

HRDC information for GREVIO, regarding the topics raised in the questionnaire

The Human Rights in Democracy Centre (HRDC) is a non-profit and non-religious organization whose mission is to work for the protection and promotion of fundamental human rights and freedoms in Albania and to raise the awareness of the Albanian society on the state of human rights, with a special focus on the most vulnerable groups in society, such as women / girls, minors, minorities, etc. One of the objectives of the HRDC is to prevent domestic violence and to provide support services for victims/survivors of domestic violence. The HRDC has continuously contributed to the capacity building of the responsible institutions for the implementation of legislation against domestic violence and gender-based violence. Since 2015, the Center has monitored the decisions of Tirana District Court regarding issues related to the fulfillment of the rights of victims of gender-based violence and domestic violence in civil and criminal procedures.¹

HRDC monitors also the implementation of laws in practice and undertakes initiatives to improve legislation in the field of human rights protection, with a special focus on equal treatment, domestic violence and gender-based violence. HRDC is a lobbyist organization accredited by the Parliament of Republic of Albania from 2019 and has contributed to the amendment of Law no. 9669/2006 "On measures against domestic violence" amended, bylaws for its implementation and Law no. 10221/2010 "On protection from discrimination" amended - has provided suggestions regarding the drafting of Law no. 111/2017 "On legal aid guaranteed by the state" and Law no. 22/2018 "On Social Housing". Considering the adoption of bylaws important for the effective implementation of measures against domestic violence, the HRDC has given recommendations on amending the Decision of the Council of Ministers no. 334/2021 regarding the functioning of the Coordinated Referral Mechanism, HRDC has also given inputs in Action Plans, Strategies, Protocols and Standard Operating Procedures (SOP), in order to adapt them to the latest amendments to the human right legislation and international standards adopted by Albania. HRDC has a good experience in preparing shadow/ alternative/ LOI reports on GREVIO, CEDAW, UPR, CESC, CCPR etc. HRDC has given its input on the Directive of the European Parliament and Council on "Establishment of minimum standards for the rights, support and protection of victims of crime" (2022) and also on Directive of the European Parliament and Council "On the fight against violence against women and domestic violence" (2022), Amendment of General Recommendation No. 19 of CEDAW Convention (2016).

HRDC has prepared this information for GREVIO, regarding some of the topics raised in the questionnaire for the evaluation of the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by the Parties.

HRDC has also contributed to GREVIO's baseline evaluation procedure in respect of Albania, with a Stakeholder Report in, 2021.

Part I: Changes in comprehensive and co-ordinated policies, funding and data collection in the area of violence against women and domestic violence.

Article 7: Comprehensive and co-ordinated policies

1. Please provide information on any new policy development since the adoption of GREVIO's baseline evaluation report on your country to ensure comprehensive policies covering the areas of

¹
<https://www.hrdc.al/index.php/al/sherbime/studime>, https://www.stopvaw.org/uploads/study_hrdc_2016_2017_1.pdf
https://www.stopvaw.org/uploads/study_2015.pdf.

prevention, protection, and prosecution in relation to stalking, sexual harassment and domestic violence, including their digital dimension, rape and sexual violence, female genital mutilation, forced marriage, forced abortion and forced sterilisation, thereby demonstrating further implementation of the convention. Please specify the measures taken particularly in relation to those forms of violence against women that have not been addressed in past policies, programmes and services encompassing the four pillars of the Istanbul Convention.

During the reporting period, Albania adopted a series of legal acts. In Albania, it is approved a special legislation in protection of victims / survivors of domestic violence, but there is a lack of a framework law to guarantee protection from other forms of violence, there are foreseen in Istanbul Convention. - Other forms of violence have only been the subject of criminal proceedings, where abusers have been sentenced, investing very little in the necessary measures for the rehabilitation of victims. Victims of other forms of gender based violence are not eligible to benefit from Protection Orders. Only victims of domestic violence has this right.

We believe that the adoption of a framework law on all forms of violence provided by the Convention would not only serve to increase the number of women / girls who would report but would also serve to protect the integrity and rehabilitation of every victim / survivor.

The new Decision of the Council of Ministers No. 327, date 02.06.2021 creates space for the Coordinated Referral Mechanisms to engage, where appropriate, not only in cases of domestic violence, but also in cases related to other forms of gender-based violence. But in practice Coordinated Referral Mechanisms (CRMs) set up in the country's municipalities has in focus and provide protection and support only to victims / survivors of domestic violence, although every victim / survivor of violence against women needs multidisciplinary support regardless of the form of abuse.

