summon a psychologist or a social worker who, prior to submitting an opinion, will have to collect information on the material and moral situation of the family, their living conditions and where it is more appropriate for the children to live. Abuse of parental rights will result in consequences for the parent in terms of contacts and visits with the extreme measure being the termination of parental rights. The divorce judgment will also specify any alimony amounts.

6. Statistical data on victims of violence

The following statistics have been received from the State Police. They give a cross-picture of the data on violence against women.

<i>Criminal offences/DVL</i>	<i>2014</i>	<i>2015</i>
<i>Article 130/a of the Criminal Code</i>	325 harmed women/girls	386 harmed women/girls
<i>Article 121/a of the Criminal Code</i>	30 harmed women/girls	28 harmed women/girls ⁷⁷

⁷⁷ State Police Directorate official information.

<i>Code</i>		
<i>DVL</i>	1,120 cases with 1,140 harmed women/girls	1,299 cases with 1,377 harmed women/girls ⁷⁸
<i>Article 130</i>	29 harmed women/girls	14 harmed women/girls. ⁷⁹
<i>Sexual crimes against adults</i>	9 harmed women/girls	15 harmed women/girls. ⁸⁰
Sexual violence against adults	0 harmed women/girls	1 harmed woman/girl. ⁸¹
homicide victims	13 women/girls	14 women/girls
total number of persons harmed by criminal offences	4,599 women/girls	5,281 women/girls ⁸²
Court IPOs	2,422 IPOs	2,148 IPOs ⁸³
violation of PO	151 cases of violation of PO	112 cases of violation of PO
number of sanctions imposed as a result of the violation	No data	No data

6.1. Regarding other cases of violence

In 2014, the Police identified 4,121 cases of violence and other crimes committed in family relations. 1,699 cases of domestic violence and other domestic crimes were referred to the Prosecution Services for criminal prosecution. In 2,422 cases from the above the Police filed applications for immediate protection order/protection order. There were 17 domestic homicides, with 22 women as victims.

In 2015, 3,866 cases of violence and other domestic criminal offences were identified, i.e. 255 fewer cases or 6.1% less than in 2014. In 2,148 cases an application for immediate protection order/protection order was filed. 1,719 cases of domestic violence and other domestic crimes were referred to the Prosecution Services. In 2015 there were 18 cases of domestic homicide, with 20 victims. Wives were the victims in nine cases.

6.2. The number of perpetrators punished for repeated use of violence

516 perpetrators were punished in 2014, and 821 perpetrators were punished in 2015.⁸⁴ The punishment varied from fines to five years imprisonment. The following detailed data refer to 2014:

- 16 persons punished with a fine;
- 492 persons punished with up to two years imprisonment;
- 8 persons punished with up to five years imprisonment.

The following detailed data refer to 2015:

- 9 persons punished with a fine;
- 804 persons punished with up to two years imprisonment;

⁷⁸ State Police Directorate official information.

⁷⁹ State Police Directorate official information.

⁸⁰ State Police Directorate official information.

⁸¹ State Police Directorate official information.

⁸² Data officially received from the Ministry of Justice.

⁸³ Data received from State Police Directorate.

⁸⁴ Data officially received from the Ministry of Justice.

-
- 8 persons punished with up to five years imprisonment.⁸⁵

There are no data on other aspects.

VI. INVESTIGATION, CRIMINAL PROSECUTION, PROCEDURAL LAW AND PROTECTION MEASURES

1. Data on interventions by law enforcement agencies

In the context of making a quick and coordinated response to domestic violence cases and ensuring protection of the victims, the State Police has taken a number of measures in relation to:

- Development and implementation of Action Plan No. 2531 of 14 April 2014 “On the implementation of the National Strategy for Gender Equality and Reduction of Gender-Based and Domestic Violence for 2011-2015”;
- Development and implementation with priority of the amended criminal legislation on the handling of domestic violence cases by local police structure;
- Constant cooperation with other agencies responsible for the prevention of violence and with civil society organizations operating in Albania in order to effectively address domestic violence and prevent it, and to protect and assist persons harmed by domestic violence;
- Organizations of awareness-raising campaigns on domestic violence in several cities in Albania (Korça, Elbasan and Gjirokastra) organized by the OSCE presence with the participation of line authority representatives, and awareness campaigns organized in the framework of the 16 Days against Gender-Based Violence 2014-2015;
- Round-the-clock operation of the 129 phone line which can be contacted by anyone wishing to report an illegal act, including violence against women or domestic violence;
- Increased number of women and girls in Police structures to handle domestic violence or to be part of general patrols, which has improved the communication with domestic violence victims, especially when they are women and children;
- Increased capacities of Police structures dealing with domestic violence cases through training in understanding and implementation of the laws and regulations on domestic violence; dignified and correct treatment of victims of violence; coordinated response to violence.

There are no data on any specific procedures or steps that are followed in terms of *ensuring a risk assessment of mortality, seriousness of the situation and risk of repeated violence*.

2. PO/IPO procedures and competent authorities

Under Law no. 9669/2006 “On measures against violence in family relations”, courts have the authority to take decisions on immediate protection orders and protection orders.⁸⁶ In accordance with Article 16/1 of the DVL courts set a hearing with regard to a protection order within 15 days from the filing of a petition. Courts have to take a decision on issuance of an immediate protection order for minor children within 24 hours and for adults within 48

⁸⁵ Data officially received from the Ministry of Justice.

⁸⁶ Article 12 of DVL.

hours. The order will be proven in another hearing to be set within 20 days. In these cases the petitions are to be reviewed by the judges on duty (as specified in the duty lists).

Under Article 17/3 of the DVL, courts will also set the validity period of protection orders, as deemed necessary by them, which may not, however, be longer than 12 months. Upon a victim's request, a court may set the validity period of a protection order based on what is specified in the court order. This has to be based on reasonable grounds, which are, again, reviewed by the court.

The immediate protection order is applicable until issuance of a final order of a protection order (Article 17 of DVL). The DVL provides that courts issue an immediate protection order for all categories of abused persons with no distinction made, while setting one or more of the measures provided for in the Law (under Articles 10 and 12 of DVL).

Article 23 of the DVL states that the judicial decision containing the immediate protection order is considered to be enforceable immediately and is an enforceable act upon its reading or notifying to the parties. In the disposition of its immediate protection order ruling, the court will specify that it is an enforceable act. It will immediately be enforced by the judicial enforcement officers, police commissariats and local government units (municipalities, communes) if it is not complied with by the abuser voluntarily. Social workers and police officers take all necessary steps to ensure immediate and continuous execution of protection measures. Institutions, shelters, service centers, and NPOs licensed to offer services implement the measures specified in the court decision and coordinate their actions with the local government authorities and police departments, which are the direct executors of these decisions. When enforcement institutions, including perpetrators, notified of the court orders refuse to comply voluntarily with the decision, authorities proceed with enforced implementation/execution pursuant to Civil Procedure Code provisions. In those cases, the relevant sanctions provided for in the Law are imposed on the persons responsible for the nonexecution of the court decision.⁸⁷

The DVL provides that the court will send a copy of the protection order to the following persons within 24 hours:

- The victim and other persons mentioned in the protection order;
- The prosecutor, when they present the request;
- Social services department of the municipality or commune of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently;
- The police department of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently.

