

*Building trust
by delivering support,
protection and justice*

Albania

First thematic
evaluation report

GREVIO

Group of Experts
on Action against Violence
against Women and
Domestic Violence



Council of Europe Convention
on preventing and combating
violence against women
and domestic violence
(Istanbul Convention)

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Contents

Executive summary	4
Introduction.....	6
I. Emerging trends in the areas of violence against women and domestic violence	8
II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence	10
A. Definitions (Article 3)	10
B. Comprehensive and co-ordinated policies (Article 7)	11
C. Financial resources (Article 8)	12
D. Data collection (Article 11).....	14
III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution	17
A. Prevention.....	17
1. General obligations (Article 12).....	17
2. Education (Article 14).....	19
3. Training of professionals (Article 15).....	20
4. Preventive intervention and treatment programmes (Article 16)	22
B. Protection and support	24
1. General obligations (Article 18).....	24
2. General support services (Article 20)	26
3. Specialist support services (Article 22).....	28
4. Support for victims of sexual violence (Article 25)	31
C. Substantive law	33
1. Custody, visitation rights and safety (Article 31).....	33
2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)	35
D. Investigation, prosecution, procedural law and protective measures	36
1. General obligations (Article 49) and immediate response, prevention and protection (Article 50)	36
2. Risk assessment and risk management (Article 51).....	41
3. Emergency barring orders (Article 52).....	43
4. Restraining or protection orders (Article 53).....	45
5. Measures of protection (Article 56)	47
Appendix I List of proposals and suggestions by GREVIO	49
Appendix II List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations .	56

Executive summary

This evaluation report addresses progress made in bringing support, protection and justice to victims of violence against women and domestic violence under selected provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence. It was preceded by the baseline evaluation report on Albania, published on 24 November 2017. GREVIO selected the theme of “building trust by delivering support, protection and justice” as the focus of its first thematic evaluation round in order to identify developments that have taken place after the completion of the baseline evaluation procedure which help to achieve a fundamental premise of the Istanbul Convention. To address this overarching theme, the report assesses not only the level of comprehensiveness and co-ordination of national policies, but it also covers their level of funding and evaluation and offers insights into the data collection efforts made. Moreover, GREVIO reports under this thematic evaluation round delve into and provide more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution as building blocks for a comprehensive response to the different forms of violence against women that instils trust in victims. These areas correspond to requirements of the Istanbul Convention in respect of which GREVIO’s baseline evaluation procedures, and the Conclusions on the implementation of recommendations of the Committee of the Parties to the Istanbul Convention, have revealed significant challenges and the need for further action. In identifying emerging trends in preventing and combating violence against women and domestic violence, GREVIO shines a light on laudable efforts made for the implementation of this convention - shared across parties or unique to some - and identifies manifestations of violence that are increasing in prevalence or which are enabled by underlying structural reasons that remain unaddressed.

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the 1st thematic evaluation procedure, set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and additional information submitted by NGOs (the Social Justice Centre, the Monitoring Network Against Gender Based Violence, the Albanian Women Empowerment Network (AWEN); Vatra Psycho-Social Centre; the Human Rights in Democracy Centre (HRDC); and Aleanca LGBTI) as well as a five-day evaluation visit to Albania. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the Albanian authorities to prevent violence against women and domestic violence and to deliver protection, support and justice for victims. In this regard GREVIO welcomes the comprehensive legislative changes since the adoption of its baseline evaluation report, notably the adoption of two consecutive amendments to the Law on Measures against Violence in Family Relations as well as a reform of the Criminal Code, and the adoption of numerous bylaws, general instructions and manuals. GREVIO also welcomes the rollout and replication of the co-ordinated referral mechanism, a pioneering project to bring institutionalised and co-ordinated protection closer to women victims, to all Albanian municipalities. GREVIO further welcomes the development of three protocols that should guide and standardise the work of the mechanism, although this is a field in which some challenges remain. Furthermore, efforts to streamline data collection through the introduction of a new database are commendable and represent a solid base on which the authorities can continue to build, develop and integrate data from other stakeholders. More legal reforms are underway, including a complete overhaul of the Criminal Code, which serves to confirm the authorities’ dedication to constructing a robust and stable legal framework to prevent and combat violence against women and domestic violence.

Beyond the progress made in Albania to implement the convention, GREVIO has identified areas which require urgent action by the authorities to comply fully with the convention’s provisions.

While the authorities have taken significant steps to reform the existing laws and policies and bring them in line with the requirements of the Istanbul Convention, the present report shows significant

gaps when it comes to implementation. It is in particular the requirement that victims report a crime to obtain specialised support services, which exists in practice, and the lack of sufficient implementation and enforcement of emergency barring and protection orders where the practice most visibly falls short of the authorities' commitment. Significant gaps between the political will to reform, and the implementation of those provisions continue to undermine the trust of victims.

Mandatory conciliation in respect of rape cases is still required in Albania, an issue which needs to be urgently addressed. Similarly, the high level of attrition of cases which are reported, but dismissed somewhere along the path of the judicial system and never reach a conviction similarly remains an important challenge.

Similarly, this thematic evaluation procedure has shown that traditional beliefs and strict gender roles and stereotypes remain a serious challenge to combating violence against women in Albania in the period under review. Moreover, the stigma that surrounds sexual violence and rape results in extremely low reporting rates, which is amplified by the existence of only one, insufficiently operational rape crisis centre in the country. An urgent need, therefore, remains to invest in further and more sustainable awareness-raising measures and to roll-out relevant support services.

Further, the authorities need to ensure that systematic and mandatory initial and in-service trainings on identifying and responding to all forms of violence against women be provided to all actors in the justice system, such as judges, prosecutors, lawyers and law enforcement officers, as well as to healthcare and education professionals.

GREVIO also found that the healthcare system should undergo significant reform in order to ensure that comprehensive healthcare services are provided to women and girls, including those with mental health problems. Standardised care paths should be implemented not only to ensure the identification of victims, but that medical reports detailing the violence suffered be drawn up. Important shortcomings with the provision of specialised care for victims of sexual violence were also identified.

GREVIO has identified a number of additional issues that require sustained action in order to effectively build trust by delivering protection, support and justice for acts of violence against women. These relate to the need to:

- expand the existing perpetrator programmes and introduce programmes aimed specifically at perpetrators of sexual violence;
- ensure that all women victims of gender-based violence and their children have access to emergency and long-term shelters, and that this access is not contingent on their will to report the violence;
- ensure that risk assessment and management in cases concerning all forms of violence are conducted in a manner that involves all the relevant agencies and entities that provide services to victims and their children, including law enforcement, social welfare, healthcare authorities, women's specialist services and education facilities.

Lastly, GREVIO has identified further areas in which improvements are required in order to comply fully with the obligations of the convention under this round's theme. These relate, among others, to the need to ensure that the perspective of women exposed to intersectional discrimination is taken into account when policies in the field of violence against women and domestic violence are created, and ensure that these policies are regularly evaluated and are adequately and sustainably funded, along with women's rights NGOs; the need to continue the mainstreaming of gender equality in the education system; and the need to incorporate a systematic screening and risk-assessment process in cases concerning the determination of custody and visitation rights in order to establish whether violence has been an issue in the relationship, and build safeguards into the procedures where custody and visitation rights are being decided.

Introduction

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, the Istanbul Convention) is the most far-reaching international treaty to tackle violence against women and domestic violence.

It sets up a two-pillar monitoring mechanism to assess the level of implementation by its parties: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention. In line with Article 68 of the convention, GREVIO has been providing country-based monitoring reports under its baseline evaluation procedure since 2017. Its baseline evaluation report on Albania, offering a comprehensive assessment of the convention's implementation in its entirety, was published on 27 November 2017, following Albania's ratification of the Istanbul Convention on 4 February 2013.

The present report was drawn up under GREVIO's first thematic evaluation round, launched in 2023 and focusing on the theme of building trust by delivering support, protection and justice. To address this overarching theme, it describes emerging trends in the areas of preventing and combating violence against women and domestic violence in the country. Section two aims to identify developments in key areas such as comprehensive and co-ordinated policies, funding and data collection that have ensued following the completion of the baseline evaluation procedure. Section three presents more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution, in light of the significant challenges and the need for further action revealed by the baseline evaluation procedures and the conclusions on the implementation of recommendations of the Committee of the Parties to the Istanbul Convention.

In respect of Albania, the first thematic evaluation procedure was initiated in accordance with Article 68 of the convention by letter and transmission of GREVIO's first thematic questionnaire on 16 January 2023. The Albanian authorities subsequently submitted their state report on 30 June 2023 – the deadline set by GREVIO. Following a preliminary examination of Albania's state report, GREVIO carried out an evaluation visit to Albania, which took place from 2 to 6 October 2023. The delegation was composed of:

- Aleid van den Brink, Member of GREVIO
- Angelina Zaporozhan-Pirgari, Member of GREVIO
- Mihail Stojanoski, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention
- Kerstin Schinnerl, Senior Project Officer at the Secretariat of the monitoring mechanism of the Istanbul Convention.

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. GREVIO wishes to highlight its constructive exchanges with the Albanian authorities, in particular Ms Ogerta Manastirliu, Minister of Education, Sports and Youth, Ms Nina Guga, Deputy Minister of Education, Sports and Youth and Ms Denada Seferi, Deputy Minister of Health and Social Protection. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them. For the co-operation and support provided throughout the entire evaluation procedure, it wishes to extend its gratitude to Ms Etleva Sheshi, Director of the Social Inclusion and Gender Equality Policies Directorate at the Ministry of Health and Social Protection, who was appointed as contact person. The state report and the written contributions submitted by civil society are available on the country monitoring website of the Istanbul Convention.¹

1. See www.coe.int/en/web/istanbul-convention/albania.

The present assessment was drawn up under the exclusive responsibility of GREVIO and is based on the information collected during the various steps of the evaluation procedure. In keeping with the approach adopted in its baseline evaluation reports, the findings made reflect different levels of urgency, indicated in order of priority by the following verbs: “urges”, “strongly encourages”, “encourages” and “invites”.

Resulting from a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement within the national context of the party under review, this report describes the situation as observed by GREVIO up until 22 March 2024. Where applicable, relevant developments up until 21 June 2024 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations that work in the field of violence against women.

I. Emerging trends in the areas of violence against women and domestic violence

1. In the period following the adoption of GREVIO's baseline evaluation report, GREVIO identified several trends in Albania in the field of combating violence against women. Some of the trends concern reforms undertaken by the authorities, but others concern general changes in attitudes and societal changes. In the following section a brief overview will be presented of the most important trends observed.

Reforming the legislative and judicial framework: an ongoing process

2. GREVIO observed a strong will among stakeholders in Albania, both among the authorities and civil society, to continue on the path of reforms in the field of violence against women and domestic violence. An openness to embrace new instruments and procedures in prevention, protection and prosecution, which is essential to giving life to these reforms, was noticeable among almost all stakeholders that GREVIO met with. Past reforms, such as the introduction of the Law on Measures against Violence in Family Relations in 2006² and the rollout of the national referral mechanism, have laid the groundwork for co-ordinating the efforts of all participating stakeholders. With the aim of continuing and building on those efforts, the authorities have introduced numerous legislative changes since the adoption of GREVIO's baseline evaluation report, most notably two amendments to the Law on Measures against Violence in Family Relations (in 2018 and 2020) and a reform of the Criminal Code in 2020, the latter placing psychological violence under the umbrella of the stand-alone crime of domestic violence. Furthermore, several laws introducing new benefits for victims in the fields of social assistance and social housing, among others, were adopted.

3. A more comprehensive overhaul of the Albanian Criminal Code is underway. The findings in this report as well as those set out by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee) in October 2023 offer important guidance for this exercise. GREVIO points to the need to further align Albania's criminal law with the requirements of the Istanbul Convention, notably by replacing the outdated force-based definition of rape with one based on lack of consent. Furthermore, this reform is also an opportunity to do away with terminology such as "sexual or homosexual relations", used in reference to several articles of the Criminal Code, including rape by use of a threat or rape of a victim with a disability. Such changes could facilitate the recognition and prosecution of cases of rape that are currently still outside the remit of criminal law and send a positive message about building trust among victims.

4. In parallel, GREVIO observes extensive reforms of the judiciary, including the centralisation of courts and judicial institutions as well as their digitalisation. While an assessment of the reform process falls outside the mandate of GREVIO, it wishes to point to certain risks inherent to women's access to justice for experiences of violence that the centralisation of courts may result in. This may notably play out in reduced opportunities for women to access courts and an increase in the overall length of civil and criminal proceedings within the remit of the Istanbul Convention. Although the reform is coupled with a process of digitalisation of the remaining courts, which should alleviate some of these concerns, significant challenges as regards length of proceedings and the low clearance rate of courts remain a concern, as found by the European Commission.³

Demonstrating ownership of national responses to violence against women

5. GREVIO commends the dedication and willingness of the Albanian authorities to continue reform in the fields of prevention, protection and prosecution discussed above, which is undoubtedly

2. Law No. 9669 adopted in 2006.

3. First screening report of Albania as part of the negotiations for accession of Albania to the European Union, European Commission, 24 July 2023, page 44, available at: www.neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en.

a long and complex process. External donors have facilitated and financed the rollout of various projects in Albania throughout the years, leading to the introduction of new services for victims and helping to reinforce the trust of victims in the system on all levels. The Albanian authorities have also begun to take ownership of the reforms at the financing and management levels, operationalising and replicating the models and services established with success, which GREVIO welcomes. The most prominent example in this respect is the rollout and replication of the co-ordinated referral mechanism (CRM), which began as a donor-financed project and is now in large part financed by the authorities themselves.

6. GREVIO notes with satisfaction that the taking of ownership of the reform process has continued after the adoption of GREVIO's baseline evaluation report, despite challenges, such as the destructive earthquake that the country suffered in 2019 and the Covid-19 pandemic in the following year. While fully aware that both events required extensive resources, GREVIO cautions against continued dependence on outside donors for the delivery of core services for victims of violence against women, as echoed by the Istanbul Convention. It considers it of great importance to continue to assume ownership of the reform process, including financially.

The digital dimension of violence against women

7. Online and technology-facilitated violence against women is a growing phenomenon in many countries. As reported by both authorities and civil society, recent years have seen an overall increase in crimes committed in the digital sphere in Albania and a sharp increase when it comes to violence against women committed online. This trend is particularly evident in the increase in instances of online stalking, especially committed through social media. In this regard, one study found that 12% of young women and 5% of young men in Albania have been subjected to blackmail by means of photos, videos or other material containing sexual content.⁴ In this context, GREVIO draws attention to its General Recommendation No. 1 on the digital dimension of violence against women⁵ and the fact that research has shown that almost half of domestic violence victims report experiencing some form of online abuse during the relationship and/or after the relationship ended.⁶

8. GREVIO welcomes the measures taken to address violence committed online by introducing a specialist police unit, but as this unit does not specialise in violence against women, it is concerned that the response may be insufficient. More attention and resources should be dedicated by all stakeholders to preventing and prosecuting this type of violence in Albania, possibly by introducing legislative reforms to substantive and procedural laws and the creation of specialist units to investigate and prosecute these types of crimes.

Women victims of violence with mental health issues

9. The number of women and girl victims of violence with mental health issues in Albania appears to have grown in the period following the Covid-19 pandemic and the related lockdowns. At the same time, support services addressing the needs of these types of victims, either general or specialised, including trauma care, do not exist in Albania. GREVIO notes the concern expressed by various stakeholders about the provision of support adapted to the needs of women and girl victims of violence who have mental health issues. The limited support available seems to be offered by non-specialised services or in hospitals dedicated to patients with mental health problems, neither of which offer the holistic array of services necessary to cater to their needs.

4. Dhëmbo E. and Duci V. (2021), "Intimate partner violence and sexual violence among young people in Albania", AWEN, available at: www.awenetwork.org/media/6488746058da0.pdf, page 14.

5. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted on 20 October 2021, Council of Europe, available at: www.rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147.

6. Ibid., p. 14, with further references.

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

10. Chapter I of the Istanbul Convention sets out general principles that apply to all the substantive articles contained in Chapters II to VII and therefore lay the foundation for a comprehensive and adequate response that ensures the delivery of support, protection and justice for all women and girls at risk of or who have experienced gender-based violence. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies, sustained by the necessary institutional, financial and organisational structures.

A. Definitions (Article 3)

11. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. “Violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” provided in paragraph *d* of Article 3 seeks to ensure more clarity about the nature of the violence covered, by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

12. In its baseline evaluation report GREVIO observed that there had existed a disparity in application between the definitions of domestic violence in the Criminal Code and the Law on Measures against Violence in Family Relations, and that a gendered approach at the policy level had been lacking. GREVIO notes with interest that since the baseline report the Law on Measures against Violence in Family Relations and the Criminal Code have undergone changes, effectively harmonising the definitions used in the criminal and civil context.

13. As regards the lack of a gendered approach in policy making, a notable development since the baseline evaluation is the recognition accorded to women and girls as one of the categories requiring “special attention” in the process of protection from domestic violence.⁷ Furthermore, the goals of the National Strategy for Gender Equality (2021-2030) include the improvement of economic and social rights and the empowerment of women (strategic goal no. 1), improving the access to justice for women and girls (specific objective III.3 of strategic goal no. 3), empowering women to have full control over matters related to sexual and reproductive health (specific objective no. III.5 of strategic goal no. 3) and application of gender mainstreaming in order to achieve gender equality and gender justice (strategic goal no. 4). The goals of the national strategy therefore indicate a clear move towards a gendered approach in policy making, which GREVIO commends.

7. Article 1, paragraph 1(2), of the amended Law on Measures against Violence in Family Relations.

B. Comprehensive and co-ordinated policies (Article 7)

14. Article 7 of the Istanbul Convention requires parties to take co-ordinated and comprehensive measures to prevent and combat all forms of violence against women. Policies must ensure effective co-operation and place the rights of victims at their centre. This includes taking into account and addressing the specific circumstances and barriers experienced by women exposed to or at risk of multiple forms of discrimination,⁸ in line with Article 4, paragraph 3, of the convention. Ensuring service delivery, effective protection and justice with a comprehensive understanding of intersecting forms of discrimination is a fundamental element in building trust among all women and girls.

15. As regards comprehensive and co-ordinated policies in Albania, given its finding in the baseline report that the response to violence against women other than domestic violence had been piecemeal and had lacked a comprehensive approach, GREVIO welcomes the adoption of the fourth consecutive National Strategy for Gender Equality (2021-2030) and the related Action Plan on Gender Equality, the former of which includes “reduction of gender-based and domestic violence” as one of its goals. The new strategy also states that one of its aims is to fulfil the obligations of the authorities arising under the Istanbul Convention.⁹ GREVIO notes that despite some exceptions the national strategy remains largely focused on domestic violence, at the expense of other forms of violence covered by the convention, such as sexual violence.

16. Another notable undertaking since the adoption of GREVIO’s baseline evaluation report to streamline the implementation of policies is the clarification of the exact roles and duties of all line ministries and other bodies in the process of implementing the policies against domestic violence brought about by the 2018 and 2020 amendments to the Law on Measures against Violence in Family Relations, which followed the findings in GREVIO’s baseline evaluation report. Among other things, these amendments clearly state that the Ministry of Health and Social Protection is the body responsible for the supervision of the implementation of the national strategy and action plan and for supervision over the network of structures. The Ministry of Health and Social Protection is assisted by the National Council for Gender Equality (the national co-ordinating body established under Article 10), which in practice has a mostly advisory role. Although three members from civil society are part of the National Council for Gender Equality, which should in theory contribute to a multistakeholder approach to policy creation, given the advisory role of the council, the involvement of civil society seems to remain symbolic. Enhancing the role of the national co-ordinating body by moving beyond a purely advisory role, including by involving civil society in its work in a meaningful way, would serve to elevate the trust of the public in policy making.

17. GREVIO similarly noted that insufficient resources are allocated to the Ministry of Health and Social Protection to oversee policy making on violence against women. This particularly concerns a lack of human and financial resources attributed to the Social Inclusion and Gender Equality Policies Directorate, which should be expanded in view of its broad mandate.¹⁰

18. GREVIO observed that further efforts are also required in order to sufficiently take into consideration the specific needs of women victims exposed to intersectional discrimination, such as women from national minorities, Roma and Egyptian women, women with disabilities, LGBTI women, women from rural areas, women in prostitution, women with mental health problems and women with substance-abuse problems. Although the national strategy takes note of the importance of supporting women and girls exposed to intersectional discrimination, which is a need highlighted in the baseline report, these undertakings need to be followed by tangible steps, action and sustainable funding.¹¹

8. These include, but are not limited to, women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues.

9. National Strategy for Gender Equality of Albania (2021-2030), page 10.

10. State report, page 16.

11. National Strategy on Gender Equality, page 10.

19. Last, despite some studies commissioned by the People's Advocate (the Ombudsperson) and by civil society, it appears that the creation of integrated and holistic policies is still not sufficiently guided by evidence. Studies into the prevailing trends surrounding violence against women and domestic violence commissioned by the authorities are sparse and not sufficiently considered in the policy-making process. Studies evaluating the success of policies and the implementation of tools for periodically reviewing policies and making adjustments should be introduced to enable the Albanian authorities to move towards evidence-based policy making.

20. **GREVIO encourages the Albanian authorities to:**

- a. **provide a holistic response to preventing and combating violence against women and domestic violence by ensuring that the policies in place cover all forms of violence against women covered by the Istanbul Convention;**
- b. **enhance the role of the National Council for Gender Equality as the national co-ordinating body by strengthening its powers and competences and allocating the necessary human and financial resources to both the National Council for Gender Equality and the Ministry of Health and Social Protection in order to ensure the sustainability of their work;**
- c. **ensure that the relevant policies concerning preventing and combating violence against women take into consideration and integrate the perspective of women who are or might be exposed to intersectional discrimination;**
- d. **evaluate, on a regular basis, their policies that aim to achieve the comprehensive policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data.**

C. Financial resources (Article 8)

21. Article 8 of the Istanbul Convention aims to ensure the allocation of appropriate financial and human resources for activities carried out by both public authorities and by relevant non-governmental and civil society organisations.¹²

22. To address the findings in the baseline report, Albania has introduced an obligation for all relevant central and local authorities to apply gender budgeting.¹³ Since the adoption of GREVIO's baseline evaluation report, the share of gender budgeting in the general budget has consistently increased, reaching 9.6% for the period 2023-2025, a development also recognised by the Committee of the Parties in its conclusions on the implementation of recommendations issued in respect of Albania, following the adoption of GREVIO's baseline evaluation report.¹⁴ GREVIO notes, however, that it remains unclear which indicators are used to determine that a budget line falls within the category of gender budgeting. Further effort is therefore required to increase transparency and accountability in this regard.

23. GREVIO notes with satisfaction that 648 945 000 Albanian lek (ALL),¹⁵ being the largest share of funding planned in the National Strategy for Gender Equality, has been earmarked to be used towards the goal of reducing all forms of harmful practices, including gender-based violence and domestic violence. However, GREVIO also notes that to reach this goal, ALL 366 879 473¹⁶ (56.5% of the planned expenses) remain to be secured.¹⁷ What is more, it appears that a significant

12. Explanatory Report to the Istanbul Convention, paragraph 66.

13. GREVIO's baseline evaluation report on Albania, paragraph 26.

14. Conclusions on the implementation of recommendations in respect of Albania adopted by the Committee of the Parties to the Istanbul Convention, document no. IC-CP/Inf(2021)4, adopted on 7 December 2021, page 2. Also see the state report, page 14.

15. Around €5 233 000.

16. Around €2 958 700.

17. National Strategy for Gender Equality, page 43.

proportion of the funds that are marked as secured in fact will either originate from foreign donors or still need to be acquired by means of fundraising. From the data provided about the state-run shelter for women victims of domestic violence financed by the Ministry of Health and Social Protection,¹⁸ it can be observed that budget has increased year on year since 2018, but it took a significant cut for the year 2022.¹⁹ In view of the above, GREVIO notes, in a similar way to its findings in the baseline report, that a significant gap in financing for the implementation of policies and providing services remains a serious challenge that needs to be addressed.²⁰

24. On the other hand, the creation of the Social Fund, a new avenue used by central government to finance projects put forward by municipalities, is a positive step taken since the adoption of GREVIO's baseline report for securing financing for the municipalities, who play a vital role in the provision of services to women victims, a need highlighted in GREVIO's baseline report. The fund operates on a year-by-year project basis. According to the state report, between 2020 and 2022 a total of 15 municipal projects, many of which concern domestic violence, were supported with a total of €2 294 087.47.²¹ The positive impact of the Social Fund on the national response to violence against women should be further improved by creating the possibility for the municipalities to apply for and obtain longer-term, sustainable financing.

25. Another positive step that addresses GREVIO's findings in the baseline report about insufficient financing allocated to stakeholders is the introduction in 2019 of a specialised budget line of ALL 4 000 000²² by the Ministry of Justice, earmarked for the financing of NGOs that provide free legal aid. A first public call was issued in 2021, but none of the NGOs who applied met the criteria for being awarded funds.²³ The call issued for 2022 suffered the same outcome. Only during the third call issued in 2023 were two NGOs awarded limited funding.²⁴

26. Further to the point of financing of NGOs, GREVIO notes that the role of the Agency for the Support of Civil Society has been enhanced in the period under review with the allocation of ALL 17 900 000²⁵ (46.67% of the total funds allocated) to NGOs providing services to victims of domestic violence.²⁶ However, despite this, no funding was awarded to this category of NGOs in 2018 and 2020. In this respect, concerns reached GREVIO about a lack of transparent procedures and numerous bureaucratic hurdles hampering the ability of NGOs to secure financing from the state. Information received from civil society indicates that many of the NGOs providing services for women victims nonetheless still depend, for a large part or fully, on foreign donors to be able to operate. The application process for the scant funding from the state or the municipalities requires extensive documentation to be submitted by hand, is project-based and lacks sustainability. The criteria for qualifying for financing are often too rigid, requiring licences and a certain number of years of experience, which essentially excludes NGOs founded recently from qualifying.²⁷ This has *de facto* resulted in no financing for entire categories of organisations, such as NGOs providing services for women victims suffering from disabilities or Roma women.²⁸

18. The shelter for women victims of domestic violence in Tirana, as the only national state-run shelter of this kind, is financed directly by the ministry. Other bodies providing services to women victims are financed through the municipalities, other ministries or other programmes discussed in this section.

19. State report, page 16.

20. GREVIO's baseline evaluation report on Albania, paragraph 27.

21. State report, page 18.

22. Around €32 200.

23. State report, page 19.

24. Information received during the evaluation visit.

25. Around €150 000.

26. State report, page 18.

27. Information received during the evaluation visit.

28. Information received during the evaluation visit. Also see United Nations Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Albania, 14 October 2019, page 2, available at www.ohchr.org/en/documents/concluding-observations/crpdalbc01-concluding-observations-initial-report-albania.

27. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Albanian authorities to:

- a. allocate appropriate, sufficient and sustainable funding for policies, programmes and measures to prevent and combat all forms of violence against women, at both central and municipal levels;
- b. ensure, through adequate funding, a sustainable role for women's rights NGOs providing support services to victims of any and all forms of violence against women and all categories of victims, including legal aid, for example through long-term grants based on transparent procurement procedures, and to remove unnecessary bureaucratic hurdles in the process of applying for funding.

D. Data collection (Article 11)

28. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

1. Law-enforcement agencies and the justice sector

29. In response to GREVIO's findings in its baseline evaluation report about the need to improve and harmonise data collection, Albania made several advances in this area, which GREVIO welcomes. In line with the "decision to create a special database on domestic violence cases in the courts and data unification" from 2020, disaggregated data are now collected by the Ministry of Justice on the basis of reports by the police and are grouped into numerous data categories, including the victim's sex, age, social status, education and the relationship between the perpetrator and the victim, as suggested by GREVIO. The input of data is done at the level of police directorates but is yet to be extended to all of them. GREVIO notes that the system still requires data-input practices to be harmonised²⁹ and is missing data from the justice sector about the progress of each case through the court system. Further efforts in this regard are also needed to extend data collection for other types of violence against women beyond domestic violence.

30. INSTAT, the national statistics agency, being the main stakeholder in the field of data collection in Albania, has also undergone reforms in the period under review. The police, judiciary, prisons and other bodies submit regular reports to INSTAT, which compiles and disaggregates the data for publication in the form of annual reports.³⁰ GREVIO notes that although comprehensive, INSTAT's reports on violence against women do not contain data on the type and length of sentences given for offences of domestic violence or other forms of violence against women. Data on the types of sentences (but not their length) are collected by the Ministry of Justice and published in their annual yearbooks, but it appears that they are not communicated to INSTAT.³¹

31. In addition to INSTAT, the police, prosecutors, courts, municipalities, Ministry of Justice, Ministry of Health and Social Protection, and High Judicial Council all collect annual data on domestic violence and various other forms of violence against women.³² Given the lack of interconnectedness of these data-collection systems and the lack of a unified system that would follow each case from report to its judicial outcome, it is evident that further harmonisation of the process of data collection is needed, as outlined in GREVIO's baseline report.

29. See the report by the Human Rights in Democracy Centre, page 2.

30. Many of the reports are also available in English. See www.instat.gov.al/en/.

31. The yearbooks are published online. The yearbook for 2021, for example, is available at the following link: www.drejtesia.gov.al/wp-content/uploads/2022/06/REPUBLIKA-E-SHQIP%C3%8BRIS%C3%8B-Vjetari-Statistikor-2021-pdf.pdf.

32. State report, page 22.

32. As regards data from courts, although information reached GREVIO about very few convictions for violence against women committed in the digital sphere, no official data were received on the number or types of sentences issued. Furthermore, no official data from the civil justice sector concerning custody and visitation rights, including their length and the number of cases in which judges took into consideration past instances of violence, were received by GREVIO. Similarly, disaggregated data for court-issued emergency barring orders (EBOs) and protection measures, as well as data on EBOs issued for cases of psychological violence alone, were not submitted to GREVIO.

33. As regards data on gender-based killings, this is currently collected annually by the Ministry of Justice, albeit not broken down by sex. GREVIO notes with interest the plans to create an observatory on femicides, a project originating from the office of the People's Advocate (the Ombudsperson) which is expected to improve data collection by creating a central point of reference for the issue of femicide in Albania.

34. As regards population-based data, the National Population Survey on Violence Against Women and Girls in Albania published by INSTAT in 2018 contains extensive data on the prevalence of several types of violence against women beyond domestic violence, which GREVIO analysed with interest, given its finding in the baseline report about a lack of such surveys.³³ Some findings of the study include that 47% of Albanian women had suffered intimate partner violence throughout their lifetime,³⁴ with the prevalence being 55.8% for the age bracket 18-24.³⁵ Furthermore, 31.4% of Albanian women had experienced psychological violence at some point in their lifetime, with the prevalence being 42.9% for the age bracket 18-24.³⁶

2. Healthcare sector

35. The Ministry of Health and Social Protection is the focal point for data collection in the healthcare system and the CRM. As such, it introduced a significant new measure in the form of the REVALB system, which is a tracking system that follows the victims' pathway through the network of structures for victims of domestic violence and includes extensive data on victims, following standardised indicators that should be used and supplied by all members of the CRM.³⁷ REVALB represents a significant reform in terms of harmonising data collection throughout the country and across various sectors, given that it centralises data collection with the local co-ordinators, who are tasked with inputting the data from all the stakeholders under an obligation to report to them.