Article 11: Data collection and research

6. Please provide information on any new development since the adoption of GREVIO's baseline evaluation report on your country on the introduction of data collection categories such as type of violence, sex and age of the victim and the perpetrator, the relationship between the two and where it took place, for administrative data of relevance to the field of violence against women and domestic violence emanating from law enforcement agencies, the justice sector, social services and the public health care sector.

The situation is almost the same. In practice, maintaining of standardized statistical data by the responsible institutions is a challenge and is associated with a number of problems.

The HRDC has continuously monitored the police stations (Tirana district) on the implementation of legislation against domestic violence and has identified problems regarding the manner of keeping data on cases of domestic violence. There is no unified practice in all police stations: the special register is not available in all police stations, the way of keeping data is truncated and often depends on the will of the employee who handles the case and performs data entry. In some cases there is a mismatch between the statistics available to police stations and those available to Local Police Directorates.

The legislation in force provides for the obligation of local self-government units (municipalities) to maintain standardized data in the REVALB system. In the trainings conducted during 2018 with the administrative units of Tirana, HRDC found that the participants had limited knowledge about the data collection system (REVALB) for cases handled in a coordinated manner and did not have a unified way of data transmission in the Municipality of Tirana. Participants stated that they submit information about cases of domestic violence to the Local Coordinator at the Municipality of Tirana, but most did not have a structured format and simply forwarded this information upon request.

The HRDC notes that the number of municipalities where case data are entered into the REVALB system remains low; moreover, municipalities do not have a unified format for keeping records of cases under their jurisdiction.

Despite the legal obligation to handle and document cases, health institutions and especially health centers have handled a low number of cases of domestic violence; they do not have special registers for recording data and do not have a unified format for statistical data entry.

Maintaining of standardized statistical data is very important because it serves to conduct studies and policy development in order to address as efficiently as possible the problems faced by the treatment of these issues. To fully implement this obligation, we recommend the establishment of mechanisms that promote the creation of a unified system for data collection by all responsible institutions for dealing with cases of violence.

Article 20: General support services

18. Please provide information on programmes and measures aimed at ensuring, through general services, the recovery of victims of violence, including in the health and social areas, financial assistance, education, training and assistance in finding employment and affordable and permanent housing.

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

Vocational training and employment are very important programs which serve to improve the position of victims of violence and their empowerment.

Law no. 15/2019, "On the promotion of employment", has provided in the category of beneficiaries that should be treated with priority survivors of domestic violence as well, but the practical implementation of this law presents difficulties in various areas of the country, especially in rural areas where employment opportunities are extremely limited. Creating real opportunities for the inclusion of victims of domestic violence and women / girls in need is an important condition for improving their socio-economic situation.

We find that especially in suburban areas and small municipalities, the number of women involved in vocational training programs and employment promotion programs is low; this is mainly due to the lack of such programs or the remoteness of the victims' place of residence from vocational training centers or employment promotion programs². The distance from the place of residence of these programs creates obstacles to attend them, as women / girls in need find impossible to afford the cost of transportation. In these conditions it is necessary to take measures for the establishment of vocational training programs and employment promotion programs as close as possible to the place of residence of the victims.

¹² Vocational training programs are lacking in the Municipality of Vora and women / girls can receive this service only at vocational training centers in Tirana. The Labor Office structure does not exist

Despite the fact that the legislation in force provides for the right of victims / survivors of domestic violence to receive economic assistance from the moment of obtaining a PO /IPO local government units enable the provision of this assistance only in cases victims/survivors are granted protection order for more than one month validity and when the decision has become final, thus excluding cases provided with an Immediate Protection Order (IPO). Although victims / survivors of violence are legally entitled to receive economic assistance during the term of the protection order, in practice it happens that the victim receives this assistance only for the remaining period from the moment of submitting to the relevant economic assistance office.

Questions specific to the public health sector:

19. Have specific measures been taken to ensure that public health services (hospitals, health centres, other) respond to the safety and medical needs of women and girls victims of all forms of violence covered by the Istanbul Convention on the basis of national/regional standardised protocols?