Where protection measures issued by courts, the sanctions established by Articles 320 and 320/a of the Criminal Code and sanctions provided for in Article 606/3 of the Civil Procedure Code apply against the persons who do not respect/abide by the court order.

Social workers and police officers take all the measures to assist victims from during the making of an application to obtaining the protection order and the immediate and ongoing execution of protection orders. Institutions, shelters, service centers and NPOs licensed to offer services implement the measures specified in the court decision and coordinate their

⁸⁷ Articles 320 and 320/a of the Criminal Code, and Article 606/3 of the Civil Procedure Code.

actions with the local government authorities and police departments, as the direct executors of court orders, and in the area of victim rehabilitation.

There are no data regarding the number of cases where those orders have been violated and the number of sanctions imposed thereon.

An application for emergency protection orders may be submitted by: a victim, a victim's legal representative or lawyer, the police/prosecution office, a victim's family member, a representative from the social services office in the municipality or commune where the victim lives permanently or temporarily who are aware of the family violence incidents that have occurred, and centers and services for the protection of domestic violence victims.

If the victim is a child, the application for a protection order may be submitted on his behalf by: his parent or custodian; his legal representative, lawyer or relative; representatives of the social services office at the municipality or commune, where the minor resides temporarily or permanently, when they have come aware of the violence committed; domestic violence victim protection and rehabilitation centers and services recognized/licensed by the Ministry of Social Welfare and Youth; the police or prosecution office; persons legally responsible for the child.

An application for a protection order or immediate protection order must include: the names of the applicant's and the abuser's; nature of application; relation between applicant and abuser (spouses, former spouses, mother and son, father-in-law and daughter-in-law); the facts (committed violence); specific protection measures requested; applicant's signature.

The applicant may contact the police or the court directly and is exempt from paying any fees to that end; the court will issue a protection order within 15 days after receipt of application and after having heard the parties to the proceedings, i.e. the applicant, the abuser, the prosecutor (if a party) and the representative from the police commissariat where the report has been filed. In general, the police do not participate in the proceedings, but they assist victims in the completion of the application for a protection order; the prosecution office does not participate in the proceedings. A protection order is issued for all categories of victims of violence.

No fees apply to applications for protection orders or immediate protection orders. The Law provides that victims of violence are to be provided with free legal aid during the court proceedings until the end of the proceedings and the protection order execution. However, in practice there is no roster of defense lawyers providing free legal aid for domestic violence victims.

Upon the moment when a protection order is issued with full effects, police authorities begin its immediate execution. The duration of a protection order validity is specified by the court, and it may not be longer than 12 months. The validity may be extended, but an application for the validity extension has to be submitted at least 15 days before expiry of the current validity. The court will also decide on the validity of the immediate protection order. If the defendant does not agree with the order, he may appeal against it before the court. An appeal against a protection order may be filed within 15 days. An appeal against an immediate protection order may be filed within 5 days. The appeal has no effects on the execution of the order, which becomes effective immediately.

In addition to the application for a protection order, a victim may also request criminal prosecution of the abuser. Issuance of a protection order or immediate protection order does not prevent a victim to also file a criminal report if the abuser, in addition to the violence against the victim, has committed another criminal offence. For more information, see Article 24 of the DVL. The offence of domestic violence is not one of those offences that are dismissed if the victim withdraws, unlike some other offences provided for in the Convention and quoted above.

Criminal and civil proceedings are conducted separately. Article 17/2 of the DVL clearly stipulates that a court may not deny a protection order because of the existence of any other pending action involving any party. Therefore, there is no conflict between the various proceedings.

3. Protection of, and support for, women in need of support and NPO role during victim counseling

The Law provides for the women to be represented by either lawyers or other legal representatives. In this context, there is an increase in the number of cases where victims are represented by NPOs which assist victims in drafting an application for a protection order and in the execution of the court order to that end. The list of NPOs operating in this area is published and updated constantly. These persons play the role of victims' legal representatives and are subject to representation rules laid down in the Civil Procedure Code in terms of participating in court proceedings.

The Law "On Measures against Domestic Violence" is the first one in the area of civil law specifying the state obligation to ensure free legal representation for victims of violence. However, since entry into force of the Law no roster of such lawyers has been established. In some cases, courts have appointed lawyers from the roster of court-appointed lawyers that is relied on in criminal proceedings. The free legal aid mechanism is not up to the desired efficiency standards in relation to victims of violence. On the other hand, some NPOs have tried to fill the resulting gap.⁸⁸ If a victim withdraws an application for a protection order, the case is dismissed by the court. This does not apply to proceedings initiated by the police or prosecution office. In those cases, even if a victim does not wish the proceedings to continue, they are not stopped.

4. Procedural rights of women victims of violence

The domestic legislation does not lay down any procedures on notifying victims of violence if the abuser has left temporarily or permanently the penitentiary site or has come closer to the location of the victim on whom a protection order has been issued. The Convention provides for such an obligation; therefore, for it to be implemented in practice, the necessary amendments to the Criminal Procedure Code should be made.

The case law has made progress in terms of issuing protection orders for victims of violence even when perpetrators are in prison. The reason for this is that the security measure of pretrial detention or the sentence being served in prison could be changed. Victims are not informed in relation to the criminal prosecution of the abuser at any stage of investigation or trial or during the execution of the criminal sentence. Under the Criminal Procedure Code

⁸⁸ Study by the Center for Civic Legal Initiatives, 2012.

provisions, victims will be informed only if the case has been dismissed or if the prosecutor has not initiated criminal proceedings. Victims are not generally informed of the submission of a case to trial, unless they are summoned as witnesses.

The Criminal Procedure Code provides for all procedural rights of the parties to a trial, including trials of violent crimes. Criminal Procedure Code articles provide for the right to be heard, the right to defense and the right to a free defense lawyer or a person with legal expertise, etc.

Children give testimony in the presence of their legal representatives (unless the abuser is that representative) and psychologists, in private sessions and in child-friendly premises. These rules apply to all cases where children are victims or they are involved in the subject-matter (Articles 340, 360 and 361 of the Criminal Procedure Code). There are no clear and complete rules on the assistance of a psychologist and on child-friendly premises when children provide testimony in court hearings in the Criminal Procedure Code; amendments to that effect are needed. In general, courts apply those standards by referring to the Convention and other laws.

Article 6 of the DVL provides for the obligation of government authorities to provide funding or co-funding of projects aiming at protecting and consolidating the family, providing care for domestic violence victims, supporting the establishment of auxiliary structures and the necessary infrastructure required to provide support for, and meet all the needs of, domestic violence victims. This includes financial assistance, medical and social services as per the legislation in force, free legal aid through court proceedings, licensing NPOs to establish centers that provide those services etc., and the obligation of local governments to set up services for victims and their children and rehabilitation centers for the abusers.