36. When it comes to the collection of data from victims by healthcare institutions, GREVIO was informed that despite the organisation of several training programmes, healthcare staff do not always supply the requisite data to the local co-ordinators in a correct or timely manner, which raises concerns about their reliability and may indicate an under-representation of the real numbers of cases of violence against women detected in healthcare institutions.³⁸ This also raises concerns about whether the data were collected in line with the requirements of confidentiality and respect for the privacy of victims, and other persons involved, about which GREVIO received no information.

33. National Population Survey: Violence Against Women and Girls in Albania, INSTAT, Albania, 2019, pages 71-82, available at: www.undp.org/albania/publications/national-population-survey-violence-against-women-and-girls-albania.

34. Ibid. page 71.

35. Ibid. page 72.

36. Ibid. page 79.

37. The referral mechanism in Albania is established at municipal level and follows a multi-agency approach. It includes three types of structures: a steering committee responsible for the direction of the process; a multidisciplinary technical team tasked with case management; and a local co-ordinator who leads and co-ordinates the work of the technical team. For more details on the structure of the CRM, see GREVIO's baseline evaluation report on Albania, paragraph 82.

38. Information received during the evaluation visit.

3. Social services

37. As mentioned above, one of the features of the REVALB system is that all members of the CRM report data to the local co-ordinator for domestic violence, who in turn inputs the data into the system as the only person authorised to do so. The national shelter for victims of domestic violence, as a member of the CRM, feeds data to the local co-ordinator as well. The social services, such as the state authorities in charge of social housing, legal aid and various financial benefits aimed at victims of domestic violence, also feed data into the REVALB system in this fashion. It appears, however, that co-operation with NGOs providing services to women victims (which are most often members of the CRM themselves) remains ad hoc and varies from case to case and from one municipality to another, despite attempts at harmonisation.

38. The authorities should explore different avenues to improve REVALB, for example by eliminating the local co-ordinator as a single point of data entry and integrating it within INSTAT. As most of the day-to-day tasks at the municipal CRM points are carried out by the local co-ordinators, they are sometimes overburdened and cannot input all the requisite data in a timely manner.³⁹ Allowing other participating stakeholders to input data would allow REVALB to become a fully fledged case-tracking system, from report to final judgment, which can be relied on at all times to track the progress of each individual case of violence against women.

39. GREVIO encourages the Albanian authorities to take measures to improve the systematic collection of data by all hospitals and other healthcare facilities.

40. GREVIO notes the benefits brought about by the introduction of the REVALB data-collection system and encourages the Albanian authorities to take measures that would ensure that data collection is harmonised across various sectors (namely law-enforcement agencies, judicial authorities, and health and social services), in particular between the REVALB system and the state agency INSTAT, which would allow for the creation of a fully fledged unified system of data collection in the field of violence against women and which would contain information on each case, from the moment when the crime is reported until its final outcome.

41. GREVIO encourages the Albanian authorities to ensure that the collection, storing and processing of data complies with standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved.

42. GREVIO further encourages the Albanian authorities to collect data on the number of emergency barring and protection orders issued, disaggregated by the reasons for the adoption of the measure.

39. Information received during the evaluation visit.

III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution

A. Prevention

43. Chapter III of the Istanbul Convention contains a number of general and more specific obligations in the area of prevention. This section analyses progress made since the baseline evaluation monitoring procedure towards the implementation of early preventive measures. It also covers progress made with regard to the adoption of the more specific preventive measures provided under this chapter in the area of education, training of all relevant professionals and perpetrator programmes. Ensuring the effective prevention of all forms of violence against women and domestic violence is an important step in rendering it unacceptable and reducing levels of perpetration.⁴⁰ In turn, effective prevention empowers women and girls to speak out about their experiences and seek support and protection.

1. General obligations (Article 12)

44. Article 12 sets out a number of general preventive measures that represent the overarching principles of the parties' duty to prevent violence against women. These include the requirement to promote changes in the social and cultural patterns of behaviour of women and men, with a view to eradicating prejudices, customs, traditions and all other practices based on the idea of the inferiority of women or on stereotyped roles for women and men. A positive contribution to achieving such change can be made by men and boys acting as role models and advocates for equality between women and men and mutual respect, including by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 further requires that parties adopt specific measures to empower women in order to enable them to recognise and reject discrimination, unequal power relations and, ultimately, reduce women's vulnerability to violence and achieve greater gender equality.

45. Since the baseline evaluation report, little progress has been made to increase the authorities' efforts to challenge social norms, attitudes and gender stereotypes by undertaking both general and targeted measures to raise awareness about gender-based violence. The efforts during the 16 Days of Activism against Gender-Based Violence, as well as limited campaigns initiated and fully funded by external donors, have had limited reach. Therefore, a national, long-term campaign targeting domestic violence and other forms of violence against women remains a necessity.⁴¹ Furthermore, an evident need remains to reach women and girls exposed to or at risk of intersectional discrimination. Apart from a limited effort on behalf of the Municipality of Tirana to reach out to women with disabilities, no information was received by GREVIO about other outreach or campaign efforts to reach these groups on the part of the authorities.⁴² Specific campaigns and primary prevention activities for and with Roma and Egyptian women, or initiatives within educational institutions, the armed forces, police forces or similar, are lacking.⁴³ The limited campaigns led

40. The importance of this endeavour has been reiterated and strengthened through the Dublin Declaration on the Prevention of Domestic, Sexual and Gender-Based Violence, adopted in Dublin, Ireland, by 38 member states of the Council of Europe.

41. One of the measures to achieve specific objective III.4 of the National Strategy for Gender Equality is entitled "Educating society on the principles of gender equality", but it stops short of detailing whether this would entail a campaign or what the scope of this measure would be. See the National Strategy for Gender Equality, page 69.

42. See also United Nations Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Albania, 14 October 2019, paragraphs 17 and 18: CRPD/C/ALB/CO/1 (undocs.org).

43. Information received during the evaluation visit.

by civil society and some municipalities⁴⁴ cannot substitute the wide-ranging effect that a nationwide concerted effort led by the authorities can have in addressing the root causes of violence against women.

46. A national study conducted by the AWEN network on understanding sexual violence and sexual harassment in Albania showed that there is a strong need to raise awareness surrounding violence against women, particularly sexual violence and sexual harassment. Many women and girls participating in the research had said they had not received any information about sexual violence or sexual harassment either at school or at home. Discussing such issues in the family had still been considered shameful.⁴⁵ At the same time, Albania has high prevalence rates of violence against women, with a national survey commissioned by INSTAT finding that 52.9% of adult women had experienced one or more types of violence throughout their lifetime, and 36.6% of women were currently experiencing some type of violence.⁴⁶ This lack of awareness surrounding domestic and sexual violence may also explain the low use of the Liliun centre for sexual violence, discussed below.⁴⁷ These data serve to highlight the urgent need for a message of zero tolerance of violence against women to be sent from the highest level of government. These efforts furthermore need to be sustained and be on a continuous basis.

47. GREVIO received information about the prevalence of gender stereotypes at all levels of society, including in the police forces, among healthcare professionals and in education facilities. Furthermore, a dangerous stereotype that is present among the general public, but also among some professionals who are in touch with women victims, is that violence against women is foremost a consequence of poverty and does not concern all members of society equally.⁴⁸ The prevalence and justification of strict gender roles and stereotypes, especially in rural areas, is sometimes attributed to “Kanun”, a collection of customary laws historically applied among people living in the mountainous regions of northern Albania. Traditions concerning gender stereotypes and roles applied in these areas today at least partially derive from Kanun,⁴⁹ which essentially reduced women to property, sold by their father into marriage and unable to own or inherit.⁵⁰ GREVIO received information of some rare instances where norms derived from Kanun are still applied today, especially in more isolated rural areas in the north of the country, which further reinforces the need to increase awareness-raising measures surrounding gender stereotypes and gender-based violence at all levels of society.⁵¹

48. **GREVIO urges the Albanian authorities to take measures to:**

- a. promote, on a regular basis and at all levels, awareness-raising campaigns or programmes to increase awareness among the general public of the different manifestations of all forms of violence covered by the scope of the Istanbul Convention and of the gendered nature of this violence;**

44. For example, the municipality of Elbasan has a local gender equality plan, wherein intervention area no. II is entitled “Reduction of gender stereotypes, harmful practices, multiple discrimination and disadvantage”. See the Local Gender Equality Plan of Elbasan Municipality (2022-2024), available at www.elbasani.gov.al/wp-content/uploads/2023/04/Eng_LGAP-ELBASAN-web.pdf.

45. Sexual Violence and Sexual Harassment, report prepared by the Albanian Women Empowerment Network, November 2022, page 24. Available at www.awenetwork.org/eng/publikime/studime/sexual-violence-and-sexual-harassment-a-situational-analysis.

46. National Population Survey: Violence Against Women and Girls in Albania, INSTAT, Albania, 2019, cited above, page 13.

47. See Article 25, Support for victims of sexual violence.

48. Information received during the evaluation visit.

49. See, for example, “Exploring the significance of the Kanun in young Albanian people’s asylum journeys in the UK”, William Shankley, Maria Ramanov and Yasmeen Jaber, 2024, available at www.nottingham.ac.uk/sociology/documents/news-events/exploring-the-significance-of-the-kanun.pdf.

50. For more information on Kanun, see “The Kanun Is about Much More than Just Blood Feuds”, Suerig Holleran R., 3 January 2021, available at: www.exit.al/en/the-kanun-is-about-much-more-than-just-blood-feuds/.

51. See Recommendation CM/Rec(2019)1 on preventing and combating sexism, Awareness-raising measures, page 14.

- b. ensure that such efforts are embedded in wider primary prevention measures that cater to the specificities of the different population groups and work towards deconstructing patriarchal attitudes as well as social and moral codes that condone violence against women and domestic violence;**
- c. to regularly carry out impact assessments of any awareness-raising campaigns and primary prevention measures taken.**

2. Education (Article 14)

49. The drafters of the convention recognised the important role that formal and informal educational settings play in addressing the root causes of violence against women and girls. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity and informs learners of the different forms of gender-based violence against women, adapted to the age and capacity of learners and where parties deem appropriate. The obligation to promote these principles extends to informal educational facilities as well as any sports, cultural and leisure facilities.

50. GREVIO notes with satisfaction that overall progress has been made in the implementation of its findings from the baseline evaluation report, calling on the Albanian authorities to improve the teaching programmes on gender-based violence in formal education and to expand the existing programmes on sexual education. According to the Albanian authorities, the Ministry of Education and Sport has reformed the teaching curriculum for elementary education and has begun to streamline gender equality, peaceful conflict resolution and respect for diversity and mutual respect throughout the existing curriculum, which GREVIO welcomes.⁵² In addition, several universities have amended their curricula in the period under review to include gender-based violence, either as stand-alone study topics or by integrating them into existing ones.⁵³ Although this was done predominantly at the level of master's degrees, it is certainly an encouraging step in the right direction.

51. GREVIO notes with interest that despite some resistance from certain segments of the population, mandatory "sexuality and life skills" education was introduced in 2018 for students aged 10 to 18 as an initiative from the Ministry of Education and Sport, which also covers the issue of consent. This process was accompanied by the training of around 3 000 teachers in sexuality education. GREVIO further notes with interest that elements of prevention of violence against women committed in the digital sphere have also been steadily introduced as part of the general teaching on digital literacy in elementary schools.

52. Information brought to GREVIO's attention indicates that, despite the recent efforts described above to mainstream gender equality in education, teaching on gender stereotypes, gender-based violence and sexuality education in practice remains in large part dependent on the willingness of schools and individual teachers, with some schools performing significantly better than others.⁵⁴ Further efforts are required to harmonise the approach of different schools in this regard through appropriate policy instruments.

53. In connection with the above, GREVIO has learned about a certain reluctance to make use of NGO expertise in education. According to the information available, it appears that several NGOs were initially allowed to participate in education and give classes at elementary schools, only to see that permission withdrawn at a later stage because of political pressure.⁵⁵

52. State report, page 29.

53. State report, page 30.

54. Information received during the evaluation visit.

55. Information received during the evaluation visit.

54. The Albanian authorities further informed GREVIO that an instruction has been put in place for situations when domestic or sexual violence is detected in school settings. Although GREVIO could not examine this instruction, the available information suggests that teachers and members of the specialised psycho-social services operating in every school are asked to report to the authorities any suspicion of domestic or sexual violence experienced by a pupil.⁵⁶ Unfortunately, this instruction does not appear to apply in situations in which a teacher would be the perpetrator of abuse. Given the available information on the lack of prosecution in such cases,⁵⁷ this is something to be considered by the Albanian authorities as an avenue for improvement.

55. GREVIO received information about a new platform, “Safe from Gender-Based and Sexual Violence”, launched by the Agency for Quality Assurance of Pre-university Education, which is accompanied by a corresponding manual aimed at teachers and other professionals that work with young people exposed to intersectional discrimination.⁵⁸ However, no information was received by GREVIO about the extent of use of the platform and manual, or any results achieved. It therefore cannot assess their impact.

56. It appears that efforts to promote gender equality and prevent gender-based violence in informal educational facilities, such as sports, cultural and leisure activities, remain scarce, despite GREVIO’s findings on this point in the baseline report. GREVIO learned about an initiative by the Albanian national Olympic committee to promote gender equality and tackle stereotypes in this regard, which appears promising. Last, no information was available to GREVIO about any programmes on digital literacy and online safety being added to formal study curricula, as foreseen under GREVIO’s General Recommendation No. 1 on the digital dimension of violence against women.

57. GREVIO encourages the Albanian authorities to continue their efforts to mainstream equality between women and men in education and, where appropriate, to integrate education on gender-based violence into the existing curricula, and to tap into the expertise of NGOs specialised in these issues. The Albanian authorities should also increase their efforts to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships in non-formal education, as well as in sports, cultural and leisure activities.

58. GREVIO further encourages the Albanian authorities to ensure that specific forms of violence against women and girls, including in their digital dimension, are addressed in the school system without the stigmatisation of and discrimination against those women and girls exposed to them.

59. GREVIO invites the Albanian authorities to monitor how teachers make use of the existing materials and how they approach issues related to domestic violence and violence against women.

3. Training of professionals (Article 15)

60. Building society’s trust by delivering support, protection and justice to women and girls with experiences of gender-based violence requires well-trained professionals across a wide spectrum of fields. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of all those who deal with victims or perpetrators of all acts of violence. The training that is

56. See the Protocol for the handling of cases of sexual violence by the CRM, page 9, available at: www.undp.org/albania/publications/protocol-managing-domestic-sexual-violence-cases-local-level-through-coordinated-referral-mechanism-crm, and the Protocol for the handling of cases of domestic violence by the CRM, page 11.

57. Sexual Violence and Sexual Harassment, report prepared the Albanian Women Empowerment Network, November 2022, page 25. Available at: www.awenetwork.org/eng/publikime/studime/sexual-violence-and-sexual-harassment-a-situational-analysis.

58. State report, pages 31-32.

required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

61. In its baseline evaluation report on Albania GREVIO had observed a mixed picture as regards the training levels of professionals. It had recognised the efforts made to integrate topics such as prevention and detection of violence, equality between women and men, and the needs and rights of victims into the training of judges, prosecutors and law-enforcement officers. On the other hand, it had found that the quality and content of the training could be improved, as some training often related to the technical aspects of the professionals' duties only.