Despite some positive attempts from Ministry of Health and Social Affairs (Ministry of Health, through the Health Care Operator, has sent a guideline and set of documentation to all health institutions for the treatment of cases of domestic violence according to the legislation in force after HRDC has lobbied for several years), health institutions do not properly fulfill the obligations provided in the law "On Measures against Violence in Family Relations", as amended, as well as the relevant by-laws in two main directions. First, there is a lack of effective cooperation with the members of the Coordinated Referral Mechanism and especially with the police stations as the first point of contact with the victim of domestic violence, as a result the number of these cases referred to health institutions is minimal. From monitoring the decisions of the Tirana Judicial District Court for the year 2020-2021, HRDC has found only 21 cases when health institution has issued a special medical report, used as evidence during the judicial process of issuing the IPO/PO. It turns out that in 61% of the cases where the victim was provided with PO, physical violence was also used. So in only 5% of cases of physical violence, the victim was provided with a special medical report. This fact shows that 95% of victims of domestic violence, even though they may have needed a special medical report after experiencing physical violence, did not appear at medical institutions to request the equipment with the special medical report. The Special Medical Report issued by the Health Centers is a written evidence that has indisputable value in the process of proving before the court, and not providing the victims of domestic violence with this report on the part of the Health Centers, not only violates the right to the victim of domestic violence for health care but is also a violation of the right to a due process, since the lack of evidence (including the Medical Report) leads to consecutive postponement of court hearings, the suspension/dismissal of the case, due to lack of evidence. Another disturbing problem is the refusal to provide the victim with a special medical report, in cases where there is her will. Concrete cases have been found where the doctors of these Health Centers have refused to issue the Special Medical Report for victims of domestic violence. So, although the legal framework against domestic violence is complete and trainings have been organized by the Ministry and NGOs regarding this issue, the Health Centers still continue not to properly fulfill the obligations provided in the law or bylaws.

Article 22: Specialist support services

25. Please describe the type of specialist support services dedicated to women victims of the forms of gender-based violence covered by the Istanbul Convention (e.g., stalking, sexual harassment and domestic violence, including their digital dimension, female genital mutilation, forced marriage, forced sterilisation, forced abortion), including those specialist support services providing:

a. shelters and/or other forms of safe accommodation

Accommodation of cases of violence in need of emergency housing; yet such a support program has not been extended to all municipalities of the country.

Emergency housing service should not be conceived by municipalities only as a place of residence for the victim / survivor. This service should be provided complete and according to all standards, considering both the support that will be provided during the emergency period, and the provision of qualified staff.

Social housing programs aid the victims /survivors of domestic violence and are regulated by Law no. 22/2012 "On Social Housing". These programs include: social housing, rent bonus and social loans.

The HRDC has found out that social housing programs are not offered in all municipalities of the country. When provided, they are in limited quotas. In some municipalities social housing programs do not even exist. In the Municipality of Tirana where these programs are set up, there is a low number of applications or beneficiaries from the categories of victims / survivors of domestic violence, due to lack of information and bureaucratic procedures. Therefore, we think these programs should be easily accessible to victims/survivors. Criteria and procedures should be facilitated (for survivors of violence) in order to provide real opportunities for inclusion in these programs. Another problem identified is the accommodation of cases of violence in need to emergency housing. Such a support program has not been yet extended to all municipalities of the country. Emergency housing service should not be conceived by municipalities only as a place of residence for the victim / survivor. This service should be provided complete and according to all standards, considering both the support that will be provided during the emergency period, and the provision of qualified staff.

Also, according to Law 22/2018 "On Social Housing", Specialized housing is housing in which local self-government units address a specific housing need, which includes housing for:

- a) the elderly and/or persons with disabilities;
- b) victims of trafficking/potential victims of trafficking;
- c) victims of domestic violence;
- ç) children who are without parental care or have been taken under protection by state institutions and who are preparing to move to independent life, minors from 14-18 years of age or youth aged 18-21, after release or completion of criminal justice related programs;
- d) single mothers.

If we refer to victims of domestic violence, according to this law for this categories must be offered specialized housing. Specialized apartments for victims of trafficking and domestic violence must be equipped with the services of specialized social workers and they are guaranteed protection from the State Police in cases of danger to life and health. They must be equipped with the necessary infrastructure for notifying the police in case of danger or emergency.