In addition, pursuant to the DVL there are several services that we can identify which are provided for in that Law, such services that are necessary and mandatory in the efforts against domestic violence as: the 24-hour telephone helpline; social assistance at home; free legal aid; residential and community services for domestic violence survivors; shelters; centers for counseling and rehabilitating abusers; special social services for children witnessing or experiencing domestic violence. In addition, the Legal Aid Law (No. 10039/22.12.2008) provides for the possibility and obligation of the competent government bodies to cooperate with nonprofit organizations for providing free legal aid for vulnerable persons who cannot hire a lawyer. In that context, government funding is provided for subcontracting specialized NPOs to provide free legal services in the area of domestic violence and gender discrimination. Furthermore, the National Strategy for Gender Equality and Reduction of Gender-Based and Domestic Violence for 2011-2015 envisages the preparation of plans to subcontract NPOs to provide services in this area.

VII. MIGRATION AND ASYLUM

1. Legal provisions on issuing permits of stay to victims of violence

Law No. 108/2013 “On Aliens” (Article 3 (25)) defines “vulnerable persons” as foreign children, unaccompanied children, disabled persons, elderly persons, pregnant women,

single parents with small children, and persons that have been subjected to torture, rape and other forms of grave psychological, physical and sexual violence. This means that it also includes victims of gender-based violence and domestic violence. Article 106 (8) on the order to leave the country and the time-limit for its execution specifies that, when executing the order to leave the country, consideration is given to the highest interest of the child, vulnerable persons, family life and the health conditions of the foreigner against whom the order to leave the country is being executed.

Under Article 9 of the Law on Aliens, the Minister of Interior may, on grounds of important interests of the state, constitutional and legal order and national security and public order, issue a reasoned order to declare a foreigner as non grata if he or she has been involved in human trafficking. Article 53 covers the issuing of a permit of stay in humanitarian cases, and provides that the local authority responsible for border and migration may, on humanitarian grounds, provide a foreigner with a provisional Type A permit of stay when that person is an actual or potential victim of trafficking even if the requirements of Article 34 of that Law and other general requirements laid down in that Law are not met. Article 54 covers the conditions for issuing a permit of stay to a victim of human trafficking. Article 59 (3) provides that a foreigner will not be issued a permit of stay for family reunion purposes if the marriage is fictitious.

Law No. 121/2014 “On Asylum in the Republic of Albania” lays down the conditions and procedures for granting and revoking asylum, subsidiary protection and temporary protection in the Republic of Albania, rights and obligations for asylum-seekers, refugees and persons under temporary and subsidiary protection, the refugee status and subsidiary protection elements, the right to family reunion, and the conditions for the integration of refugees and persons under subsidiary protection in the Republic of Albania.

2. Nonrefoulement guarantees

Article 6 of the Law on Asylum provides for the nonrefoulement principle. Thus, the Republic of Albania recognizes and complies with the obligation of the authorities to not return, extradite or expel outside its territory persons that have been granted or have applied for asylum or other related forms of protection: (a) to a country where their life or freedom is under threat on grounds of race, belief, nationality, association to a certain social group or political beliefs; (b) to a country where there are credible reasons to believe that the asylum-seeker is at risk of torture or inhumane or degrading punishment or any other treatment specified in the European Convention of Human Rights and Fundamental Freedoms, as interpreted by the European Court or international treaties/convention the Republic of Albania is a party to; (c) to a country where there are credible reasons to believe that the asylum-seeker might be in danger of forced disappearance; (ç) to their country of origin if the foreigner has been granted one of the forms of protection in accordance with the provisions of this Law; (d) to a third country that might return or send back the person to one of the countries. A foreigner whose asylum application has been rejected by the authority responsible for asylum and refugees will not be deported or extradited from the Republic of Albania before the procedural rights and guarantees laid in the Law have been exercised or given, unless the Law provides otherwise. In exceptional cases, an asylum-seeker may be returned when: (a) there are reasoned grounds as specified in the decision to

consider that person a threat to the national security of the Republic of Albania; (b) a final judgment has been issued sentencing him or her to at least seven years in prison and he or she is a threat to the order and security in the Republic of Albania.

In either case, Albania has the obligation to not refoul the person. However, the Law does not specifically link it to gender-based violence.

APPENDIX

Table 1: Initial training (education or professional training)

	NUMBER OF PROFESSIONALS TRAINED	MANDATORY NATURE	AVERAGE LENGTH OF CURRICULUM	PERIODICITY	FUNDING SOURCE	BODY MANDATED TO CARRY OUT/CERTIFY IN-SERVICE TRAINING	TRAINING EFFORTS SUPPORTED BY GUIDELINES AND PROTOCOLS
Police and other law-enforcement officials	274 ⁸⁹	Yes	3 day	Every year	International and state budget	Police Academy	
Candidate for judges and prosecutors	57 ⁹⁰ [37+20]	Yes	All academic year 2014 and 2015	Every year	State budget	School for Magistrate	
Social workers	34		6 days	2015	International and state budget	National Shelter	
Local coordinators	51			2014	International and state budget	MMRS	
Ministry workers	25		3 days	2014	International funds	UNWomen	
Medical doctors	4400			From 2010 till 2014	International and state budget	MSH	
Nurses and midwives							

⁸⁹ State Police information.

⁹⁰ School of Magistrates' information on initial and continuous training program.

Psychologists, in particular counsellors/ psychotherapists	202			2014	International and state budget	MMRS National Shelter	
Immigration/asylum officials	170			2015		MMRS	
Educational staff and school administrators	27			2014	State budget , international funds	ASPA, DAP	
Journalists and other media professionals							
Servicemen and women (women in army)	122/17			2014/2015	State budget	Police and Army	
Women qualification	6.296			2014	State budget	Regional Vocational Training Departments	
Trafficked /violated women	27			2014	State budget	Regional Vocational Training Departments	

Table 2: In-service training

	NUMBER OF PROFESSIONALS TRAINED	MANDATORY NATURE	AVERAGE LENGTH OF CURRICULUM	PERIODICITY	FUNDING SOURCE	BODY MANDATED TO CARRY OUT/CERTIFY IN-SERVICE TRAINING	TRAINING EFFORTS SUPPORTED BY GUIDELINES AND PROTOCOLS
Police and other law-enforcement officials	648	Yes	2-3 days	2011 till 2015	International and state budget	OSBE, Police Academy, Netherland Embassy	
Prosecutors	114 ⁹¹	Yes	2-3 days	Every year	State budget	School of Magistrate	
Judges	135 ⁹²	Yes					
Social workers/local coordinators	51	Yes	2 days	2014	International and state budget	UNDP/MMSR	
Medical doctors							
Nurses and midwives							
Psychologists, in particular counsellors/ psychotherapists	130	Yes		2014	International and state budget	MMRS/International Agencies	

⁹¹ School of Magistrates' information on continuous training program.

⁹² School of Magistrates' information on continuous training program.

Immigration/asylum officials							
Educational staff and school administrators							
Journalists and other media professionals							
Servicemen and Women							
Any other relevant category Shelter staff	37	Yes	6 days	2014	International and state budget	National Shelter/ UNDP	
Women qualification	5.672	Yes		2015	State budget	Regional Vocational Training Departments	
Local Coordinators	339	Yes		2012 till 2014	International budget	UNDP/ MMSR	

Anex 2. Legislation

Criminal Code articles

Article 43/a of the Criminal Code: “Termination of parental rights shall be ordered by a court against a person exercising the parental rights when that person has been sentenced as perpetrator of or accomplice in a criminal offence against the child, or as an accomplice with the child in the commission of a criminal offence.”