62. As regards training levels of law-enforcement officers, GREVIO notes that the teaching plan adopted by the Police (Security) Academy for the period 2017-2020 included mandatory initial training on investigation of cases of domestic violence, including a separate course concerning child victims.⁵⁹ Training on sexual harassment, sexual violence and co-operation with the CRM, however, are made available as in-service training only and remain voluntary. While many in-service training modules are on offer and seem widely attended, GREVIO notes their voluntary nature. It considers it vital to ensure the same type of diversified training in a mandatory manner, including in particular training on non-fatal strangulation and on trauma-informed police responses. Furthermore, GREVIO received information that the digital aspects of domestic violence and violence against women are not treated in an integrated fashion with their non-digital equivalents.⁶⁰ GREVIO notes that this may be one of the causes for the subsequent lack of integration of the work of the cybercrime unit with the work of other police units, as it has been observed by GREVIO in practice.⁶¹

63. As per information received from the Ministry of Justice, the topic of domestic violence is present in the mandatory curricula for initial training at the School of Magistrates with two classes in the fifth week, and sexual violence is taught as part of a broader course on criminal law. Although assigning domestic violence a separate place in the initial training course is commendable, GREVIO notes that none of the other types of violence against women covered by the Istanbul Convention appear to be covered in the initial training package.⁶² As regards in-service training, five days of training per year are mandatory for serving judges and prosecutors, but it appears that they are free to select and attend courses other than those concerning violence against women. Considering the extensive changes in the Law on Measures against Violence in Family Relations passed recently and the new instruments introduced (discussed under Articles 52, 53 and 56 below), GREVIO is concerned that this may be insufficient if any change in attitudes among serving professionals in the judiciary is to be expected.

64. GREVIO notes with satisfaction that a series of training programmes for Local Co-ordinators of the CRM, some of which were undertaken in co-operation with specialist NGOs, took place in the period under review.⁶³ Municipal local co-ordinators are similarly trained extensively on a rolling basis on issues surrounding the functioning of the CRM as well as on gender equality and the new legal changes.⁶⁴ GREVIO is satisfied to see that this training has had an effect, which is visible in the overall improvements of the functioning of the CRM.⁶⁵ Moreover, the creation of a network of local co-ordinators has been facilitated with the aid of foreign donors, giving the co-ordinators an opportunity to meet and exchange on a regular basis, which is also a positive step that GREVIO notes with interest. However, as the in-service training is optional, the finding that it has an insufficient effect, as observed in the baseline evaluation report, remains applicable.⁶⁶ In addition, NGOs have on occasion co-operated with some municipalities in delivering targeted training to the participating

59. State report, page 75.

60. Information received during the evaluation visit.

61. See Articles 49 and 50, General obligations, immediate response, prevention and protection.

62. Information submitted by the Ministry of Justice.

63. State report, page 75.

64. State report, pages 81-82. Most of the training is organised as part of the UNDP joint programme on ending violence against women in Albania available at

www.undp.org/albania/projects/un-joint-programme-end-violence-against-women-albania-evawia.

65. See Article 18 of the Istanbul Convention, General obligations, under Chapter IV, Protection and support.

66. See GREVIO's baseline report on Albania, paragraph 65.

members of the CRM, improving their co-operation.⁶⁷ Framing this co-operation in protocols and expanding it to other municipalities can benefit victims and reinforce their trust in the functioning of the CRM.

65. In the healthcare system, as noted in the baseline evaluation report, the number of healthcare professionals receiving training, and the level of its impact, still falls short of the expected results. A total of 613 healthcare professionals attended a limited number of non-mandatory training sessions on aspects of violence against women relevant to their work, including on the standard operating procedures for treatment of victims of gender-based violence by healthcare staff. However, GREVIO has no information about mandatory initial training for healthcare staff on issues concerning domestic violence and violence against women.⁶⁸ This finds support in the information received by GREVIO about insufficient gender sensitivity by healthcare professionals when dealing with victims of violence against women, especially in general hospitals, which often serve as primary entry point for victims.⁶⁹

66. One field where improvements remain necessary since GREVIO's baseline report concerns professionals in the field of education, such as teachers, psychologists and social workers, who have a special role to play in detecting and handling cases where pupils either fall victim to or witness violence against women. Besides domestic violence and sexual violence, this concerns in particular cases of minors dropping out of school after entering into a forced marriage, instances of which still exist in Albania. While GREVIO received information about training for this category of professionals,⁷⁰ information from NGOs indicates that the level of detection of cases such as those involving minors and forced marriage is far from sufficient, and that Roma girls and girls living in rural areas are particularly vulnerable to dropping out on account of forced marriage.⁷¹ Further efforts are therefore necessary to teach education professionals about the challenges faced by these girls, for which education professionals may be the only source of support.

67. Last, on a general note, GREVIO notes that the effect of training remains hampered by external factors, such as frequent staff turnover, as observed in the baseline report, which prevents an effective transfer of knowledge between professionals. Furthermore, training overall tends to concentrate on domestic violence and to a smaller extent on sexual violence, and less on other forms of violence against women, such as forced marriage, or (apart from limited training for police officers) on risk assessment.

68. GREVIO urges the Albanian authorities to ensure the provision of systematic and mandatory initial and in-service training on identifying and responding to all forms of violence against women, including its digital dimension, while focusing on the victims' human rights, safety, individual needs and empowerment, and the prevention of secondary victimisation by all those in the justice system, such as judges, prosecutors, lawyers and law-enforcement officers, as well as by healthcare and education professionals.

69. GREVIO further strongly encourages the Albanian authorities to take measures to address issues that reduce the effectiveness of training, such as staff turnover.

4. Preventive intervention and treatment programmes (Article 16)

70. Perpetrator programmes are important elements of an integrated and comprehensive approach to preventing and combating violence against women. Under Article 16 of the convention, parties are required to set up or support programmes that prevent perpetrators of domestic violence and of sexual violence from reoffending and support them in adopting non-violent behavioural

67. Information received during the evaluation visit.

68. State report, page 83.

69. Information received during the evaluation visit.

70. State report, pages 77 and 84.

71. Information received during the evaluation visit.

strategies. Making the safety of, the support for and the human rights of victims a primary concern, these programmes are key elements in ensuring women's safety from known perpetrators. The convention requires their close co-ordination with specialist support services for victims.

a. Programmes for perpetrators of domestic violence

71. GREVIO notes that some progress is being made as regards the rollout of programmes for perpetrators in Albania. While the political will to establish such services is clearly demonstrated in the adoption of the Law on Measures against Violence in Family Relations⁷² and the National Strategy for Gender Equality,⁷³ concrete efforts and sustainable funding to increase the level of programmes are lacking. Similar to the findings in the baseline report, the few available perpetrator programmes are still run by several NGOs and focus primarily on convicted perpetrators or perpetrators who have had a protection order issued against them. According to the numbers provided by the Counselling Line for Men and Boys, one of the key NGO stakeholders in this respect, the number of perpetrators completing the programme was 98 in 2020, 93 in 2021 and 127 in 2022. In addition to the Counselling Line for Men and Boys, three other NGOs provide similar programmes in Vlore, Shkodra and Elbasan, but GREVIO did not receive information about the number of perpetrators completing those programmes and therefore cannot make a definitive assessment in this regard.

72. According to the available information, all perpetrator programmes effectively operate on a voluntary basis and are donor dependent. There is no established protocol to harmonise the content of the programmes and they appear to function in group settings and follow an individualised assessment of the needs of each perpetrator. GREVIO notes that as the programmes are voluntary, their non-attendance is not subject to reporting or any sanctions.

73. On the other hand, GREVIO notes with interest that with the introduction of the legislative change to the Law on Measures against Violence in Family Relations from 2020, courts can now order perpetrators to attend rehabilitation programmes as part of the procedure for a protection order. It did not, however, receive any official information about the extent to which this provision is being used in practice.⁷⁴

b. Programmes for perpetrators of sexual violence

74. According to the information available to GREVIO, there are no programmes specifically designed for perpetrators of sexual violence in Albania.

75. It notes with interest the introduction of a pilot project by the General Directorate of Prisons, and supported by a foreign donor, offering cognitive therapy for perpetrators of sexual violence in four prisons in Albania. As the programme is in its very early stage of implementation, it has not been evaluated and statistics on the number of participants were unavailable. GREVIO highlights the importance for this category of perpetrators to access specific programmes in order to reduce the risk of recidivism.

76. Recalling the findings issued in the baseline evaluation report, GREVIO strongly encourages the Albanian authorities to expand the existing perpetrator programmes and introduce programmes aimed specifically at perpetrators of sexual violence.

72. Article 6, paragraph 1(e), of the law prescribes an obligation for the central government to support and monitor the establishment of such centres. The obligation to establish and run the centres falls on the municipalities according to Article 7, paragraph 4(b), of the law.

73. Specific objective III-1 of strategic goal no. 3 of the National Strategy for Gender Equality, page 33.

74. Article 10/1 of the Law on Measures against Violence in Family Relations.

B. Protection and support

77. Chapter IV of the Istanbul Convention requires a multifaceted, professional and victim-oriented support structure for any woman or girl who has experienced any of the forms of violence covered by the convention. General and specialist support services that are victim-oriented, accessible to all and adequate in numbers greatly facilitate recovery by offering support, protection and assistance in overcoming the multiple consequences of such violence. As such, they play a key role in offering a comprehensive and adequate response to the different forms of violence covered by the convention.

1. General obligations (Article 18)

78. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services for women victims of violence. One of these principles is the need for services to act in a concerted and co-ordinated manner, with the involvement of all the agencies concerned. More specifically, Article 18, paragraph 2, of the convention requires parties to put in place appropriate co-ordination mechanisms that can ensure effective co-operation among, *inter alia*, the judiciary, public prosecutors, law-enforcement agencies, local and regional authorities, NGOs and other relevant entities and organisations. In this regard, women's NGOs and specialist women's support services play an important role in guaranteeing that the rights of victims are safeguarded in multi-agency co-operation. Other general principles established under this article include the need for measures of protection and support to be based on a gendered understanding of violence against women and to focus on women's safety and human rights, taking into account the relationship between victims, perpetrators, children and their wider environment, and addressing their needs holistically. Specialist support services must aim at the empowerment and economic independence of women victims of violence and avoid their secondary victimisation. This provision equally stresses the importance of ensuring that access to services is not subject to the victim's willingness to press charges or testify against the perpetrator.

79. GREVIO had praised the successful rollout of the co-ordinated referral mechanism in about half of the municipalities in Albania in its baseline report⁷⁵ and notes with great satisfaction that the CRM has now been successfully put in place in all 61 municipalities of the country. GREVIO further notes with satisfaction that victims of sexual violence can also make use of the one-stop-shop system offered by the CRM, but the observation made in the baseline report about insufficient attention dedicated to forms of violence other than domestic violence nonetheless remains pertinent.

80. In view of the above, the current assessment focuses on the functioning of the CRM in practice in an effort to measure its effectiveness. GREVIO notes that mechanisms in bigger cities are well organised, meet regularly to discuss individual cases and foster a good level of co-operation between the members of the municipal points of the CRM. GREVIO observed that this is less so when it comes to smaller municipalities, where the mechanism was rolled out more recently. In this respect a standardised list of services that every municipality should have included in the local mechanism has still not been produced, despite GREVIO's suggestion in its baseline report. In this regard, GREVIO notes that one of the specific measures planned under one of the objectives of the National Strategy for Gender Equality is to reform the institution of local co-ordinator to become a staff member fully dedicated to domestic violence and violence against women only, across the country's municipalities, which would be a very positive development.⁷⁶ Another way to address the

75. The functioning of the mechanism and the services that participate in it are explained in detail in GREVIO's baseline report on Albania, pages 33-34. See also the Analysis of the functioning of the co-ordinated referral mechanism of cases of domestic violence at the local level in Albania, final report commissioned by the Ministry of Health and Social Protection of Albania in partnership with UNDP Albania, in the framework of the UN Joint Programme "Ending Violence against Women in Albania", December 2019, available at www.undp.org/sites/g/files/zskgke326/files/migration/al/Analysis-of-the-Functioning-of-the-Coordinated-Referral-Mechanism-of-Cases-of-Domestic-Violence-at-the-Local-Level-in-Albania.pdf.

76. Measure no. III.2.5.a. of the National Strategy for Gender Equality, page 67, envisaged to finish by 2030.

discrepancies between municipalities would be the central financing of local co-ordinators, which would free them from their workload within their respective municipalities and which has sometimes been observed in practice.

81. GREVIO further notes that two new protocols were developed by the Ministry of Health and Social Protection in the period under review that concern the management of domestic and sexual violence cases. A third protocol was also developed to facilitate the management of cases during the Covid-19 pandemic, which exerted significant pressure on the network of structures. GREVIO notes with interest that the protocols in question prescribe the exact roles of all the structures participating in the municipal CRM, with precise timelines. GREVIO nonetheless notes that there are no protocols or standard operating procedures in place when it comes to forced marriage, forced sterilisation or the treatment of women victims of domestic violence suffering from mental disabilities. The proper application in practice of the above protocols, which are yet to be evaluated, and the introduction of other relevant protocols would be a significant step in securing victims' trust that they can obtain timely and comprehensive support.

82. Despite the successful rollout of the CRM and the adoption of the above protocols, GREVIO has received individual reports of cases of inaccurate and incomplete data collection and insufficient use of the REVALB system, as well as insufficient co-ordination among members of the CRM, including NGOs, especially in recently established municipal mechanisms. Frequent turnover of staff was highlighted as one of the main reasons for these shortcomings. Further efforts are needed to improve the interinstitutional co-operation among all members of the CRM.

83. Another reform in the period under review is the introduction of Gender Equality Officers, currently assigned to 11 ministries and as contact points at the State Police and INSTAT, who serve as focal points at the respective institutions for all issues touching on gender equality. Although information provided to GREVIO suggested that these officers perform other tasks within the ministries as well, having a single focal point for gender equality issues for large ministries would undoubtedly be conducive to an improved climate of co-operation.

84. GREVIO notes that the financing of the CRM is still in part dependent on outside donors.⁷⁷ Ensuring the structural and financial sustainability of all those within the municipal referral mechanism is a point that requires further work, and one which was also highlighted in GREVIO's baseline report. Furthermore, GREVIO noted that little to no attention was dedicated at the level of the CRM to violence against women other than domestic and sexual violence.

85. **GREVIO encourages the Albanian authorities to:**

- a. produce a list of mandatory services that all municipal referral mechanisms must provide to women victims that would ensure that a comprehensive package of services, with the goal of empowering the victims, is available around the country;**
- b. further improve the interinstitutional co-operation among all members of the referral mechanism by taking measures that would improve staff retention;**
- c. equip the referral mechanism to deal effectively with forms of violence against women other than domestic and sexual violence.**
- d. Take measures to ensure the structural and financial sustainability of referral mechanisms in the long term.**

77. Analysis of the functioning of the co-ordinated referral mechanism of cases of domestic violence at the local level in Albania, final report commissioned by the Ministry of Health and Social Protection of Albania in partnership with UNDP Albania, in the framework of the UN Joint Programme "Ending Violence against Women in Albania", December 2019, page 30, available at www.undp.org/sites/g/files/zskgke326/files/migration/al/Analysis-of-the-Functioning-of-the-Coordinated-Referral-Mechanism-of-Cases-of-Domestic-Violence-at-the-Local-Level-in-Albania.pdf.

2. General support services (Article 20)

86. General support services, such as social services, health services and housing or employment services must be equipped to offer support and protection to women victims of gender-based violence of all ages and backgrounds. Article 20 of the Istanbul Convention requires states parties to ensure that these services are adequately resourced and that the staff are adequately trained on the different forms of violence against women and able to respond to victims in a supportive manner, in particular those that women and girls turn to first (often health and social services).⁷⁸ Their interventions are often decisive for victims' onward journey towards a life free from violence and thus a core element of a trust-based system of protection and support.

a. Social services

87. On the whole, in the period under review when it comes to social services provided to women victims of violence GREVIO observed some promising legal improvements, notably in the fields of employment, social protection and social housing, which, however, seem to lack sufficient implementation efforts and sustainable financing.

88. The biggest improvement in the provision of social services to women victims in the period under review is the establishment of the multidisciplinary teams working at the level of municipal CRMs, which provide an interconnected range of support services based on the victims' needs and choices. Through the CRMs, victims can access various services, such as financial benefits, employment, vocational training and housing.