These apartments are rented, subject to compliance with the conditions, rights and obligations arising from the social rental housing program. These categories should benefit from the specialized housing program until they are provided with benefits from one of the other social housing programs. Although the law from 2018 foresees the creation of these housings, in reality this service is still not offered.

b. medical support

Based on legal duties, health institutions provide medical, emotional and psychological assistance. Furthermore, they have to record cases of domestic violence in a special documentation and they also have

to provide victims with a special medical report, which is a document of indisputable value in the process of proving before the court.

According to the monitoring of court decisions conducted by HRDC (2020-2021) only 21 (twenty one) cases of domestic violence have been provided with the Special Medical report, document which has been later presented as written evidence to the court for cases with object “issuance of protection order).

In these conditions, the responsible authority must take concrete actions, so that these institutions take upon themselves their legal responsibilities and victims of domestic violence have access to support services, which must be provided by health institutions according to the law.

Article 31: Custody, visitation rights and safety

33. Please describe the measures in place to ensure that judges, court-appointed experts and other legal professionals:

a. have sufficient knowledge of the law and understanding of the dynamics of intimate partner violence, including the psychological impact of witnessing violence on the child;

b. duly take into account victims’ grievances in cases of domestic violence and hear children victims/witnesses, where applicable, in the determination of custody and visitation rights;

c. are informed of the unfoundedness of notions of “parental alienation”² or analogous concepts that are used to overshadow the violence and control exerted by perpetrators of domestic violence over women and their children.

Access to justice for victims of gender based violence and domestic violence

For a two-year period (from 2020 to 2021), Human Rights in Democracy Center has monitored the decisions of the Tirana District Court regarding the justice system's response to gender-based violence and domestic violence and respect of the rights of victims in both civil and criminal proceedings.³ Despite the positive efforts of the courts in terms of respecting the rights of victims of violence, there are still a number of problems both at the level of interpretation of the law and also in the approach of judges to victims of gender-based violence and domestic violence.

- It turns out that the number of cases with the object of issuing IPO/PO, judged by Tirana District Court from 2017 to 2021 remains almost at the same levels. But the ratio of accepted cases and dismissed/refused cases has undergone a significant change. While in 2016-2017 we have 74% of the cases dismissed/refused and 26% of them accepted, for 2020-2021 it turns out that 53% of the cases were accepted and 47% of them dismissed/refused. This increase was first influenced by the change in the legislation according to which the court issues the protection order even in cases where the parties claim that the conflict has been resolved or should be resolved through reconciliation or mediation.⁴

³ Study "The judicial system as a precursor in protecting the rights of victims of gender-based violence and domestic violence", Human Rights in Democracy Center, 2022,

<https://www.hrdc.al/index.php/al/sherbime/studime>

⁴ HRDC has given its contribution in DV law amendment in 2018 and 2020 and its bylaws

- There is an increasing trend of criminal prosecution and punishment of perpetrators even in cases where the victim suffered only psychological violence (in 11.5% of cases).
- A new positive practice is the issuance of IPO/PO from the Court even when the plaintiff has given up or left the trial in absentia in about 15% of the decisions. In this way, the Court has issued an acceptance decision even though in 27% of these cases the plaintiff has given up and in 73% of them it has left the trial in absentia.
- Positive is the fact that with the changes to the law of violence, the court no longer carries out efforts to reconcile the parties as an obligation stemming from the Istanbul Convention, which strictly prohibits this procedure.
- It is noteworthy that the court has issued IPO/PO for both parties in about 2% of the decisions. Issuing protection orders for both parties creates problems with execution, as in some cases the court imposes contradictory protective measures.
- According to the DV law the appellate court pronounces its decision within 15 days from the day of the registration of the appeal. But in practice there are many delays in the review of appeal cases, which go up to 5 months. The consequences fall directly on the victims who has problems with access to services because the court decision has not taken a final form.
- The right to free legal aid is a condition for everyone to have the opportunity, regardless of economic status, to turn to the court to examine his/her claims. In only 41% of cases, the victim of domestic violence is protected by a lawyer in the civil process for issuing the IPO/PO. From this figure, NGOs cover 60% of the represented cases, the rest belongs to private lawyers 38%, while 2% of the representation is occupied by state lawyers, mainly for minor citizens.
- The right to a fair trial requires domestic courts to give reasons for their decisions in both civil and criminal cases. If we refer to the reasoning of the decisions, we can say that the Court used the Istanbul Convention or other International Conventions as a legal basis in less than half of the decisions (in 47% of the decisions).
- The court has started to issue rehabilitation measures for the perpetrators, but still in a limited number of cases. Thus, in 9% of cases, the court issued a drug/alcohol rehabilitation measure, in only 1% of cases it issued a rehabilitation measure for perpetrators with mental health problems. The court has ordered the placement of the perpetrator in parenting training programs in 1.5% of cases. The measure of removal from the home of the perpetrator was applied in only 26% of the decisions, although the law stipulates that the court immediately orders the removal of the perpetrator from the home for a certain period of time, when the victim and the perpetrator live in the same place.