Article 121/1 “Intimidation or harassment by a person through repetitive actions, with the intent to cause a state of constant and severe anxiety to or fear for personal safety, or the safety of a relative or person with whom that person has a spiritual connection, or to force him or her to change his or her way of living shall be punished by imprisonment of six months to four years. Where that offence has been committed by a former spouse, former cohabitant, or person who had a spiritual connection with the injured party, the punishment shall increase by one third of the sentence imposed. Where that offence has been committed against a minor, pregnant woman or person unable to defend himself or herself, and where it has been committed by a person in disguise or accompanied with the carrying or use of weapons, the punishment shall increase by one-half of the sentence imposed.”

Article 90 of the Criminal Code: Violence

“Beating, as well as any other violent act, constitutes criminal contravention and is punishable by a fine. The same act, when causing temporary work incapacity of up to nine days, constitutes criminal contravention and it is punishable by a fine or up to six months of imprisonment.”

Article 130/a - Domestic Violence

Battering, beating and any other act of violence against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close in-law to the perpetrator of the criminal offence, resulting in violation of his or her physical, psychosocial and economic integrity, shall be punished by imprisonment of up to two years.

A serious threat of murder or serious injury against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close in-law to the perpetrator of the criminal offence, resulting in violation of his or her physical, psychosocial and economic integrity, shall be punished by imprisonment of up to three years.

Intentional injury against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close in-law to the perpetrator of the criminal offence, resulting in a temporary disability for work for more than nine days, shall be punished by imprisonment of up to five years.

The same offences which are committed repeatedly or in the presence of minors shall be punishable by one to five years of imprisonment.

Article 100 - Sexual or homosexual intercourse with children

Having sexual or homosexual relations with children who are under 14 years old, or with a female child who is not sexually matured, shall be punished by imprisonment from seven to fifteen years.

When the sexual or homosexual intercourse was committed with accomplices, more than once or by use of violence, or when the child victim had serious health consequences it shall be punishable by no less than twenty five years of imprisonment.

When that act brought as a consequence the minor's death or suicide it shall be punishable by no less than thirty years of imprisonment or life imprisonment.

Article 101 - Sexual or homosexual intercourse by violence with a child who is 101-14 years old

Having sexual or homosexual intercourse by violence with children that are fourteen to eighteen years old, or with a female child, who is sexually matured, shall be punished by imprisonment from five to fifteen years.

When the sexual or homosexual intercourse by violence was committed with accomplices, more than once, or when the child victim had serious health consequences, it shall be punishable by imprisonment from ten to twenty years.

When that act brought as a consequence the minor's death or suicide it shall be punished by imprisonment no less than twenty years.

Article 102 - Non-consensual sexual intercourse with adult women

Sexual intercourse by violence with adult females or between spouses or cohabitants, without the consent of either of them, shall be punishable by three to ten years imprisonment.

When the sexual intercourse by use of violence was committed with accomplices, more than once, or when the victim had serious health consequences, it shall be punishable by imprisonment from five to fifteen years.

When that offence had as a consequence the victim's death or suicide it shall be punished by imprisonment from ten to twenty years.

Article 102/a - Non-consensual homosexual intercourse with adults

Having homosexual relations by use of violence with adults shall be punished by imprisonment from three to seven years.

When the homosexual intercourse by use of violence is done with accomplices, or more than once, or when the victim had serious health consequences it shall be punishable by imprisonment from five to ten years.

When that offence had as a consequence the victim's death or suicide it shall be punished by imprisonment from ten to twenty years.

Article 103 - Sexual or homosexual intercourse with persons who are unable to defend themselves

Having sexual or homosexual intercourse, by taking advantage of physical or mental inability of the person, or, from placing the person in unconscious condition, shall be punished by imprisonment from five to ten years.

When the sexual or homosexual intercourse by violence was committed with accomplices, more than once, or when the victim had serious health consequences, it shall be punishable by imprisonment from seven to fifteen years.

When that offence had as a consequence the victim's death or suicide it shall be punished by imprisonment from ten to twenty years.

Article 104 - Sexual or homosexual intercourse under threat of a weapon

Sexual or homosexual intercourse under immediate threat of a weapon shall be punishable by imprisonment from five to fifteen years

Article 105 - Sexual or homosexual intercourse through abuse of office

Sexual or homosexual intercourse by misuse of subordination hierarchy at work or abuse of office shall be punished with up to three years imprisonment.

Article 106 - Sexual or homosexual intercourse with extended family members or persons under custody

Having sexual or homosexual intercourse between parents and children, brother and sister, between brothers, sisters, between persons that are related in a straight line or with persons that are under custody or adoption shall be punished by imprisonment up to seven years

Article 107 - Sexual or homosexual intercourse in public places

Sexual or homosexual intercourse in public places or in places exposed to the sight of people constitutes criminal contravention and shall be punishable by a fine or up to one year of imprisonment.

Article 107/a - Sexual violence

Exercising sexual violence by performing actions of a sexual nature on the body of another person through the use of objects shall constitute a criminal offence and shall be punishable by three to seven years imprisonment.

When the offence is committed with accomplices, against several persons, more than once or against children fourteen to eighteen years old it shall be punishable by imprisonment from five to fifteen years.

When the offence is committed against a child under fourteen years of age or a child who is not sexually matured, regardless of whether it is committed by violence or not, it shall be punishable with no less than twenty years imprisonment.

When that offence had as a consequence the victim's death or suicide it shall be punished by imprisonment of no less than twenty-five years.

Article 108 – Obscene acts

Committing obscene acts with minors under the age of fourteen shall be punishable from three to seven years of imprisonment. The same offence, when committed against a minor younger than fourteen years old, with whom the offender has family relations, shall be punishable by five to ten years of imprisonment. Intentional involvement of a minor younger than fourteen years old or a minor who is not sexually mature yet as a witness in acts of a sexual nature shall constitute a criminal offence and shall be punishable with one to five years imprisonment. The proposal from an adult person, by any means or form, to meet with a minor younger than fourteen years old or a minor who is not sexually mature yet, aiming to commit any of the criminal offences foreseen in this Section or in Section VIII, Chapter II of this Code, shall constitute a criminal offence and shall be punishable with one to five years imprisonment.

Article 108/a - Sexual harassment

Actions of a sexual nature which affect the dignity of a person, by any means or form, through creating a threatening, hostile, degrading, humiliating or offensive environment, shall constitute a criminal offence and shall be punishable with one to five years imprisonment. When the offence is committed with accomplices, against several persons, more than once or against children it shall be punishable by imprisonment from three to seven years.

Article 130 - Forcing or impeding to cohabit or divorce

Coercing or prohibition to start or continue cohabitation, or coercion to enter into or dissolve a marriage, shall constitute a criminal contravention and shall be punishable with a fine or imprisonment up to three months. Intentional request to an adult or child to leave the territory of the Republic of Albania for purposes of obliging him or her to enter into marriage shall constitute a criminal contravention and shall be punishable with a fine or imprisonment up to three months.