89. The most promising examples of legislative reform are the inclusion of victims of domestic violence in the category of jobseekers who can benefit from free vocational training;⁷⁹ the prioritisation of victims of domestic violence in the process of assigning social housing;⁸⁰ the introduction of new types of companies called "social enterprises" that prioritise the employment of disadvantaged groups, including victims of domestic violence;⁸¹ the introduction of a rent subsidy for victims paid by the municipalities; and increasing the amounts of financial assistance received by victims of domestic violence for the period of duration of a protection order.⁸²

90. Implementation, on the other hand, offers a mixed picture. There has been no public call for social enterprises, suggesting insufficient implementation of the law in question. The availability of the rent benefit is insufficient on account of a lack of funds attributed for this purpose. Moreover, with the recent increase in prices, the amount does not cover the cost of rent in Tirana.⁸³ On a positive note, in 2022 the amount paid as a social benefit to victims of domestic violence has been increased threefold to ALL 9 000⁸⁴ and is continuously being paid to every victim benefiting from a protection order for the entire duration of the order. Furthermore, although still insufficient, victims have begun to benefit from social housing as part of recent construction projects undertaken by the government.

91. Information about several obstacles hampering the access by women victims of violence to services, such as the unavailability of interpretation to and from Romani, has been received by GREVIO. Furthermore, it appears that not all categories of victims of gender-based violence can qualify for benefits and victims who are already receiving one financial benefit are in practice denied other financial benefits despite meeting the criteria. Last, as these services are provided at the municipal level, despite being part of the municipal CRM, their availability and quality depends largely on the financial abilities and policy choices of the municipality itself.⁸⁵

78. Explanatory Report to the Istanbul Convention, paragraph 127.

79. Law No. 15/2019 on the promotion of employment.

80. Law No. 22/2018 on social housing.

81. Law No. 65/2016 on social enterprises.

82. Law No. 57/2019 on social assistance.

83. Information received during the evaluation visit.

84. Around €85. The measure was first introduced in 2019 and amounted to around €25 per month.

85. Report by the Monitoring Network against Gender-Based Violence, pages 10 and 11, and report by the Human Rights in Democracy Centre, page 3.

92. It also appears that there are no services targeting the needs of women victims with disabilities. This category of victims in practice does not receive the protection and support they are entitled to as a result of a lack of accessibility to services, as well as the prejudice of public and non-public service providers.⁸⁶ Despite receiving certain benefits in the field of employment under the general policies covering individuals with disabilities, not enough is done to alleviate the additional burden faced by this category of victims.

93. Recalling its findings from the baseline evaluation report, GREVIO strongly encourages the Albanian authorities to increase the funding and the number of available services for women victims, and to ensure appropriate funding for the social services to support victims of all forms of violence against women, particularly focusing on housing, and respond to their short and long-term needs.

94. GREVIO further strongly encourages the Albanian authorities to step up their efforts to provide all women victims of domestic violence and other forms of violence against women with access to available social support services, especially taking into account the specific needs of Roma and Egyptian women and women with disabilities.

b. Healthcare services

95. In its baseline report GREVIO had criticised the Albanian authorities' approach to the provision of healthcare services to women victims of violence. First, it had found that there had been a lack of compliance on the part of the relevant ministry to ensure that victims are examined, provided with a medical report and guided through the services provided within the CRM, as provided for under Article 7 of the Law on Measures against Violence in Family Relations. Although the law has been amended on two occasions since the adoption of the baseline evaluation report, available information indicates that these problems nonetheless persist, as many healthcare professionals still lack a gender-sensitive approach when working with victims. As a consequence, victims still have a low level of trust in healthcare professionals, who continue to be cited as one of the weakest links in the network of services.⁸⁷ This assessment finds further support in the findings of a report, according to which 95% of victims who applied for a protection order on the basis of physical violence over the course of two years had either not requested or had not obtained a special medical report about their injuries.⁸⁸

96. An important step towards introducing a gender-sensitive approach and harmonising the practice of healthcare professionals was the adoption in 2020 of a standardised protocol for addressing cases of domestic and gender-based violence by healthcare professionals and their role within the CRM.⁸⁹ The information received by GREVIO on the training of healthcare professionals is a welcome step to enhance the application of the above protocol.⁹⁰ However, in the absence of information about its application in practice, it is not possible to assess whether this measure has led to any tangible benefits for victims so far. Furthermore, standardised protocols for addressing cases of forced sterilisation, FGM or forced marriage are lacking.

97. In the baseline evaluation report, GREVIO further noted a lack of necessary skills to recognise and detect signs of violence on the part of healthcare professionals. In this regard, the Albanian authorities informed GREVIO about the introduction of a "Basic Package of Primary Healthcare" under the new National Health Strategy, which introduced rules on regular screening for violence by healthcare professionals of all women and girls above the age of 14. However, available information indicates that that this obligation is not regularly followed in practice.⁹¹

86. Albania country gender equality brief, UN women, 2020, page 55, available at www.albania.unwomen.org/en/digital-library/publications/2020/12/country-gender-equality-brief-albania-2020-0.

87. Information received during the evaluation visit.

88. Report by the Human Rights in Democracy Centre, page 4.

89. State report, page 40.

90. See the findings under Article 15, Training of professionals.

91. Information received during the evaluation visit.

98. Another area criticised by GREVIO in the baseline report had concerned the urgent need to apply the principle of informed consent when medical staff report incidents of violence to the police. GREVIO received information that medical personnel still have a legal obligation to report if they have a suspicion about an incident of violence, without any exceptions, irrespective of the victim's will.⁹² The fact that the numbers of cases reported through medical institutions remain low⁹³ is evidence of the low trust victims have in the healthcare system and of the need to amend this requirement.

99. A concern that was raised by multiple stakeholders was the absence of healthcare services addressing the needs of victims suffering from mental health problems, which require a holistic range of services, including trauma care. The number of such victims has increased in recent years, especially following the Covid-19 pandemic, as has awareness about their needs. However, due to the absence of specialised institutions, they receive treatment either in mental health hospitals or in ordinary shelters for victims. Neither of these two options seem to provide the whole range of healthcare services that these victims need.

100. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Albanian authorities to:

- a. implement standardised care paths in the healthcare sector based on a gender-sensitive approach, in order to ensure, in line with ethical and professional standards, the identification of victims and, where necessary, their children, their diagnosis, treatment and referral to appropriate specialist support services;**
- b. ensure that healthcare professionals issue victims with a medical report documenting the violence suffered, injuries (including photos) and resulting health problems;**
- c. develop and implement adequate procedures to ensure that informed consent is sought from a victim of violence for the reporting of a suspicion of a criminal act, outside of those cases where there is a reasonable suspicion that there is an imminent danger to the victim or another person, or where the victim is a child. This should be done in respect of medical secrecy and in full compliance with the right for respect for private life and the protection of personal data.**

101. GREVIO further urges the Albanian authorities to take measures to ensure that all women and girls victims have access to comprehensive healthcare services, with a particular focus on the needs of victims with mental health problems.

3. Specialist support services (Article 22)

102. Specialist support services ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs and are an equally important cornerstone of a trust-based system of protection and support. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. They need to be able to address the different types of violence covered by the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

103. The Albanian authorities have responded to the findings in GREVIO's baseline report as regards the lack of emergency services by introducing 13 municipal emergency shelters. To a certain extent, this closes the identified gap in emergency victim protection and represents a positive step in the direction of continued support offered to women victims.⁹⁴ These shelters, most of which are

92. Information received during the evaluation visit.

93. Information received during the evaluation visit.

94. Not all emergency services in Albania cater specifically to the needs of women victims of violence. See the state report, page 45.

operated by the municipalities, offer accommodation for up to 72 hours and are accessible if the victim is referred to one by the local co-ordinator. In addition to safe accommodation, many of them also offer legal and psycho-social services.⁹⁵ To streamline the work and the services offered at these shelters, a standardised protocol was issued in the form of an instruction from the Ministry of Health and Social Protection.⁹⁶ The emergency shelters receive victims and their children, with the exception of boys above the age of 14, who are separated from their mothers and placed in separate facilities.

104. On the other hand, the challenges pertaining to long-term shelters identified by GREVIO in the baseline evaluation report appear to persist. There is only one state-operated shelter located in Tirana, with 40 beds divided into eight rooms, which receives women victims and their children. When the number of victims is low, these are used as family rooms, which would meet the requirement of using “family places”⁹⁷ instead of beds, although at the cost of reduction of capacity. The shelter offers primary healthcare services, education for victims’ children and psycho-social support. Access to this shelter is contingent on victims reporting the crime and having obtained a court-issued protection order. Victims that have not done so are systematically turned away, despite the shelter rarely being at full capacity.⁹⁸ Six NGO-run shelters concentrated in Tirana and big cities add to the overall capacity and partially fill this gap by operating with very limited funding, dependent fully or for the most part on outside donors,⁹⁹ which does not fully remedy the geographical disparity in the availability of services. The financing of the state-run shelter has also been recently reduced.¹⁰⁰

105. GREVIO received reports that because of the obligation to report violence and the bureaucratic hurdles related to that, victims often opt for NGO-provided specialist services that allow for more flexibility. Moreover, further efforts to move towards a more victim-centred approach in the provision of services at state-run shelters (emergency and long-term) are required, as observed by GREVIO. Looking forward, GREVIO notes with satisfaction that some of the planned outcomes of the National Strategy for Gender Equality are an increased number of emergency and long-term shelters, but even more importantly, an improvement in the quality of services that they provide (specific measures nos. III.2.2 and III.2.3), as well as increased support for NGOs providing specialist services (specific measure no. III.2.4).¹⁰¹

106. GREVIO learned about obstacles hampering the access of women with mental health problems to specialist victim services. As specialised services catering to the needs of this group of victims do not exist (similarly to the healthcare services discussed above under Article 20), these women are referred to general psychiatric hospitals or are treated in the state-run shelter in Tirana, which does not provide specialised mental health services. The decision on referral is made by the municipal point of the CRM. Victims with mental health problems who are minors are referred to a central facility in Tirana for diagnosis from across the country, after which they can be attributed a place in a facility, in the same way adult victims are. A similar lacuna in respect of specific services provided for women with disabilities was observed.¹⁰²

107. GREVIO further notes that there are few to no specialised services available for victims after they leave the shelter, such as transitional apartments. GREVIO stresses the continuing need for measures to ensure long-term psychological support for victims of violence against women after they

95. Usually offered by a local NGO with which the municipality co-operates. Information received during the evaluation visit.

96. Instruction No. 744 of 15 November 2019 on the minimum standards for services for victims of gender-based violence and domestic violence, in public and non-public emergency residential centres.

97. Explanatory Report to the Istanbul Convention, paragraph 135.

98. Information received during the evaluation visit.

99. Information received during the evaluation visit. GREVIO did not receive information about the total number of places available in state and NGO-ran facilities.

100. See Article 8 of the Istanbul Convention, Financial resources, under Chapter II, Integrated policies and data collection.

101. National Strategy for Gender Equality, page 35.

102. United Nations Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Albania, 14 October 2019, page 2. Available at www.ohchr.org/en/documents/concluding-observations/crpdalbc01-concluding-observations-initial-report-albania.

leave a shelter. GREVIO notes with concern information provided by representatives of women's domestic violence shelters that since the adoption of GREVIO's baseline evaluation report, the framework for long-term psychological support, provided at general mental health hospitals and community mental health centres, has not undergone reform. As a consequence, although victims are free to seek long-term counselling at one of the above institutions, there is no mandatory follow-up of victims after they leave a shelter. The practices of NGO-operated shelters differ, depending on the means and capacity of each.¹⁰³

108. Legal counselling services for victims of violence have been improved in the period under review by means of a new law introduced in 2017 on legal aid guaranteed by the state, which provides for the possibility of victims of domestic and sexual violence to benefit from free primary (counselling) and secondary (representation before a court) legal aid. The services are provided by municipal primary legal aid centres, higher education institutions and NGOs. Although the numbers of victims benefiting from legal aid are low compared to the number of reported cases of violence and the overall number of beneficiaries of legal aid,¹⁰⁴ the numbers should increase over the years, especially if supported by appropriate funding and awareness-raising measures.

109. The national helpline (116 117) operated by the Counselling Line for Women and Girls NGO in Tirana has continued to operate on a 24/7 basis in the period under review. Although the co-operation of the helpline with the Ministry of Health and Social Protection was formalised on the basis of an agreement, the state funding remains based on financing projects that have to be submitted annually. The capacity of the helpline has increased with 10 counsellors employed, adding English and Italian as languages in which its services are available. The helpline has been successfully integrated within the CRM, which has allowed for a successful handling of the surge in calls received during the periods of confinement imposed as part of the response to the Covid-19 outbreak. GREVIO was informed that victims of sexual violence increasingly make use of the helpline, which attests to the pivotal role that it has acquired within the network of structures.

110. No information was received by GREVIO about specialist support services targeting the needs of women victims of types of violence against women other than domestic violence, such as forced marriage, stalking or FGM.

111. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Albanian authorities to:

- a. ensure adequate specialist support services offering immediate, short and long-term support to all women victims and their children;**
- b. increase the number and geographical distribution of appropriate, easily accessible and specialised emergency and long-term shelters, providing safe accommodation for women victims of violence.**

112. GREVIO further strongly encourages the Albanian authorities to:

- a. ensure that all women victims of gender-based violence and their children, irrespective of their age, have access to emergency and long-term shelters, irrespective of their will to report the violence;**
- b. step up their efforts to ensure that women victims of violence suffering from mental health problems and women with disabilities have access to specialist services.**

103. Information received during the evaluation visit.

104. State report, page 47. For issues concerning the financing of NGOs providing legal aid to victims, see Article 8 of the Istanbul Convention, Financial resources.

113. **GREVIO further encourages the Albanian authorities to ensure that the national helpline and legal counselling services are continuously supported through sufficient and sustainable financing.**

4. Support for victims of sexual violence (Article 25)

114. Under Article 25 of the Istanbul Convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support, combined with forensic examinations, as well as short and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number through the country to ensure their easy access. The recommendation is to set up one of the above-mentioned centres per every 200 000 inhabitants.¹⁰⁵

115. The Albanian authorities responded swiftly to GREVIO's findings in the baseline report concerning the lack of specialised services for victims of sexual violence. GREVIO notes with satisfaction that since December 2018 the first centre for victims of sexual violence in Albania, the Liliun centre, has been opened as part of a hospital centre in Tirana. The centre has a multidisciplinary team offering emergency healthcare and forensic services, as well as psychological and legal counselling services for both adults and child victims of sexual violence, who are referred to the centre from CRMs across the country.¹⁰⁶ The services are provided based on a standardised protocol¹⁰⁷ for a period of up to 72 hours after the sexual assault, after which the victim is referred further into the network of structures.

116. Despite instructions issued by the Ministry of Health and Social Protection to the contrary, GREVIO is concerned that access to the centre is conditional on the victim reporting the crime. According to information provided in the state report, the centre received 23 girls and eight adult women victims in 2019, 21 girls and three adult women victims in 2020, 28 victims, 80% of which were girls in 2021, 31 girls and one adult woman in 2022.¹⁰⁸ In view of the high prevalence rate of sexual violence in Albania, with 8.6% of women having experienced sexual violence, GREVIO is very concerned about the low number of victims treated in the centre, in particular adult women.¹⁰⁹ This may be a direct result of the obligation to report a sexual assault or rape in order to benefit from the services of the sexual violence centre, which is in stark contrast to the purpose and spirit of the Istanbul Convention and expressly prohibited under Article 18, paragraph 4, of the convention.¹¹⁰ Another measure to reduce the gap between the number of adult women suffering sexual violence reported by INSTAT¹¹¹ and the low number of adult victims benefiting from the centre's services would be to amend the force-based definition of rape present in Albanian legislation and move towards a consent-based definition, which would allow for many more victims of rape to be

105. Explanatory Report to the Istanbul Convention, paragraph 142.

106. State report, pages 50-51.

107. Instruction No. 816 of 27 November 2018 issued by the Minister of Health and Social Protection on the standards for the provision of services and the functioning of crisis management centres for sexual violence cases.

108. State report, page 52.

109. National Population Survey: Violence Against Women and Girls in Albania, INSTAT, Albania, 2019, cited above, page 81.