- The court has also imposed measures that are not predicted in the law and are in open contradiction with the legislation against domestic violence, such as the payment of the rent of the perpetrator by the victim or placing the perpetrator in a shelter, at a time when such shelters do not exist .
- Judges often do not have up-to-date information about support services for victims or perpetrators, therefore the protective measures given in the decision are not in accordance with the needs of the victim.
- Quite contradictory decisions are observed regarding issues of minors, decisions that do not protect the minor, but on the contrary put them at a greater potential risk for further violence, such as sleepovers with the abusive parent. Only 57% of abused children have been included in Protection Orders together with their family members who requested IPO/PO. Although the law provides protection for minors, the court did not include in the IPO/PO 43% of these minors who were victims of direct or assisted violence. Only in 14% of the processes the children were assisted by a psychologist during judicial process. The study also identified flagrant violations of the law where minor victims of domestic violence were not protected by a lawyer.
- In 17% of cases, the court has imposed the measure of "house arrest" for the perpetrators, and this is a very worrying issue, as this measure increases the risk for the safety of the victim, especially in cases where the victim and the perpetrator during this time will live in the same apartment.
- The court has imposed alternative punishments for violators in 40% of cases. The application of alternative punishments for perpetrators contradicts the right of the victim of domestic violence to be protected by the state, putting her at a potential risk for repeating acts of violence.
- Although it turns out that 30% of the perpetrators are alcohol or drug users, it is noteworthy that in no case the court (criminal section) decided the measure of drug or alcohol rehabilitation.
- The participation of victims in the criminal process is relatively low. Only 52% of the victims participated in the court proceedings, the rest left the trial in absentia.
- Even more disturbing is the fact that only 11% of crime victims have been protected by a lawyer. From the victims who were represented by a lawyer, 44% of them had a state lawyer (appointed by the court) and 56% has chosen a private lawyer.
- Regarding the gender approach of judges, it turns out that this issue also has problems. Judges tend to look for all possible reasons to mitigate the perpetrator's responsibility and minimize the gravity of their crimes. The court incorrectly analyzes mitigating circumstances such as repentance, the victim has forgiven the perpetrator, remorseful attitude, normalization of relations, the victim's willingness to close the case, change of behavior, the spread of this crime in our country, social economic conditions, etc. The court has also accepted the normalization of relations between the parties as a mitigating circumstance. Also in some decisions we find that the defendant enjoys respect in the community and in the neighborhood as a mitigating circumstance, based on the

opinion on the personality of the defendant, presented in writing by the administrator of the administrative units.

- Delays in providing victims with copies of court decisions for issuing IPO/PO by the court has led to difficulties and delays in their access to services.
- In a wrong interpretation of the law, the Court in some cases did not legitimize local self-government institutions (municipalities/administrative units) as plaintiffs in court proceedings for the issuance of IPO/PO and dismissed the trial on the grounds that the court is dealing with a lawsuit that cannot be raised. In addition, the Court has charged the court costs to the plaintiff, an action that discourages these institutions from filing this kinds of lawsuits in the future.

36. Please indicate whether national provisions foresee the withdrawal of parental rights in criminal sentences if the best interest of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

A problem identified by the HRDC is the delay in the enforcement of court decisions related to divorce, as a result of delays in judgement of trials in Appeal court. As a result of the Vetting process and the dismissal of a considerable number of judges of this court by the Independent Qualification Commission, the review of the cases in this court is beyond the legal terms. According to the Code of Civil Procedure, the decisions of the District Courts became final when they are not appealed within the legal rules. They can only be executed when they become final. The Bailiff's Office has the duty to execute both final court decisions as well as some categories of administrative decisions (so-called execution orders).