Criminal Code, Article 93 - Termination of pregnancy without the consent of the woman

Termination of pregnancy without a woman's consent, except in cases where the termination is done due to a justified health-related cause, shall be punishable by a fine or up to five years of imprisonment.

Criminal Code, Article 108/a - Sexual harassment

Actions of a sexual nature which affect the dignity of a person, by any means or form, through creating a threatening, hostile, degrading, humiliating or offensive environment, shall constitute a criminal offence and shall be punishable with one to five years imprisonment. When the offence is committed with accomplices, against several persons, more than once or against children it shall be punishable by imprisonment from three to seven years.

Article 25 of the Criminal Code - Meaning of collaboration of accomplices

Collaboration is the agreement of two or more persons to commit a criminal act.

Article 50 of the Criminal Code – Aggravating circumstances

The following circumstances shall aggravate the punishment:

.....

(gj) when the criminal offence has been committed in collaboration; ...,

Article 22 – Meaning of attempt

A criminal act is considered to be an attempted one when, although the person undertakes straightforward actions to commit such a criminal act, it is discontinued or it is not completed due to circumstances independent of his will.

Article 23 - Responsibility for the attempt

The person attempting to commit a crime shall be held liable. Considering the stage until the realization of the consequence, as well as the causes due to which the crime remained an attempt, the court may mitigate the sentence, and may lower it under the minimum provided for by law, or may decide for a kind of punishment lower than the one provided for by law.

Article 320 of the Criminal Code provides that hiding, altering, using, damaging or destroying objects which have been the subject of a court judgment, or carrying out other acts with the intent to preclude the enforcement of a court judgment shall be a criminal contravention and shall be punishable by a fine or up to two years of imprisonment.⁹³

Article 32 of the Labor Code – Protection of personality

1. Employers must respect and protect in the context of employment their employees' personality and shall:

⁹³ Article 320/a - *Failure to execute court decisions without grounded reasons*: The failure to execute the penal or civil decision of the court, with no grounded reasons, by the employee charged with the execution of the decisions, shall constitute a penal contravention and shall be punished by a fine or imprisonment up to 2 years.

When this act is committed in order to obtain/solicit benefits or any other interests, given or promised, and when it favors persons that are interested not to see the decision being executed, it shall be punished by a fine or imprisonment up to three years. Article 321/2: Acting against a court decision in relation to the obligations deriving from protection orders specified therein shall be a penal contravention and shall be punished by imprisonment up to two years.

-
- (a) take all the necessary measures for ensuring the safety and protection of their employees' mental and physical health;
- (b) take all the necessary measures to prohibit moral harassment by the employer or other employees, and display the provisions on moral and sexual harassment and the relevant sanctions;
- (c) prevent any attitudes prejudicing employees' dignity.
2. Employers may not perform any actions that constitute sexual harassment towards employees, and shall not allow any such actions to be performed by other employees. Sexual harassment is as any form of unwelcome conduct, by means of words or actions, physical or symbolic, of a sexual character, which intends or leads to violating personal dignity, specifically when it creates a threatening, hostile, humiliating, disparaging or insulting environment committed by an employer against an employee, a job-seeker or among employees.
3. Employers shall not harass their employees through actions that intend or bring about degradation of working conditions to such a degree that they can result in violation of employees' rights and dignity, harm to their physical or mental health or damage to their professional future.
4. Any person identifying or obtaining information from employees whose rights might have been violated within the meaning of this Article, especially in terms of physical and mental health or personal freedom, in a way that cannot be justified with the relevant job description or achievement of specific objectives, must inform the employer or relevant structures promptly.
5. Employees complaining of harassment in one of the forms provided for in this provision must submit proof of the harassment, after which the burden of proof for the contrary shall be shifted to the person against whom the complaint has been submitted who must show that they did not intend to harass and to submit objective elements that do not constitute harassment.
6. Employees complaining of harassment in one of the forms provided for in this provisions or whistleblowers of harassment shall not be punished, fired from work, discriminated against or sexually harassed for this.

DVL full text

**REPUBLIC OF ALBANIA
THE PARLIAMENT**

LAW

No. 9669 of 18.12.2006

“ON MEASURES AGAINST VIOLENCE IN FAMILY RELATIONS”

Based on articles 78 and 83 point 1 of the Constitution, upon the proposal of 20 000 voters,

THE PARLIAMENT
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

The purpose of this law is:

1. To prevent and reduce domestic violence in all its forms by appropriate legal measures,
2. To guarantee protection through legal measures to members of the family who are subject to domestic violence, paying particular attention to needs of children, the elderly and the disabled.

Article 2

Objectives

1. Objectives of this law are:

- a. To set up a coordinated network of responsible authorities for protection, support and rehabilitation of victims, mitigation of consequences and prevention of domestic violence,
- b. To direct efforts for the set up of responsible structures and authorities at the central and local level in support of victims and prevention of domestic violence,
- c. To empower the judiciary in taking protection measures against domestic violence,

ç. To ensure/guarantee quick, affordable and simple services to the victims of domestic violence provided by courts and other law enforcement agencies in compliance to the law

Article 3

Definitions

Under the meaning of this law, unless specified otherwise in specific provisions thereof, by the following terms we shall understand:

1. “Violence” is any act or omission of one person against another, resulting in violation of the physical, moral, psychological, sexual, social and economic integrity.
2. “Domestic violence” is any act of violence pursuant to point one of this one article committed between persons who are or used to be in a family relation
3. “Members of the family” are²:
 - a. Spouses or cohabitating partners or former spouses or former cohabitating partners
 - b. Brothers, sisters, relatives of direct blood line, including adoptive parents and children
 - c. Spouses or cohabitating partners of persons indicated in paragraph b
 - ç. Persons related by direct blood line, including parents and adoptive children of the spouse or of the cohabitating partner
 - d. Brothers and sisters of the spouse if these have been living together during the last 3 months
 - dh. Children of spouses or of cohabitating partners
4. “Victim” is the person who has been subject to violence indicated in point 1 of this article.
5. “Perpetrator“ is the person sued for committing violence in family relations at the competent authorities.
6. “Protection order” is an order issued by a court providing protection measures for the victim.
7. “Emergency protection order” is a temporary court order valid until the court issues a protection order.

Article 4

Subjects

Subjects protected under this law are all persons indicated in article 3 point 3 of this law.