110. Article 18, paragraph 4: "The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator".

111. The number of reported sexual violence incidents by women in Albania was 114 in 2020, 114 in 2021 and 117 in 2022. Men and Women in Albania 2023, INSTAT, page 93, available at www.instat.gov.al/media/12598/burra-dhe-gra-2023.pdf.

recognised as such and benefit from protection.¹¹² In any event, significant additional efforts are required to inform women of the existence and functioning of the sexual violence referral centre.¹¹³

117. In view of the above, GREVIO notes that certain improvements to align the work of the centre with the requirements of Article 25 of the convention have still to be implemented, such as improving the centre's victim-centred approach and introducing medium or long-term trauma support and counselling for victims. Further to this point, there do not appear to be systematic referrals of victims to women's NGOs that offer such services either.¹¹⁴

118. GREVIO emphasises that the standards of Article 25 require that rape crisis centres and/or sexual violence referral centres must be available for every 200 000 inhabitants and that their geographic distribution should make them accessible to victims in rural areas as much as in cities.¹¹⁵ In this respect GREVIO notes with satisfaction that the National Strategy for Gender Equality envisages the creation of four additional regional centres for victims of sexual violence, focusing on victims with mental health disorders (specific measure no. III.2.1.a) and the creation of two long-term trauma centres for victims who have suffered sexual violence, also targeting victims with mental health issues (specific measure no. III.2.1.b).¹¹⁶ GREVIO was also informed that with the help of foreign donors, there is a plan to replicate the model of the Liliun centre in other hospitals, which would bring much needed services closer to victims' places of residence.¹¹⁷

119. Forensic services for victims are available for those receiving care at the Liliun centre in Tirana and in several healthcare facilities around the country, free of charge, subject to the victim reporting the crime. The evidence collected is sent to the prosecution immediately, without any possibility to store it, which would provide victims with the option of using it at a later point in time. If the victim chooses not to report the crime, she can obtain a forensic examination and report for a fee equivalent to €390. The protocol on the treatment of victims of sexual violence prescribes that the victim has the right to have forensic evidence collected by a female doctor. Although a positive development, GREVIO received information that this requirement is not always applied in practice, given the insufficient number of female doctors employed by the forensic services.

120. GREVIO urges the Albanian authorities to take measures to ensure that access to different support services, including a forensic examination free of charge, for a victim of sexual violence is not conditional on her willingness to report the crime.

121. GREVIO further urges the Albanian authorities to remove unnecessary hurdles, financial or otherwise, for victims of sexual violence seeking to obtain a forensic examination and to introduce a system for storing forensic evidence in cases where the victim needs time to reflect on whether to report the rape/sexual violence.

122. GREVIO encourages the Albanian authorities to ensure the rollout of victim-centred sexual violence referral centres that provide services in compliance with Article 25 of the Istanbul Convention throughout the country.

112. The number of rapes in Albania that go unreported is likely to be much higher, bearing in mind that 8.6% of adult women in Albania report having experienced sexual violence, with the number being 14.4% for the age bracket of 18-24. See the National Population Survey: Violence Against Women and Girls in Albania, INSTAT, Albania, 2019, cited above, pages 81-82.

113. See also the findings under Article 12, General obligations.

114. See GREVIO's baseline report on North Macedonia, paragraph 191.

115. Explanatory Report to the Istanbul Convention, paragraph 142.

116. National Strategy for Gender Equality, page 66.

117. Information received during the evaluation visit.

C. Substantive law

123. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law, which aim to create the necessary legislative framework to prevent the further victimisation of women and girls and to ensure robust intervention and prosecution by law-enforcement agencies. This section focuses on progress made with respect to selected provisions of the convention in the area of substantive law, notably Article 31 on custody, visitation rights and safety and Article 48 on the prohibition of mandatory alternative dispute resolution processes or sentencing in cases of violence against women.

1. Custody, visitation rights and safety (Article 31)

124. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights, to ensure that the exercise of these rights does not harm the rights and safety of the victim or children. This provision contributes directly towards their trust in the authorities because it offers essential protection from post-separation abuse.¹¹⁸

125. In its baseline evaluation report, in order to comply with the requirements of Article 31, GREVIO had identified a need to analyse any gaps in legislation to ensure a more systematic consideration for incidents of violence when deciding on child custody and visitation rights. While GREVIO acknowledges that judges in Albania continue to be widely aware of past instances of violence and that these are frequently taken into consideration where information is available, it notes that this stems from individual good practice rather than a legal obligation to do so and standardised procedures for information sharing. It appears that information on past incidents of violence is mainly taken into consideration in cases where emergency barring or protection orders have been issued, but that practice varies.¹¹⁹

126. GREVIO therefore considers it necessary to review existing legislation with a view to introducing a legal obligation for judges to consider incidents of violence. Such a legal obligation should be complemented by a duty to screen all cases for instances of domestic violence, by means of a questionnaire submitted to the parties or otherwise, and an obligation to conduct a risk assessment in order to determine the best interests of the child when decisions on parental separation are made.¹²⁰ As GREVIO has had occasion to note, this is important because women victims of domestic violence separating from abusive husbands must be able to freely disclose information on the abuse in relevant family law proceedings for it to be taken into account.¹²¹

127. Such procedures do not seem to be in place in Albania. A risk assessment undertaken by the police as part of an emergency barring order alleviating this shortcoming may be present in some court case files, but this is limited to cases in which such an order has been issued and only if the available information was communicated between the relevant institutions. Furthermore, GREVIO did not receive information about whether special arrangements are made by courts in

118. It is noteworthy that in the case of *Bizdîga v. the Republic of Moldova* (Application No. 15646/18, 17 October 2023), the European Court of Human Rights held that in proceedings on the custody and visitation rights regarding children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment therefore has to form an integral part of such proceedings. For this reason, it found that an alleged history of domestic violence was a relevant and even mandatory factor to be considered in the assessment by domestic authorities when deciding on contact rights (§ 62). In the recent case of *Luca v. the Republic of Moldova* (Application No. 55351/17, 17 October 2023), the Court found a violation of Article 8 of the European Convention on Human Rights on account of the failure of the Moldovan authorities to take into account incidents of domestic violence in the determination of child contact rights.

119. Information received during the evaluation visit.

120. See GREVIO's baseline report on Germany, paragraph 223.

121. See GREVIO's baseline evaluation reports on: Denmark, paragraph 159; Italy, paragraph 188; Montenegro, paragraph 168; and Portugal, paragraph 164.

cases where there are allegations or evidence of abuse, such as arranging separate hearings with the victim and perpetrator, hearing the parties remotely or using separate waiting rooms. This is especially relevant given that research shows that domestic violence intensifies after separation and that child contact arrangements are a significant cause of the perpetuation of physical and emotional abuse towards children and women and can make it difficult for victims and their children to establish safe and independent lives.¹²²

128. As to GREVIO's second main finding in the baseline report under this article concerning the lack of systematic inclusion of children witnessing violence in barring and protection orders issued by courts, GREVIO notes that much progress has been made since the adoption of GREVIO's baseline report. The authorities have introduced several legislative changes (primarily to the Law on Measures against Violence in Family Relations) that include a possibility for courts to temporarily restrict a perpetrator's custody rights as part of the proceedings for a protection order¹²³ and an obligation to include children who have witnessed violence as victims in their own right, which GREVIO notes with satisfaction.¹²⁴ While little information on its implementation in practice exists to date, it seems that judges follow this duty in a majority of cases, despite some exceptions.¹²⁵ This is a positive development worth solidifying.

129. However, this advance is to some extent offset by an increase in the length of proceedings for custody and visitation decisions. According to information received by GREVIO, this is a consequence of the closure of certain courts throughout the country and the overall reduction of the number of practising judges in the context of the recent judicial reforms undertaken in Albania. This bottleneck is particularly concerning at the stage of appeal following the closure of several appeal courts and the sharp reduction in judges at the Tirana Court of Appeal, which is now the only appeal court in the country.¹²⁶

130. GREVIO encourages the Albanian authorities to take the following priority action in the area of custody and visitation rights to ensure the safety of victims and their children:

- a. ensure that the negative impact that violence against women has on children is reflected in legislation and that incidents of violence against women are a mandatory legal criterion to be taken into account when deciding on custody and visitation rights;**
- b. take measures to incorporate a systematic screening and risk-assessment process in cases concerning the determination of custody and visitation rights to establish whether violence has been an issue in the relationship. This obligation should extend to all such cases, beyond those where information on violence was submitted by the police. To this end, standard procedures to allow for the swift and effective exchange of information would need to be put in place for all relevant stakeholders;**
- c. build safeguards into the procedures where custody and visitation rights are decided, such as offering parents separate appointments or creating separate waiting areas in courts, and take measures to prevent revictimisation.**

122. For an overview of research, see, for example, Thiara R. and Harrison C. (2016), "Safe not sorry: Supporting the campaign for safer child contact – Key issues raised by research on child contact and domestic violence" available at: www.researchgate.net/publication/291353326_Safe_not_Sorry_-_supporting_the_campaign_for_safer_child_contact_Key_issues_raised_by_research_on_child_contact_and_domestic_violence.

123. Article 10, paragraph 1(j), of the amended Law on Measures against Violence in Family Relations.

124. Article 10, paragraph 3/1, of the Law on Measures against Violence in Family Relations, introduced with the amendments of 2020.

125. Information received during the evaluation visit.

126. See the report submitted by the Human Rights and Democracy Centre (HRDC), page 9.

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

131. Article 48, paragraph 1, of the Istanbul Convention requires parties to prohibit the mandatory participation in any alternative dispute resolution processes, including mediation and conciliation, in relation to cases of all forms of violence against women covered by the convention. This provision stems from the principle that violence against women is a manifestation of unequal power relations and that victims of such violence can never enter the alternative dispute resolution processes on an equal footing with the perpetrator. To avoid the re-privatisation of such violence and to enable the victim to seek justice, it is the responsibility of the state to provide access to adversarial court proceedings on the basis of robust criminal and civil law provisions.

132. When it comes to criminal proceedings, GREVIO notes that despite its earlier findings in the baseline report, no reforms have been made to change the mandatory nature of conciliation for several crimes that fall under the ambit of violence against women. These concern serious crimes such as rape and forced marriage. Under Article 284 of the Albanian Criminal Proceedings Code,¹²⁷ these crimes require a criminal complaint to be lodged by the victim, which brings them under the remit of the law on mediation which prescribes mandatory reconciliation for this category of crimes.¹²⁸ GREVIO is concerned that this may effectively stand in the way of securing justice for women victims of rape and forced marriage.¹²⁹ It not only runs counter to the requirement of *ex officio* investigation and prosecution as set out in Article 55, paragraph 1, of the Istanbul Convention, but also has a negative effect on reporting and, subsequently, convictions in respect of these crimes.¹³⁰

133. On the other hand, GREVIO notes with satisfaction that according to available information, several other crimes that had also belonged to this category, such as causing intentional injury and harm in the context of violence against women, are prosecuted as domestic violence, which is a stand-alone crime in Albania and prosecuted *ex officio*.¹³¹

134. As regards mandatory alternative dispute resolution in civil proceedings, GREVIO similarly notes with satisfaction that in response to findings in its baseline report, mandatory conciliation was specifically excluded from proceedings for a court-issued emergency barring or protection order by means of an amendment to the Law on Measures against Violence in Family Relations.¹³² However, GREVIO notes that no changes have been made to the family law provisions that require a mandatory reconciliation hearing to be held as part of divorce proceedings, with no exceptions made for cases in which there had been domestic violence. The provision in question still requires the physical presence of both parties before the court, which in practice appears to be impossible to avoid.¹³³

135. Recalling the findings issued in the baseline evaluation report on Albania, GREVIO urges the Albanian authorities to take legal or other measures to abolish mandatory conciliation in all criminal cases concerning violence against women, in particular those concerning rape, sexual abuse and forced marriage.

127. Article 284 of the Criminal Proceedings Code (paragraph 1 amended by Law No. 8813 of 13 June 2002 and amended by Law No. 35/2017 of 30 March 2017) provides that in respect of criminal offences referred to in Articles 84, 89, 102, paragraph 1, 105, 106, 130, 148, 149, 243, 254, 264, 275, 290, paragraph 1, and 318 of the Criminal Code, prosecution shall begin only following a complaint lodged by the victim, who may withdraw it at any stage of the proceedings.

128. Law on mediation, Article 2 (amended by Law No. 26/2018), paragraph 3: mediation in criminal matters applies to disputes examined by the court at the request of the victim, or upon complaint of the injured party, according to Articles 59 and 284 of the Code of Criminal Procedure; paragraph 5: in case of disputes in criminal matters, the court ... shall notify and invite the parties to settle through mediation disputes foreseen in paragraph 3 of this article.

129. The crimes in question which remain to be prosecuted following a complaint lodged by the victim are as follows: Article 102, paragraph 1, "non-consensual sexual intercourse with adult women", Article 106, "Sexual or homosexual intercourse with consanguine persons or persons under guardianship", and Article 130, "forced marriage" of the Albanian Criminal Code.

130. Explanatory Report to the Istanbul Convention, paragraph 280.

131. Article 130-A of the Criminal Code.

132. Article 19, paragraph 2/1, of the law, added in 2018.

133. See GREVIO's baseline report on Albania, paragraph 174.

136. **GREVIO strongly encourages the Albanian authorities to take legal or other measures to abolish mandatory conciliation in parental separation proceedings in which there have been incidents of violence.**

D. Investigation, prosecution, procedural law and protective measures

137. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions in a manner that validates women's and girls' experiences of violence, that avoids their secondary victimisation and that offers protection throughout the different stages of proceedings. The provisions covered in this section are fundamental to the delivery of protection and justice for all women and girls at risk of or who have experienced gender-based violence.

1. General obligations (Article 49) and immediate response, prevention and protection (Article 50)

138. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages. Those in law-enforcement officials or the judiciary actors often do not prioritise incidents of violence against women and domestic violence, thereby contributing to the impunity of perpetrators and reinforcing the misconception that this type of violence is "acceptable" in society.¹³⁴ A consequence of assigning low priority to incidents of violence against women and domestic violence are delays in initiating investigations and judicial processes, which in turn may lead to the loss of vital evidence and to an increased risk for the victim of repeated violence. For these reasons, Article 49 of the convention requires parties to ensure that investigations and judicial proceedings are conducted without undue delay, while at the same time respecting the rights of victims during each stage of these processes. Article 50 further reinforces these obligations by requiring that law-enforcement agencies react promptly and appropriately in cases of violence against women, including by offering victims immediate protection and by engaging in the prevention of violence. GREVIO reports focus on the application of Article 50 at key stages of the criminal justice process, notably reporting, investigation, prosecution and conviction, all of which are key contributors to victims' sense of support, protection and justice.

a. Reporting to, immediate response and investigations by law-enforcement agencies

139. In response to GREVIO's findings in the baseline report about the need to dedicate additional human and material resources to the police, the Albanian authorities increased the number of police units specialising in domestic violence and violence against minors, which GREVIO welcomes.¹³⁵ The state report mentions that these specialist officers have received training on domestic and sexual violence, stalking and violence against minors.¹³⁶ GREVIO also notes improvements to the facilities for receiving victims in some police stations, which is a positive step towards earning victims' trust. GREVIO notes, however, the need to also introduce greater degrees of specialisation in relation to other forms of violence, notably rape and sexual violence, among the Albanian police force.

140. In response to the increasing number of crimes committed in the digital sphere, a cybercrime division composed of five officers operating at the national level has been introduced in Albania.

134. Explanatory report, paragraph 255.

135. The number of specialist police officers varies between one and three per police station.

136. State report, page 57.

Although the division does not specialise in domestic violence or violence against women, GREVIO received information that its officers have received training and have accrued experience in dealing with digital manifestations of violence against women. However, their investigations often run in parallel with those of ordinary law enforcement, which hampers their length and efficiency.