Meanwhile, the decisions of the Court of Appeals are considered as final for enforcement effects even if they are appealed to the High Court. As a result, delays in cases awaiting trial in the Appeal court have serious consequences, especially with regard to the obligation of one parent to pay alimony in favor of the minor child, as well as meetings with the other parent - the execution of such decisions in most of the cases is not carried out voluntarily, but it is necessary that the decision becomes final for the Bailiff's Office to intervene through compulsory execution. The HRDC has identified from its clients delays up to one year and more⁵. Such delays, which have serious consequences and violations of women's rights, which are in most cases the custody of minor children, forcing them to bear all the costs of raising and educating them, cannot be justified neither from the Vetting process⁶ nor from the period of pandemic and quarantine (lockdown) where the courts, like any other institution, were closed. Therefore, urgent measures need to be taken so that court decisions, especially those aimed at dissolving the marriage and its legal consequences, are executed in a short time, without unjustified delays.

The HRDC has found a lack of cooperation between various Bailiff's Offices in enforcement of court decisions with object divorce. In some cases the Bailiff's Offices do not execute the decisions involving food alimony (food pensions) by reasoning that they can not find the address of the debtor, although the debtor is easily identifiable and traceable subject – moreover in some cases they have been enrolled in KMCAP scheme. We think that justifications related to inability to allocate address of the debtor does not legitimize the non-execution of the obligation for alimony to a minor for a long period of time. Therefore,

⁶ Out of 31 magistrates of Appeal Court of Tirana, only 13 remained in service

it is necessary to increase cooperation between the Bailiffs Offices of different cities by ensuring enforcement of court decisions in a short/and reasonable time by avoiding delays in execution with justification that they (bailiffs) can not trace the adress of debtor in another city.

HRDC has found out out that Bailiff Offices, escpecialy those in cities misinterpret the law. We have found lack of execution of decision by Bailiffs with justification that the only source of income of the debtor is the payment as a person with disabilities.

According to article 529, point 6, of the Code of Civil Procedure of the Albanian Republic, the debtor is not excluded from the FOOD ALIMONY obligation(in this case to the minor child), even in the conditions when he receives a disability pension. In such cases, debtor should pay only ½ of the pension. Interpreting of this provision gives a clear understanding that food alimony should be executed even on incomes when debtor is disabled . HRDC recommends that ongoing training with Bailiff Offices, especially those in other cities.

Articles 49 and 50: General obligations and immediate response, prevention and protection

40. Please describe the human, financial and technical resources provided to law enforcement agencies to diligently respond to and investigate all cases of violence against women, including their digital dimension.

Regarding human, financial and technical resources, we can say that there is still a lot of work to be done as there is still a lack of human and material resources.

In this context it is necessary to take measures to create the necessary base of human, material and structural resources, in particular in the police stations as the main responsible institutions as well as putting in place mechanisms that enable cross-sectoral handling of cases in order to protect the security of victims and their rehabilitation. A specialized structure to handle cases of gender based violence and domestic violence, it is needed within police stations.

41. Which measures have been taken to ensure that the premises of police stations are accessible and suitable for receiving and interviewing victims of violence while ensuring their privacy? Is it possible to report cases of violence against women elsewhere than in police stations, including through digital means?

The State Police has placed at the disposal of GBV victims' various tools for reporting all forms of violence. Apart from the police stations, violence may be reported on the helpline 112, 129, by e-mail at policiaeshtetit@asp.gov.al, via the application "Digital Commissariat" and the cybercrime reporting platform. Juvenile interview rooms have been established and these rooms are used also for interviewing GBV victims.

42. Please explain whether specialist police/prosecution units exist to investigate and prosecute violence against women and specify:

- a. which forms of violence against women they are competent for;**
- b. whether such units exist in all police/prosecution districts throughout the country.**

The follow-up and investigation of cases of violence against women is carried out by the police stations in cooperation with the prosecutor's office of the Judicial District, there are still no specialized units that are focused on the follow-up and investigation of these issues.

44. Are any measures taken to encourage women and girls who experience any of the forms of violence against women covered by the Istanbul Convention to report incidents of violence to the authorities? Please provide examples of any measures taken to instill confidence in law-enforcement officials, including those aimed at addressing any language or procedural difficulties they encounter when lodging complaints, in particular those of migrant women, asylum-seeking women, women with disabilities, women with addiction issues and other women and girls at risk of intersectional discrimination.