CHAPTER II

RESPONSIBLE AUTHORITIES

Article 5

Responsible Authorities

1. The lead responsible authority under this law is “the Ministry of Labour, Social Affairs and Equal Opportunities.
2. Other responsible line authorities are:
 - a. Local government units;
 - b. Ministry of the Interior;
 - c. Ministry of Health;
 - ç. Ministry of Justice
 - d. Ministry of Education and Science

Article 6

Lead Responsible Authority Objectives

1. The lead responsible authority has the following duties:
 - a. To develop and implement national strategies and programmes to offer protection and care to the victims of domestic violence;
 - b. To finance and co-finance projects designed for the protection and consolidation of family and for the care of victims of domestic violence;
 - c. To assist the set up of support structures and all of the necessary infrastructure to support and fulfil all the needs of the persons subject to domestic violence, including financial assistance as well as social and health services pursuant to the law;
 - ç. To organise training sessions on domestic violence with social service employees at any local government unit, police structures and employees of NPOs licensed to offer social services;
 - d. To maintain statistical data on the level of domestic violence;
 - dh. To support and supervise the set up of rehabilitation centres for domestic violence victims;

-
- e. To support and supervise the set up of rehabilitation centres for the perpetrators of domestic violence;
 - ë. To license NPOs that will provide social services to victims and perpetrators;
 - f. To take measures for educating the new generation with the mentality and the rules of a proper behaviour, as well as with the mentality of stopping violence in family relations;
 - g. To take measures for creating centres to accommodate children, against whom violence was used or when their parents commit violence offences against each-other.
 - gj. To set up a national centre for services of social care to victims of domestic violence.

Article 7

Duties of other Responsible Authorities

1. Ministry of the Interior has the following duties:
 - a. To set up special units at the police departments to prevent and combat domestic violence
 - b. To train members of the police force to handle domestic violence cases
2. Ministry of Health shall set up necessary structures to provide health care in domestic violence cases at the emergency units and at the health care centres in municipalities and communes, with a view to:
 - a. Offer at any time medical and psychological help to domestic violence victims,
 - b. To carry out necessary examinations at any time at respective public health institutions,
 - c. To record domestic violence cases at the appropriate medical documentations, as approved by the Ministry of Health
 - ç. To provide the victim with the respective medical report
 - d. To guide and refer the victim to other support and protection domestic violence services
3. Ministry of Justice has the following duties:
 - a. To train the medico-legal experts in recognizing, diagnosing, evaluating and reporting on domestic violence and child abuse injuries;
 - b. To train the bailiffs on their duty to serve protection orders immediately and to ensure their implementation under Article 23 point 6 and to take appropriate action;
 - c. To budget for free legal assistance mandated under this act and ensure a sufficient number of trained lawyers to provide said assistance.
- 3/1. Ministry of Education and Science has the following duties:
 - a. To draft educational programmes for high schools and universities on rules of behaviour in the family;
 - b. To prepare textbooks and other complementary materials for educating pupils and/or students with the mentality of stopping violence in family relations.

-
4. Local authorities (municipalities, communes) have the following duties:
- a. To engage in setting up social services structures for domestic violence cases
 - b. To install regional 24-hour toll free telephone line, which will then establish links to local units, police, medical emergency units and NPOs, thereby coordinating their actions
 - c. Establish social and rehabilitation centres for victims and perpetrators and coordinate efforts with existing ones, giving priority to specialised centres in respective fields.

Article 8

Duties of all responsible authorities

1. Each of responsible authorities has the duty to set up the necessary structures and to nominate those individuals responsible for the implementation of this law. The Ministry of LSABO shall supervise fulfilment of this obligation.
2. Responsible authorities shall respond to any report filed by the victim or other persons indicated by this law, for cases of violence or threat to use violence, including cases of violation of protection orders and emergency protection orders. These authorities keep due records and issue a copy to the victim or to the person accompanying them
3. Line government authorities utilise reasonable means to protect the victim and prevent ongoing violence through:
 - a) Informing the victim or the person accompanying them on the measures to be taken according to the law and authorities they should refer to
 - b) Informing the victim or the person accompanying them on existing social services and accompanying them to appropriate centres and institutions
 - c) Providing for transportation of the victim and the person accompanying them to medical or social services centres
 - ç) Providing them with the protection of a policeman in life endangering cases
4. When there is reasonable doubt that the perpetrator has threatened to or has committed domestic violence or has violated a protection order, police authorities shall immediately verify and take note of this fact
5. Persons who receive reporting because of their function or authority to implement this law and fail to act in its implementation shall be held administratively and/or criminally responsible, applying sanctions of article 248 and 251 of the Criminal Code
6. Police authorities shall record their findings in a written report and start investigations upon their own initiative (*sua sponte*). The incident number for the report should be given to the victim. The police gives the incident number to the victim.
7. Service and social care providers for victims of domestic violence, at the public institutions or licensed non-profit organisations, as well as victim advocates and legal representatives of domestic violence victims shall maintain the confidentiality of personal data and of the information that the victim reveals in reference to her situation, unless the victim specifies otherwise in writing.

8. Coordination response between responsible authorities, the referral mechanism for domestic violence cases and its proceedings in supporting and rehabilitating victims of domestic violence shall be regulated by a Council of Ministers Decision.

Article 9

Subjects who may report to responsible authorities

1. In the occurrence of a domestic violence act, the victim may address a request to the nearest police station (to their residence or wherever they are), to their local government unit (municipality, commune), to public health centre in their residence or wherever they are situated or file a petition at the district court of their permanent or temporary residence or that of the perpetrator, to take the necessary measures.
2. In case they witness a domestic violence case, any person may present a request to the authorities mentioned above to take the appropriate measures

CHAPTER III

PROTECTION MEASURES

Article 10

Protection measures against DV

1. Protection against domestic violence shall be ensured by/through:
 - a) immediately ordering the defendant (the perpetrator) to refrain from committing or threatening to commit an act of domestic violence against the petitioner (victim) or other family members of the victim as defined in article 3 point 3 of this law or as named in the order;
 - b) immediately forcing the defendant (perpetrator) to refrain from harming, harassing, contacting or communicating directly or indirectly with the victim or other members of their family as defined in article 3 point 3 of this law or as named in the order;
 - c) removing immediately the defendant (perpetrator) from the residence for a certain period of time, determined in the court order and restricting their re-entrance without court authorization;
 - ç) prohibiting immediately the defendant (perpetrator) to be within a certain distance to the victim or members of their family as defined in article 3 point 3 of this law or as named in the order;

-
- d) immediately forbidding the defendant (perpetrator) to approach/get near the house, workplace, the original family residence or the future couple's residence or that of other persons and moreover the children's school or any other place commonly frequented by the victim, unless this happens for work-related reasons;
 - dh) immediately placing the victim and the minors in temporary shelters always keeping in mind the best interest of the child;
 - e) limiting or prohibiting the defendant (perpetrator) to see the victim's child based on appropriate conditions;
 - f) prohibiting the defendant (perpetrator) to enter or stay in the temporary or permanent residence of the victim, or in any part thereof, regardless of any property or possession rights the perpetrator may have over these;
 - g) ordering a court authorized person (member of the police or bailiff) to accompany the victim or the defendant (perpetrator) to the victim's residence and to oversee removal of their personal belongings;
 - h) ordering the law enforcement officers to seize any weapons belonging to the perpetrator, found during police checks, or ordering the perpetrator to surrender any weapons belonging to them;
 - i) ordering the defendant (perpetrator) to allow the victim to possess the commonly used residence or part thereof;
 - j) ordering the defendant (perpetrator) to pay the rent for the permanent or temporary residence of the victim as well as to pay support obligations to the victim, children or other members of the family under their responsibility;
 - k) so long as the protection order is in existence, the property regime shall be in accordance with Family Code articles 57, 58 and 60;
 - l) transferring the temporary child custody rights to the victim and temporarily removing parental rights for the defendant (perpetrator);
 - ll) deciding and ordering – depending on the case (under the competence of the court) – the intervention of public or private social services of their place of residence or of organizations whose objective is to support and shelter subjects of domestic violence
 - m) ordering the defendant (perpetrator) to effectuate a periodic payment in favour of cohabitating persons, who as a result of the above mentioned measure, remain deprived of living means. To secure the payment the court may order the employer (of the perpetrator) to transfer the payment directly to the beneficiary. This order shall be an executive title;
 - n) including the victim of domestic violence to rehabilitation programmes;
 - nj) ordering the defendant (perpetrator) to participate in rehabilitation programmes; if the defendant is ordered to a rehabilitation program, the program managers are required to report weekly to the court on whether the perpetrator is attending and participating. If the defendant (perpetrator) is not, upon request of subjects provided in article 13 of this law, the court will summon the defendant and implement respective provisions of the Criminal Code for hindering execution of court orders.
2. Protection orders, by a court decision, may include several of the protection measures mentioned in point 1 of this article
 3. Emergency protection orders, by a court decision, may contain several of the protection measures mentioned under point a through h of this article
 4. In implementing point h of this article the court decision provides:

-
- a) suspension of the weapon permit up to the termination of the protection order, if the weapon has been seized and the person possesses a permit for it, and notification of the respective administrative authority;
 - b) return of the seized weapon only after the termination of the protection order, when the person possesses a weapon permit.

Article 11

Effects of the protection order

1. Notwithstanding any other order or decision issued by the court or any other institution, a protection order containing the above mentioned measures shall be issued by the court in the cases provided by this law.
2. The protection order or the emergency protection order upon its issuance or expiration shall not permanently affect property or custody rights.

CHAPTER IV

JUDICIAL PROCESS FOR PROTECTION ORDERS

Article 12

Competent authority to issue protection orders for domestic violence cases

1. The competent authority to issue protection orders in domestic violence cases is the district court, family section
The court issues protection orders or emergency protection orders to establish the security measures mentioned under article 10 of this law
2. The interested party may, depending on the case, request the court, in conformity with this law, the issuance of a protection order without prior request for an emergency protection order.
3. After the court has issued an emergency protection order, the interested party may request issuance of a protection order as provided by this act. The subsequent protection order serves to reconfirm the continuance of the emergency protection order and provides for protection measures indicated in article 10 of this law

Article 13

Subjects entitled to request for protection orders

-
1. The petition for protection orders may be presented by:
 - a. The victim themselves
 - b. The victim's legal representative or attorney
 - c. The police/prosecutor
 2. The petition for protection orders on behalf of the minor may be presented by:
 - a. The minor's parent or guardian
 - b. The minor's legal representative or attorney
 - c. Relatives of the minor
 - ç. Representatives of the social services office at the municipality or commune, where the minor resides temporarily or permanently, when they have knowledge of the violence committed
 - d. Domestic violence victim protection and rehabilitation centres and services recognised/licensed by the Ministry of Labour, Social Affairs and Equal Opportunities
 - dh. The police/prosecutor;
 - e. Persons legally responsible for children.
 3. The petition for emergency protection orders may be presented by:
 - a. The victim him/herself;
 - b. The victim's legal representative or attorney;
 - c. The police/the prosecutor;
 - ç. A family member of the victim;
 - d. Representatives of the social services office of the municipality or commune, where the victim temporarily or permanently resides, who have knowledge of domestic violence incidents that have occurred
 - dh. DV victim protection and rehabilitation centres and services recognised/licensed by the Ministry of Labour, Social Affairs and Equal Opportunities
 4. When the petition is presented by the police/prosecutor, the victim's wish to drop the case does not have an effect on the continuation of the judicial process.

Article 14

The form of the petition

1. The petition for protection and emergency protection orders shall also contain the following:
 - a. Personal data on the family or blood relations between the victim and perpetrator;

-
- b. A clear presentation of the facts and circumstances in which the domestic violence incident occurred, including the reasons why the petitioner fears their security, health or well-being is in danger from the defendant (perpetrator) as mentioned under article 3 points 1 and 2 of the present law
 - c. Specific protection measures requested
 - ç. Petitioner's signature
2. The petition for protection orders may be presented at any time to the court by the persons who are legitimized to do so. Whenever immediate help is requested the petition may also be compiled and presented at the nearest police department and the police officer shall act in conformity with the Law on the State Police
 3. The petitioner is assisted by a lawyer free of charge for the preparation of the petition, completing the necessary documents and filing them in the court. The National Bar Association and the State Commission for Legal Aid provide the courts with the list of lawyers authorised to provide free legal aid.
 4. The petitioner is exempt from any court taxes and fees as well as those of the public bailiff services, pursuant to the law in force. Upon issuance of the protection order, court expenses are charged on the party who committed domestic violence. When the petition is not sustained the petitioner is required to pay for court expenses.
 5. Petitions shall be recorded in a special register to the date of their completion.

Article 15

Evidence during the hearing

1. Necessary evidence may be: witness statements, police reports, medical reports, acts of expertise (expert witness declarations) examinations and statements/explanations by the parties, other documents issued by the social workers of the social services department at the municipality and commune, documents issued by legal persons (NPOs) registered pursuant to legislation in force.
2. When the data in the petition point out that police departments, local government offices or health centres possess written proof of the occurrence of domestic violence, these shall immediately issue a certified copy thereof (with official seal) upon the request from the petitioner or from the court. Failure to issue such a document causes responsible persons to be sanctioned according to the Administrative Procedures Code.
3. When the court does not possess all evidence mentioned in paragraph 2 of this article, it assesses the situation based on the description of circumstances and facts regarding occurrence of domestic violence and takes a decision regarding the petition presented by the party.

Article 16

The hearing for protection orders

1. “The court establishes a hearing with regard to a protection order within 15 days from the filing of the petition”.
2. While examining the petition, the court may hear testimony from the following persons:
 - a. The victim, her/his legal representative or attorney
 - b. The defendant, his/her legal representative or attorney
 - c. The prosecutor, when he or she filed the petition
 - ç. Representatives from the police
 - d. The representative of the social services department at the municipality or commune of the temporary or permanent residence of the petitioner when the petitioner is younger than 18, when the petitioner is legally incapacitated or when the domestic violence affects these categories/persons
 - dh. Health centres employees services and rehabilitation centres employees, who assisted the victim because of domestic violence
 - e. Witnesses deemed necessary by the court
3. When the petition is presented by the police/prosecutor, the victim’s wish to drop the case does not have an effect on the continuation of the judicial process.