141. Another encouraging development since the baseline report is the introduction of the Bright Sky smartphone application that victims can use to report domestic violence and submit evidence to the police. GREVIO notes that it is being insufficiently used, therefore more focus should be placed on operationalising it and advertising its advantages.

142. GREVIO further found in its baseline report that there had been a need to develop standard operating procedures at the level of Albanian police for crimes beyond domestic violence, to which the authorities responded by adopting two standardised protocols outlining the steps to be followed by all members of the CRM, including the police, in cases of domestic violence and cases of sexual violence.¹³⁷ These protocols, developed with donor assistance, provide a good foundation that should help streamline the work of the police as one of the most important participants in the work of the CRM. The victim-centred nature of some of the measures they include, such as the requirement to collect evidence (medical or otherwise) in a victim-centred way and the right of women victims to have forensic evidence lifted by a female doctor, are important improvements in ensuring victims' engagement in investigations.

143. Notwithstanding the above, GREVIO received indications that women victims of violence still face serious challenges in reporting, including inaction by authorities and individual officers minimising the violence and seeking justification either in the victim's behaviour or that of the perpetrator.¹³⁸ NGO reports indicate that stigma continues to be one of the major obstacles to victims seeking protection and reporting, in particular of sexual violence, including rape. As observed under Article 12 above, awareness-raising measures to promote reporting are lacking, despite GREVIO's findings in the baseline evaluation report to this effect.¹³⁹ Stigma is even more pronounced around incidents of what is termed "corrective rape", where young lesbian girls are subjected to rape or other forms of sexual violence, often by men from their close family, in order to "convert" them.¹⁴⁰ GREVIO is unaware of investigations or prosecutions into such incidents of rape, further highlighting the urgent need to promote reporting through intensive and immediate awareness-raising measures around rape and sexual violence.¹⁴¹

144. The barriers to reporting are even more pronounced when it comes to women victims faced with intersectional discrimination, in particular women of Roma and Egyptian origin, women with disabilities and women in closed institutions such as psychiatric hospitals. Victim-blaming attitudes are still widely present in law enforcement, especially in smaller towns outside of Tirana. Cases of psychological violence alone are rarely deemed to require a response by law enforcement.¹⁴² Similarly, GREVIO has heard accounts of instances where police officers have attended a scene of domestic violence without conducting a risk assessment or having the perpetrator removed from the shared household, instead only warning them not to commit further violence.

145. Moreover, there seems to be little oversight or accountability when the police fail to comply with their due diligence obligation to protect women victims and investigate violence against women and domestic violence.¹⁴³ Urgent measures are necessary to improve women's trust in the system,

137. State report, page 60. It should be said that a protocol prescribing the procedure to be followed by the police alone in cases of domestic violence has existed in Albania since 2008. See GREVIO's baseline report on Albania, page 56.

138. Information received during the evaluation visit.

139. See GREVIO's baseline evaluation report on Albania, paragraphs 109 and 110.

140. Report submitted by AWEN, page 9, and report submitted by the Monitoring Network against Gender-Based Violence, page 14.

141. Also see the findings under Article 50, Conviction rates.

142. See the report by the Human Rights in Democracy Centre, page 11.

143. GREVIO was informed that data about police officers being sanctioned for failing in their duty of due diligence to protect victims or otherwise discharge their duties when it comes to reports of violence against women are not collected.

including, but not limited to, ensuring that each and every complaint of domestic violence and violence against women is taken seriously, processed speedily and dealt with in a victim-sensitive manner. To do so would entail addressing the high rate of staff turnover among the police force, ensuring victims' access to trained female officers on a systematic basis and other more systematic measures to change the prevailing attitudes about gender-based violence among the police, improve retention of experienced police officers and encourage knowledge sharing inside the police force.

146. Last, GREVIO is seriously concerned that the number of reported cases of rape in Albania is extremely low.¹⁴⁴ This raises serious concerns that women who are victims of rape face serious barriers to reporting the crime to law enforcement or any other authority. Rape and sexual violence are associated with such stigma and shame that victims simply do not turn to the authorities for help and support, which indicates that the institutional and judicial response to sexual violence and rape requires significant improvement. In this regard, and in addition to any efforts to reduce stigma and raise awareness of the widespread nature of rape and sexual violence, GREVIO considers it of importance to move towards a consent-based definition of rape as required by the Istanbul Convention. Evidence has shown that a shift towards a consent-based definition of rape has led to an increase in the number of reported instances of rape, because women victims feel it corresponds to their experiences precisely because they frequently do not involve the use of force or resistance.¹⁴⁵

147. **GREVIO urges the Albanian authorities to:**

- a. **enhance the capacity and knowledge of all law-enforcement officers in order to achieve a timely and victim-sensitive response to every report of violence against women and domestic violence and introduce measures to improve law enforcement's response to such cases, for example by introducing specialist police units dedicated to violence against women and domestic violence; taking measures to improve the retention of experienced police officers; and integrating the work of the cybercrime division into investigations by other branches of law enforcement working on cases of violence against women and domestic violence;**
- b. **take measures to improve reporting by victims and ensure a victim-centred and gender-sensitive response to such cases, especially by taking into account the special needs of women faced with intersectional discrimination;**
- c. **take measures to ensure accountability for police officers who have failed in their duties to protect victims or have otherwise acted in violation of the rules applicable to processing cases falling under all forms of violence against women covered by the Istanbul Convention.**

b. Effective investigation and prosecution

148. Since GREVIO's baseline evaluation report, Albania has introduced a new position of victim co-ordinator, attached to every prosecutor's office in the country, which GREVIO welcomes. The role of this co-ordinator is to assist victims once a case reaches the prosecution stage and to inform them of their procedural rights. Although the co-ordinators do not specialise in violence against women, their presence has a positive impact on victims' trust in the work of the prosecution.

149. This positive development notwithstanding, official data indicate that despite a marginal improvement, there is nevertheless a continuously low rate of investigations opened compared to the reported number of cases of domestic violence – 1 914 criminal proceedings were opened out of 4 951 reports made to the police in 2018, 1 793 criminal proceedings were opened out

144. 8.6% of women in Albania have experienced sexual violence in their life, with the rate being 14.4% for the age group between 18 and 24. See the National Population Survey: Violence Against Women and Girls in Albania, INSTAT, March 2019, cited above, pages 81-82. Also see data on the number of sexual crimes reported in Albania provided under Article 25, Support for victims of sexual violence.

145. Such is the case in Sweden. See the Mid-term Horizontal Review of GREVIO baseline evaluation reports, 2022, paragraph 362.

of 4 629 reports made to the police in 2019, 1 886 criminal proceedings were opened out of 4 701 reports to the police in 2020, 2 046 criminal proceedings were opened out of 5 312 reports made to the police in 2021 and 2 274 criminal proceedings were opened out of 5 214 reports made to the police in 2022.¹⁴⁶ This raises questions about the overall response of the relevant authorities when it comes to domestic violence. Information received by GREVIO indicates that cases are often rejected at the stage of investigation on account of lack of sufficient evidence or the withdrawal of the victim's statement. The key reasons identified for the number of statement withdrawals were a lack of gender sensitivity in the investigation, pressure from the families (both the victim's and the perpetrator's), instances of secondary victimisation through repeated testimonies, inappropriate questioning and the overall lack of trust in the criminal justice system.¹⁴⁷ GREVIO notes with concern that the withdrawal of the victim's testimony frequently puts an end to an already lengthy investigation, as prosecution is most often then discontinued, running counter to the obligation in Article 55, paragraph 1, of the Istanbul Convention. Immediate measures are required to increase the trust of victims in law enforcement and prosecutors in order to reduce the attrition of cases.

150. GREVIO takes note of the information received about the existence of general guidelines issued by the State Prosecutor "on the effective investigation and prosecution of criminal offences against women, domestic violence and gender-based violence" (no. 17/2020) but it did not receive any information allowing it to assess its impact. On the other hand, GREVIO received information about diverging practice in prosecutors' offices across the country, which highlights the need for further harmonisation.

151. While very limited data exist about the prosecution of types of violence other than domestic violence, the available information indicates that despite overall low trust in the prosecution process among victims, as above, no effective measures were introduced in the period under review to prioritise or otherwise ensure adequate investigation and prosecution of such cases.

152. **GREVIO urges the Albanian authorities to:**

- a. swiftly identify and address any factors that contribute to attrition concerning all cases of violence against women covered by the Istanbul Convention, and to re-examine the practice of discontinuing the investigation or withdrawing charges in cases where women victims withdraw their statements;**
- b. ensure that investigating and prosecution services enhance their case-building efforts for all forms of violence covered by the Istanbul Convention, including digital manifestations of such violence; to this end, GREVIO encourages the timely collection of evidence, including evidence beyond the victim's statement in sexual assault and rape cases;**
- c. take measures to allow, in conformity with Article 55, paragraph 1, of the Istanbul Convention, prosecution to continue in cases where victims withdraw their statement;**
- d. take additional measures to ensure a streamlined, victim-centred and gender-sensitive handling of all cases of violence against women covered by the Istanbul Convention, while affording these cases the appropriate priority and implementing measures to prevent secondary victimisation.**

146. For some of the years the data on reports also includes requests for protection orders made to law enforcement. Data indicating only the number of crimes reported per year was not received by GREVIO. The information for 2018, 2019 and 2020 is contained in the Albanian Government's action plan submitted to the Council of Europe Department of Execution of Judgments of the European Court of Human Rights in the case of *Teršana v. Albania* (Application No. 48756/14), page 13, available at [www.hudoc.exec.coe.int/eng#%22execidentifier%22:%22DH-DD\(2021\)746E%22](http://www.hudoc.exec.coe.int/eng#%22execidentifier%22:%22DH-DD(2021)746E%22)). The information for 2021 and 2022 is from the state report, page 71.

147. Information received during the evaluation visit.

c. Conviction rates

153. According to the state report, a total of 5 312 reports of domestic violence were made to the police in 2021, while this figure was 5 214 in 2022.¹⁴⁸ It also indicates that the number of convicted perpetrators for the crime of domestic violence was 711 in 2020, 879 in 2021 and 1 016 in 2022.¹⁴⁹ Moreover, statistics provided by INSTAT indicate that for 2022 only 43.4% of all reported crimes reached the trial stage, which confirms the discrepancy highlighted above.¹⁵⁰ No information was provided to GREVIO about the length of sentences issued in cases of violence against women and domestic violence or about the number of sentences issued for psychological violence alone, which appear to be very few.¹⁵¹ Available information, however, indicates that perpetrators, even repeat offenders, spend little time incarcerated, and pose a great risk to the public and their family once released.¹⁵²

154. No official data were made available to GREVIO about the conviction rates for sexual violence, including rape, or the types and length of sentences issued. According to the information available, judges in these proceedings often apply a high threshold of proof that requires women victims to demonstrate that they had manifested physical resistance in order to reach a conviction. GREVIO notes that this is partially to blame on the force-based definition of rape still in force, which requires urgent alignment with Article 36 of the Istanbul Convention. At the same time, GREVIO is concerned that apart from the definition of rape, which does not criminalise non-consensual intercourse, the high threshold applied by judges can also be explained by persistent attitudes about sexual violence and rape. A particularly concerning trend in this regard highlighted by NGOs is that of cases of “corrective rape” discussed above, which have so far gone unpunished.

155. GREVIO’s attention was drawn to the widespread use of abbreviated proceedings in cases concerning domestic violence, which under domestic law allows for a one-third reduction in the sentence if the perpetrator does not dispute the facts of the case. Perpetrators often make use of this opportunity, which is in turn accepted by the courts, despite the victim’s wishes. Many of these cases are also processed without due regard for all the circumstances of the case, resulting in an indictment for a crime carrying a lighter penalty, which in turn results in very low sentences.¹⁵³

156. Information also reached GREVIO about an increase in delays in criminal proceedings as a result of the recent judicial reforms in the country and the reluctance of criminal courts to decide on damages claims put forward by a victim as part of the criminal judgment.¹⁵⁴

157. In light of all of the above, the low rates of conviction in all cases of violence against women and domestic violence in Albania are of great concern. Urgent measures in this regard are necessary to regain the victims’ trust in the judicial system.

158. **GREVIO urges the Albanian authorities to:**

- a. take measures to identify and address all factors contributing to the high levels of attrition in criminal justice proceedings in relation to cases of violence against women covered by the Istanbul Convention, including the reasons for delays in such proceedings, in order to ensure, by legislative and other measures, greater accountability of perpetrators;**

148. State report, page 71.

149. State report, page 73.

150. INSTAT, annual report for 2022 on criminal justice, available at www.instat.gov.al/al/temat/treguesit-demografik%C3%AB-dhe-social%C3%AB/krimet-dhe-drejt%C3%ABsia-penale/#tab3.

151. Information received during the evaluation visit.

152. See, for example, the case of a perpetrator who, despite several convictions, was released and killed three women: “Albanians protest over triple femicide by convicted rapist, murderer”, Taylor A., Euractiv, 3 March 2023. Available at: www.euractiv.com/section/politics/news/albanians-protest-over-triple-femicide-by-convicted-rape-murderer/.

153. Information received during the evaluation visit.

154. “Murders of women (femicide) and attempts for femicide in Albania (report summary)”, Hysi V., Anastasi A., Bozo A. and Vora E., Tirana 2022, page 17. Available at www.qag-al.org/ang/publication/summary_femicide.pdf.

- b. take measures to analyse the barriers that hamper judicial proceedings and convictions in cases of sexual violence, including by adopting a gender-sensitive approach by all stakeholders in the criminal justice system;**
- c. assess progress in this field through appropriate data collection in order to identify the existing gaps in the criminal justice response to violence against women and domestic violence.**

2. Risk assessment and risk management (Article 51)

159. Many perpetrators of domestic violence, rape, stalking, sexual harassment, forced marriage and other forms of violence covered by the Istanbul Convention threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past, including non-fatal strangulation. The growing digital dimension to such violence further exacerbates women's and girls' sense of fear. Article 51 thus places concern for their safety at the heart of any intervention in such cases by requiring the establishment of a multi-agency network of professionals to protect high-risk victims without aggravating the harm experienced. It sets out the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces, on a case-by-case basis, according to standardised procedures and in co-operation with each other.

160. Noting the absence of a standardised risk assessment or risk-management tools in place in Albania in its baseline evaluation report, GREVIO had urged the authorities to develop such tools for use by all professionals who enter into contact with victims. GREVIO notes with satisfaction that this was achieved in 2018,¹⁵⁵ a development also noted by the Committee of the Parties in its conclusions on the implementation of recommendations issued in respect of Albania, following the adoption of GREVIO's baseline evaluation report.¹⁵⁶ A corresponding manual containing the risk factors to be considered and the protocol to follow was issued for use by the police, who now have the duty to collect evidence on all the indicators available (instead of relying solely on the statement of the victim). The available information indicates, however, that the use of the protocol and manual is still in its initial stage and that their further refinement is necessary.

161. The police are indeed the body tasked with performing the risk assessment under the domestic legislation, assisted by the local co-ordinator, who is systematically called to be present on the spot. In cases where the victim is a child, the municipal child-protection officer is also summoned. In theory, the risk assessment should make use of any of the available members of the municipal CRM, who can be called upon to assist in the process if the police consider that their presence is necessary.

162. GREVIO welcomes the fact that the accompanying manual for risk assessment requires all available evidence be reviewed in order to establish the presence of risk factors. This includes the existence of prior incidents of violence, including previous emergency barring or protection orders, the presence of firearms, held lawfully or otherwise, which the police can confiscate, substance abuse and mental health issues. GREVIO particularly welcomes the fact that the manual also contains instructions as to the appropriate way to communicate with the victim and an obligation to provide assistance to the victim and refer her to the network of structures. The level of risk established serves as the basis for the issuing of an emergency barring order by the police.¹⁵⁷

163. However, despite evident progress, GREVIO notes that the implementation of the standardised risk-assessment tool is still in its early stages. For example, indications received from experts in the field suggest that the police do not systematically conduct risk assessments and often

155. By means of Joint Instruction No. 866 issued by the Ministers of Interior and Health and Social Protection on 20 December 2018.