HRDC carries out periodically community awareness activities (with women and girls) especially in the suburban areas in some municipalities. The purpose is to inform women / girls about the different forms of gender-based violence (according to the Istanbul Convention) and the protection mechanisms wanted by the Albanian legislation.

During these activities HRDC has identified the following issues:

- Due to prejudices, women find difficult to report the violence. Psychological violence is not perceived as one of the forms of violence, but as a normal situation in the family.
- Women and girls in these communities do not have information on persecution, one of the forms of violence against women and girls. Persecution is one of the forms of violence against women that is widespread, especially among young girls, but is reported very rarely, due to fear of prejudice and lack of trust in institutions.
- Sexual violence is considered a taboo from the community.
- Spousal rape is not conceived as violence but as an obligation to the spouse. The wife's consent is not seen as necessary, as the wife must do what the husband requires.
- Women accept their inferior role both within the family and in society. They legitimize the husband's right to be heard by the women of the family and his exclusive right to make decisions; on the other hand, the obligation of the woman to obey and to remain humble is accepted.
- In the family, girls and boys are treated unequally not only by male family members, but also by their mothers or grandmothers. Girls according to this mentality have only duties while boys only rights. This inequality "haunts" girls throughout life;
- Selective abortion due to gender has become a phenomenon in some of the peripheral areas of the country;
- Early marriages with girls under the age of 18 are also quite prevalent in these areas;
- Most women do not have information about the social services that the state provides for victims of violence but also about the categories in need;
- Very low level of information regarding forms of violence, protection mechanisms, and support services;

These issues show that there is still much to be done in terms of increasing level of information and awareness, we think it is necessary to continuously conduct awareness campaigns for women and girls, especially in rural areas.

Migrant women, asylum-seeking women, women with disabilities are treated equally with the rest of the victims when they appear before the competent bodies, however, it would be more appropriate for these cases to have increased attention because they are practically disadvantaged due to the circumstances in which they find themselves.

46. Please describe the efforts taken to identify and address all factors that contribute to attrition (the process whereby cases drop out of the criminal justice system) in cases of violence against women and domestic violence.

For a period of two years (from 2020 to 2021), Human Rights in Democracy Center has monitored the decisions of the Tirana Judicial District Court regarding the response of the justice system to gender-based violence and domestic violence and the respect of the rights of victims in both civil and criminal proceedings. As for the judicial system, we can say that despite the positive efforts of the courts in terms of respecting the rights of victims of violence, there are still a number of problems both at the level of interpretation of the law and in the approach of judges to victims of violence with gender-based and domestic violence.

For the year 2020-2021, it results that 53% of the cases were accepted and 47% of them dismissed/dismissed.

Article 51: Risk assessment and risk management

48. Please describe any standardized and mandatory risk assessment tools in use by all relevant authorities in all regions for forms of violence against women such as stalking, violence committed in the name of so-called honour and domestic violence and to what extent these tools are being used in practice to assess the lethality risk, the seriousness of the situation and the risk of repeated violence with a view to preventing further violence. Please specify whether the following elements are considered as red flags when carrying out the risk assessment:

- a. the possession of or access to firearms by the perpetrator;**
- b. the filing for separation/divorce by the victim or the break-up of the relationship;**
- c. pregnancy;**
- d. previous acts of violence;**
- e. the prior issue of a restrictive measure;**
- f. threats made by the perpetrator to take away common children;**
- g. acts of sexual violence;**
- h. threats to kill the victim and her children;**
- i. threat of suicide;**
- j. coercive and controlling behavior.**

With the legal changes of 2018, the Police was given the power to provide the victim with an Order for Preliminary Measures of Immediate Protection (OPMIP). When the risk assessment shows that the violence perpetrated poses a risk to the life, health and freedom of family members, the structures responsible for handling cases of domestic violence, at the State Police, immediately take precautionary measures to protect the victim and to stop the violence by issuing an (OPMIP). To be appreciated is the fact that the Police has consolidated the practice of performing a risk assessment for the safety of the victim in every case.

In 27% of cases, the police stations have issued OPMIP, and yet mainly technical problems have been noticed in the way of completing these acts.