Article 17

Court decision for protection orders

1. The court shall issue a protection order only against the defendant mentioned in the petition. This order may only include measures described in article 10 of this law. The court shall issue a protection order containing one or more of the measures provided in article 10, if it finds that:
 - a. There is sufficient basis to believe that the respondent may commit an act of family violence
 - b. Issuance of the protection order is necessary to protect the security, health and well-being of the victim/s. Based on the court conviction, the protection order may include other persons, family or intimately connected to the victim that may become subjects to domestic violence.
2. A court shall not deny a protection order because of the existence of any other pending action involving any party.
3. The final decision to issue the protection order, which should meet the requirements of article 310 of the Civil Procedure Code, shall also contain:
 - a. The measure determined by the court

-
- b. Time limits for this protection order which should not exceed 12 months, but with a possibility of extension
 - c. A remark that violation of a protection order shall be considered a criminal offence under article 320 of the Criminal Code
 - ç. A note on the right to appeal the protection order within 15 days from its approval or notification to the parties
4. Issuance of protection order shall be notified immediately to the perpetrator who was not present at the hearing, according to article 316 of the Civil Procedure Code. The victim shall be provided with two copies of the original decision, one for own record and the other to present to the police if and when necessary
5. The court shall send within 24 hours a copy of the protection order to the following persons:
- a. The victim and other persons mentioned in the protection order
 - b. The prosecutor, when they present the request
 - c. Social services department of the municipality or commune of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently
 - ç. The police department of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently

Article 18

The hearing for emergency protection orders

1. The court reaches a decision with regard to emergency protection orders:
 - a) within 24 hours from the presentation of petition for a minor;
 - b) within 48 hours from the presentation of petition for other subjects of domestic violence
2. In the hearing for the emergency protection order the court hears the following persons:
 - a. The victim, their legal representative or attorney
 - b. The perpetrator, their representative or attorney
 - c. The prosecutor, if participating
 - ç. Other petitioners mentioned in article 13 of this law
 - d. Witnesses deemed necessary by the court

Article 19

Issuance of emergency protection orders

1. The court issues the protection order including one or more measures described in article 10 of this law, if it finds that:

-
- a. There is sufficient basis to believe that the defendant (perpetrator) has committed or threatened to commit an act of family violence
 - b. The defendant (perpetrator) presents a direct and immediate threat to the security, health or well-being of the victim or of their family members
 - c. Issuance of the emergency protection order is necessary to protect the security, health and welfare of the victim or their family members who are protected through this order
2. A court shall not deny issuance of an emergency protection order because of the existence of any other pending judicial process involving any party.
 3. The final decision to issue the protection order which shall meet the requirements of article 310 of Civil Procedure Code shall contain:
 - a. The measure determined by the court
 - b. Time limits for this emergency protection order which expires at the moment a protection order issued by the court is implemented
 - c. A remark that violation of an emergency protection order constitutes a criminal offence, pursuant to article 320 of the Criminal Code
 - ç. A note on the right to appeal the order within 5 days from its approval or notification to the parties
 - d. The date for the verification of the emergency protection order, which should take place within 20 days from the issuance of the emergency protection order
 4. Issuance of emergency protection order shall be notified immediately to the perpetrator who was not present at the hearing, according to article 316 of the Civil Procedure Code. The victim shall be provided with two copies of the original decision, one for own record and the other to present to the police if and when necessary
 5. The court sends within 24 hours a copy of the emergency protection order to the following persons:
 - a. The victim and other persons mentioned in the emergency protection order
 - b. Petitioners under the meaning of article 13 of this law
 - c. Social services department of the municipality or commune of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently
 - ç. The police department of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently
 - d. Bailiffs offices of the location where the court order will be enforced
 6. The court decision issuing an emergency protection order is considered an executive title and shall be implemented immediately according to the Civil Procedure Code (article 510/e, 516/c and the following)

Article 20

The hearing for the verification of the emergency protection order

1. Once the hearing for the issuance of the emergency protection order terminates the court should proceed with the hearing for the protection order based on the petition mentioned in article 16 of this law. At the end of the hearing the court may:
 - a. Decide the withdrawal and termination of the effects of the emergency protection order issued previously by the court when there is no evidence to sustain it
 - b. Refuse to issue a protection order when evidence does not support the previously issued emergency protection order
 - c. Issue a protection order pursuant to article 17 of this law. This court decision may alter terms and conditions of the previously issued emergency protection order, as needed.

Article 21

The appeal

1. Special appeal may be filed against the decision for the emergency protection order pursuant to the Civil Procedure Code.
2. The court decisions on the protection order or on the emergency protection order may be appealed according to the time limits and rules set out in the Civil Procedure Code.
3. The appeal does not affect the implementation of the protection order or emergency protection order.

Article 22

Circumstances for amendment, termination or continuation of protection orders

1. In case of fundamental change in circumstances, the victim (or their representative), the perpetrator or if the prosecutor has been participating s/he may present the request for termination or amendment of the protection order
2. Once this request for termination or amendment of the protection order is received the court examines it according to article 16 of the present law. At the end of the examination the court may:
 - a. Decide the protection order should stay in force;
 - b. Decide the protection order should be amended, if circumstances have fundamentally changed; or
 - c. Decide the termination of the protection order if the criteria established under article 10 point 1 are no longer valid because of fundamental change in the circumstances

-
3. Presentation of the request for the amendment or termination of the protection order does not suspend the implementation of the protection order
 4. Fifteen days prior to expiration of the protection order, the victim or the person authorised by them may present the request for the continuation of the protection order. When no such request is presented the protection order terminates automatically on the expiration date.
 5. Once the court receives the request for the continuation of the protection order, it examines it according to article 16 of this law. At the end of the process the court may:
 - a. Certify the termination of the protection order up to the expiration date; or
 - b. Decide the continuation of the protection order if the criteria of article 17 point 1 of this law are met.

Article 23

Implementation of judicial decisions

1. The judicial decision containing the emergency protection order is considered an executive title from the moment it is declared by the court (or notified to the parties). The court shall issue an execution order at the same time that it issues an emergency protection order.
2. The judicial decision containing the protection order is an executive title and should therefore be carried out immediately by bailiffs according to the Civil Procedure Code, by police departments, local government authorities (municipality, commune) or the perpetrator voluntarily. The court shall issue an execution order at the same time that it issues a protection order.
3. Social workers and members of the police force shall take all necessary steps to ensure immediate and continuous implementation/execution of protection measures determined pursuant to article 10 of this law.
4. Institutions, shelters, service centres, NPOs licensed to offer services shall implement measures established by the court decision and shall coordinate their actions with the local government authorities and police departments, which are the direct implementers of these decisions.
5. Forced execution of the court order shall be carried out by the bailiff services office, pursuant to Civil Procedure Code provisions (articles 510 and the following)
6. When enforcement institutions, including perpetrators, notified of the court orders refuse to comply voluntarily according to paragraph 2 and 4 of this article, authorities shall proceed with forced implementation/execution pursuant to Civil Procedure Code provisions. In these cases sanctions established by article 320, 320/a of the Criminal Code as well as article 606/3 of the Civil Procedure Code shall apply against the persons who do not respect/abide by the court order.

CHAPTER V

FINAL PROVISIONS

Article 24

Criminal Proceedings

Issuance of a protection order or emergency protection order does not inhibit interested parties to also initiate criminal proceedings with regard to acts or omissions that are classified as criminal offences.

Article 25

Secondary legislation

The Council of Ministers issues all the necessary secondary legislation to the implementation of this law within 3 months from its entry into force.

Article 26

Entry into force

This law shall enter into force on 1 June 2007.