Since we are dealing with a new competence of police officers that transforms them into quasi-judicial bodies, there is a need for their continuous training as well as the performance of the risk assessment procedure and the issuance of the OPMIP, jointly by the officer of community policing the judicial police officer as well as the local coordinator for dealing with cases of domestic violence.

49. Please specify how effective co-operation is ensured between the different statutory authorities and specialist women's support services in making risk assessments and whether the risks identified are managed by law enforcement agencies on the basis of individual safety plans that include also the safety of the victim's children.

Multidisciplinary treatment of cases of domestic violence is an important step towards improving the situation of victims of domestic violence and serves to protect their integrity. The approval of the "Domestic Violence Case Management Protocol⁷ at the local level", which sets out the steps to be followed for the treatment and documentation of domestic violence cases, is an important step in terms of increasing the level of responsibility for treatment and documenting cases of domestic violence. The handling of cases according to this protocol is in the first steps and requires the commitment of each member, in order to handle the cases as efficiently as possible.

From our work practice, we find that the largest percentage of these cases have not undergone multidisciplinary treatment.

In this context, it is necessary to set in motion mechanisms that encourage the increase of the number of cases treated in a multidisciplinary manner, in order to achieve the support and empowerment of as many women / girls who need services.

Article 53: Restraining or protection orders

53. Have any legislative or other measures been taken to introduce and/or amend the legal framework governing restraining and protection orders in order to align it with the requirements of Article 53? If yes, please specify whether:

a. restraining or protection orders are available – in the context of criminal proceedings and/or upon application from civil courts - to women victims of all forms of violence covered by the Istanbul Convention, including domestic violence, stalking, sexual harassment, forced marriage, female genital mutilation, violence related to so-called honour as well as digital manifestations of violence against women and girls;

b. children are specifically included in protection orders;

c. any exceptions to contact bans are made and, if so, in which circumstances these may be made.

When the risk assessment shows that the violence perpetrated poses a risk to the life, health and freedom of family members, the structures responsible for handling cases of domestic violence, at the State Police, immediately take precautionary measures to protect the victim and to stop the violence by issuing an order for immediate protective measures (OPMIP).

This order is valid for 48 hours, and within 48 hours the court must evaluate this order and must decide if the victim should be provided with IPO, according to the legislation in force this procedure is followed only in cases of domestic violence and not for other forms of violence against women.

54. Please provide information on the measures taken to enforce protection orders and on responses to any violations of such orders.

⁷ This Protocol is prepared in cooperation with Ministry of Health under support of UNDP Albania in frame of program of UN " To end violence against women in Albania", financed by Sweden government

The court's decision to issue an immediate protection order constitutes an executive title and cannot be appealed. The decision is executed immediately by the police bodies, in cooperation with the judicial enforcement service and the social services office of the local self-government unit where the victim and the other persons, provided for in the decision, have permanent or temporary residence. The implementation of the rehabilitation measures decided by the court for the perpetrators remains a problem. In conditions where such programs are quite limited or non-existent, it is very difficult to implement them.

Article 56: Measures of protection

55. Please provide information on the measures taken to ensure the following:

a. that the relevant agency informs the victim when the perpetrator escapes or is released temporarily, at least when they or their family might be in danger (paragraph 1 b);

It turns out that the victim of domestic violence is not informed in cases where the perpetrator of the criminal offense is released as a result of the assignment of a milder measure of personal security than "prison arrest" or in cases where the Court assigns an alternative punishment for the perpetrator of this offense. or the perpetrator completes the prison sentence.

Finally, efforts are being made to change this practice, but we still do not have a unified practice according to which victims are informed.

b. the protection of the privacy and the image of the victim (paragraph 1 f);

As for the protection of the victim's privacy and image, this issue remains problematic, regardless of the fact that the relevant protocols stipulate the obligation to preserve the privacy of the victims, in practice it turns out that in most cases this right is not respected.

c. the possibility for victims to testify in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available (paragraph 1 i);

From the study of HRDC it appears that the participation of victims in the criminal process is low. We have found no cases where the adult victims were given the opportunity to testify in the courtroom through the use of appropriate communication technologies.

The application of these methods would serve to increase the efficiency of the protection of the rights of the victims, who in most cases would be willing to be an active part of criminal court processes.

d. the provision of appropriate support services for victims so that their rights and interests are duly presented and taken into account (paragraph 1 e).

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