156. Conclusions on the implementation of recommendations in respect of Albania adopted by the Committee of the Parties to the Istanbul Convention, document no. IC-CP/Inf(2021)4, adopted on 7 December 2021, page 3.

157. See also the findings under Article 52, Emergency barring orders.

forego the possibility to issue an emergency barring order, instead deferring the decision to the courts.¹⁵⁸ This causes delays in risk assessment, which in turn jeopardises the safety of the victim and her children. GREVIO considers it essential for law-enforcement officers to avail themselves of the powers invested in them to assess and manage the individual risk a victim of domestic violence or other form of violence may be exposed to, and such efforts should include other family members, notably children. It notes with concern that police in Albania often lack the requisite expertise on how to collect information on risk indicators and rely heavily on the expertise of the local co-ordinator.¹⁵⁹ This over-reliance should be replaced by strong multi-agency co-operation, including a dynamic risk assessment, on the basis of information provided by all relevant parties in contact with the victim and her children, and should be able to promptly identify changes in the risk level or indicate any breaches of emergency barring or protection orders.

164. In this context, GREVIO is concerned that law-enforcement agencies seem to rely on the victim's and the alleged perpetrator's statements instead of seeking additional evidence, which suggests that the possibility for multi-agency co-operation available is not sufficiently used in practice. These weaknesses are even more evident in cases involving psychological violence alone and in cases concerning Roma and Egyptian women victims and other victims exposed to intersectional discrimination. Complaints have also reached GREVIO about the incomplete filling in of forms or failure to submit the appropriate documents to the courts, which in turn significantly hampers their work, given that they rely primarily on evidence submitted by the police.¹⁶⁰

165. Last, the available risk-assessment tool appears to focus on incidents of domestic violence, and no other tools exist for any of the other types of violence against women covered by the Istanbul Convention. Further to this point, the police do not appear to be instructed to seek information about incidents of non-fatal strangulation.

166. Albania does not have any mechanism to review domestic violence cases involving the killing of women and children or gender-based violence-related suicides, despite the alarming increase in the number of gender-based killings. Official data show that 16 women were killed in their family environment in 2021, and 12 were killed in 2022.¹⁶¹ Data for 2023 and previous years demonstrate an increase in the number of gender-related killings. Against this worrying background, GREVIO considers that a retrospective review of cases of gender-related killings and attempted killings would be pivotal to assess whether gaps in the institutional and/or the judicial response contributed to the fatal outcomes and to identify appropriate remedies. Similarly, no review has been conducted about the occurrence of gender-based violence-related suicides to uncover the number of such incidents, the reasons behind them or any possible failure on the part of any statutory agency to prevent such incidents from occurring.

167. GREVIO strongly encourages the Albanian authorities to ensure that risk assessment and management in cases concerning all forms of violence covered by the Istanbul Convention are conducted in a manner that involves and is co-ordinated with all relevant agencies and entities that provide services to the victim and her children, including law enforcement, social welfare, healthcare authorities, women's specialist services and education facilities. This should include increasing the capacity of the police to perform risk assessments independently and professionally.

168. GREVIO further strongly encourages the Albanian authorities to introduce a system of retrospective review of cases of gender-based killings and gender-based violence-related suicides of women and to assess whether gaps in the institutional and/or judicial response contributed to the fatal outcome, with the aim of preventing them in the future and holding to account both the perpetrators and any institutions that may have failed in their duties to prevent such incidents.

158. Information received during the evaluation visit.

159. Information received during the evaluation visit.

160. Report submitted by Vatra Psycho-Social Centre, page 24.

161. "Murders of women (femicide) and attempts for femicide in Albania" (op. cit.), page 25.

3. Emergency barring orders (Article 52)

169. Under Article 52 of the Istanbul Convention, in situations of immediate danger, the authorities have the power to issue an emergency barring order, ordering the perpetrator to leave the residence of the victim or person at risk for a specific period of time, and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk. Emergency barring orders are tools intended to prevent a crime and to put safety first.¹⁶² They should therefore be time-bound and incident-based, with the possibility of renewal in the case of continued danger. Longer-term protection should, however, be granted by a court by means of a protection order, upon application of the victim. An emergency barring order should in principle extend to children in need of protection and should have immediate effect.

170. In its baseline evaluation report, GREVIO had welcomed the introduction of court-issued emergency barring orders (EBOs), noting however their weak level of protection resulting from delayed issuance and lack of enforcement, among other issues. One new measure introduced since the adoption of GREVIO's baseline report review, through amendments to the Law on Measures against Violence in Family Relations, is the option for the police to also issue EBOs,¹⁶³ effective immediately and valid for 48 hours, depending on the findings of the risk assessment, which GREVIO welcomes. The police are provided with standardised forms for both the risk assessment and the content of the order itself and both of these should be immediately communicated to the court, to be reassessed and possibly converted into a protection order offering longer protection.¹⁶⁴ The police-issued EBOs are complementary to the existing court-issued ones and are intended to close the gap in protection that existed in the period between an application for an EBO to a court and the moment a decision was issued. Given their similar purpose, the EBOs issued by both the police and the courts are examined jointly in this section.

171. GREVIO observes that the police are reluctant to make full use of this new instrument. In 2021, 3 266 requests for EBOs and protection orders were made to courts, while only 415 measures were issued by the police. In only 237 of those cases was the perpetrator removed from the dwelling. The police issued 424 EBOs and removed 221 perpetrators from their dwellings in 2022, compared to 2 940 requests for court-ordered measures.¹⁶⁵ Furthermore, the police frequently do not take into account all risk indicators when performing a risk assessment, which then results in a conclusion that no EBO is necessary in the case at hand.¹⁶⁶ This and similar gaps in the performance of the police are more evident in smaller cities outside of the capital Tirana. On this point, GREVIO was informed about municipalities where not a single EBO had been issued by the police. Information also reached GREVIO about situations where the failure to afford victims immediate protection occurred on account of the police being acquainted with the perpetrator as well as a certain reluctance to leave the perpetrator homeless, as observed in the baseline evaluation report. As an alternative, police officers sometimes resort to informal solutions, such as requesting a "promise" from the perpetrator to refrain from further violence or asking the perpetrator to leave the house voluntarily until a court-issued order arrives, thus leaving a significant gap in the continuous protection for women victims. Reports from civil society further indicate that a significant number of EBOs forwarded by police to the courts lacked a sufficient description of the relevant incident or other details, resulting in the application eventually being dismissed for lack of evidence.¹⁶⁷ GREVIO is concerned that this practice persists despite the existence of a manual that prescribes the templates to be used in such a situation. The police also do not systematically include

162. See GREVIO's baseline evaluation reports on Denmark, paragraph 207, and Malta, paragraph 218.

163. The official name of the new measures in Albania is the Order for Provisional Measures of Protection.

164. Article 13/1, paragraph 5, of the Law on Measures against Violence in Family Relations.

165. State report, pages 70-71, and additional information received by authorities following the evaluation visit. Disaggregated data for court-issued emergency barring orders and protection measures were not received by GREVIO.

166. This is with contradiction with domestic law, Article 13/1, paragraph 1, of the Law on Measures against Violence in Family Relations. Also see Article 51, Risk assessment and risk management.

167. See the report submitted by Vatra psycho-social centre, page 24; also see the discussion on Article 51, Risk assessment and risk management.

children who have witnessed violence in EBOs as protected parties that the perpetrator is prohibited from contacting. Subsequently, children are not always included in the court-issued order either. GREVIO reiterates that emergency barring orders are short-term protection measures aimed at defusing an immediate threat. It recalls that Article 52, paragraph 2, specifically requires that priority be given to the safety of victims or persons at risk. Considerations for the safety of victims and children should thus take precedence over contact with children until safe and long-lasting solutions such as supervised visitation can be arranged.¹⁶⁸ It is therefore necessary to transition to a police practice that prioritises the safety of women and their children at risk of further violence at the hands of their abuser in order to increase their level of trust in the authorities they seek help from.

172. As regards court-issued emergency barring orders, GREVIO observes that the obstacles to their effective implementation and enforcement, as identified in the baseline report, remain.¹⁶⁹ GREVIO was informed that courts do not consistently order the removal of the perpetrator from the family dwelling, but sometimes order the perpetrator to keep to one room, while the victim continues to reside in another, or order the perpetrator to keep a distance of a couple of metres only. Similarly, GREVIO received information about mutual orders issued with seemingly no primary-aggressor analysis being made. These types of decisions by courts, although in the minority, continue to undermine the trust of victims in the system for protection.

173. On a general note, in the absence of collected data, it is unclear if EBOs are being issued – by the police or courts – for cases of psychological violence alone, in the absence of any physical violence. Furthermore, serious implementation gaps still remain in terms of the execution of both police and court-ordered EBOs. GREVIO heard concerns about the insufficient responsiveness on the part of the responsible authorities in this regard (local police directorates and the state judicial enforcement service), particularly when it was found that the perpetrator had no alternative accommodation. No information was submitted to GREVIO about sanctions issued regarding agents of any state authority for failure to enforce an emergency barring order, which is another point for improvement highlighted in the baseline report. As regards sanctioning perpetrators who have breached an EBO, the state report mentions that 163 perpetrators were prosecuted in 2021, and 158 in 2022.¹⁷⁰ The state report, however, does not contain information on how many of these perpetrators were convicted or what type of sentences were issued. GREVIO is therefore not in a position to fully evaluate the effectiveness of the prosecution of perpetrators violating EBOs.

174. All of the above impediments result in significant gaps in the implementation of both instruments, effectively leaving a large number of women victims in a situation where they are forced to continue to live with a violent perpetrator, which defeats the purpose of EBOs as envisaged by Article 52 of the convention.

175. Acknowledging the progress made since the baseline evaluation report in reducing delays for victims by introducing the possibility for police to also issue emergency barring orders, GREVIO recalls its findings and urges the Albanian authorities to step up efforts to make greater use of this measure by courts and by law-enforcement agencies, including for the protection of child witnesses, and to systematically monitor and enforce such orders.

176. Furthermore, GREVIO strongly encourages the Albanian authorities to ensure adequate use is made of emergency barring orders as a tool for the establishment of physical safety of victims on the basis of primary-aggressor analysis and by discouraging the practice of evicting a perpetrator from parts of the shared dwelling only.

168. "Emergency barring orders in situations of domestic violence: Article 52 of the Istanbul Convention, A collection of papers on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence", 2017, page 25.

169. See GREVIO's baseline evaluation report on Albania, page 58.

170. State report, page 72.

177. **Last, GREVIO encourages the Albanian authorities to take measures to clarify under which circumstances emergency barring orders can be issued for psychological violence and ensure their harmonised implementation by law enforcement and judges throughout the country.**

4. Restraining or protection orders (Article 53)

178. Restraining and protection orders are conceived to prolong the protection afforded to the victim and her children by emergency barring orders and may be considered complementary to the protection offered by the latter. Under Article 53 of the Istanbul Convention, victims of all forms of violence against women should be able to obtain a protection order available for immediate protection – without undue financial or administrative burden placed on the victim and irrespective of whether or not they choose to set in motion any other legal proceedings.

179. In its baseline evaluation GREVIO had welcomed the introduction of court-issued protection orders several years prior, and their widespread use. At the same time, GREVIO noted that, in a similar way to EBOs, protection orders suffered from insufficient enforcement by the authorities, lack of prosecution of perpetrators breaching them and failure to expand the mechanism to forms of violence against women other than domestic violence.¹⁷¹

180. Since then, an obligation was introduced that courts must continue the procedure for a protection order even where the parties claim that the conflict had been resolved.¹⁷² This is an important rule that protects victims from outside pressure during the initial moments after reporting the violence. GREVIO welcomes this legal amendment and notes that it has been highlighted as the key reason for the measured increase in the number of accepted requests for both emergency barring and protection orders, at least by the Tirana District Court, for which comparative data are available.¹⁷³

181. GREVIO notes that there is still a lack of harmonised approach when it comes to the inclusion of children in protection orders by different courts. While the law obliges the courts to automatically include any children who have been subjected to or have witnessed violence in the protection order *ex officio*,¹⁷⁴ this is not always done in practice.¹⁷⁵ However, on a positive note, as regards the issue detected in the baseline evaluation report concerning an obligation to obtain a report from a specialist in psychology in order for a child to be included in a protection order (the costs of which are borne by the parties), this seems to largely have been resolved through legislative amendments and an improvement in court practice.¹⁷⁶

182. An obligation for local co-ordinators to monitor protection orders was introduced in the period under review, which GREVIO notes with interest. The co-ordinators keep regular contact with the victim and prepare a report on the implementation of the protection order every 60 days, which is sent to the police.¹⁷⁷ However, despite this reform, the problems with enforcement of protection orders, as found in the baseline evaluation report, appear to persist.¹⁷⁸ According to indications made to GREVIO, the responsible officials are often unresponsive and perpetrators breaching protection

171. See Article 52, Emergency Barring Orders, above.

172. Article 19, Paragraph 2/1, of the Law on Measures against Violence in Family Relations.

173. A study by the Human Rights and Democracy Centre (HRDC) found that the acceptance rate for EBO and protection order requests at Tirana District Court had increased from 26% in the period 2016-2017 to 54% in the period 2020-2021 and concluded this was partly due to the legal amendment regarding the continuation of procedures *ex officio*. See HRDC, "The judicial system as a precursor in protecting the rights of victims of gender-based violence and domestic violence" (2022), page 7, available at: www.hrdc.al/index.php/al/sherbime/studime.

174. Article 10, paragraph 3/1, of the Law on Measures against Violence in Family Relations.

175. Information received during the evaluation visit.

176. Introduced with the amended Article 14, paragraph 4/C, of the Law on Measures against Violence in Family Relations.

177. Article 23, Paragraph 3/1, of the Law on Measures against Violence in Family Relations.

178. Information received during the evaluation visit.

orders are not systematically arrested or convicted.¹⁷⁹ This might be explained by the insufficient capacity of the state judicial enforcement service, which is one of the key institutions tasked with monitoring the implementation of all protection orders in Albania and which is hampered by shortages in staff and operational capabilities.¹⁸⁰

183. In the baseline evaluation report, GREVIO had also noted that a significant number of victims, having obtained an EBO, did not pursue the necessary procedure to obtain a protection order. From the available data it can be observed that many cases of EBOs still do not result in subsequent protection orders.¹⁸¹ Although there is no obligation to do so, courts sometimes summon victims to clarify the facts and the victim's failure to appear can result in the proceedings being discontinued. It appears that this sometimes happens even in cases where the request for an order has been made by the police, a practice expressly prohibited under law.¹⁸² GREVIO was informed that the closing of courts discussed above has hampered victims' ability to attend hearings, as courts have now become more distant for some victims and attending hearings has become more costly.¹⁸³ In addition, women continue to face pressure from their surroundings and family, at times resulting in the withdrawing of the request.¹⁸⁴ All of the above, coupled with the police's failure to systematically submit comprehensive facts about the case to the court, results in a protection system that requires changes in attitude by all participating authorities if victims' trust is to be gained.

184. Last, GREVIO notes that protection orders continue to be available to victims of domestic violence only and cannot be issued for other forms of violence against women, contrary to Article 53.

185. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Albanian authorities to:

- a. step up measures to enforce and monitor protection orders and ensure effective, proportionate and dissuasive criminal or other sanctions for perpetrators breaching protection orders;**
- b. take measures to ensure a harmonised application by judges of the legal provisions relating to the automatic inclusion of children who are subjected to or have witnessed violence in the proceedings for issuing protection orders;**
- c. ensure that protection orders are available and accessible to victims of all forms of violence against women covered by the Istanbul Convention.**

186. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO further strongly encourages the Albanian authorities to analyse and identify the reasons behind the low number of victims who seek protection orders once they have obtained an emergency barring order and take appropriate measures to ensure that victims' inability to attend court hearings is not detrimental to the outcome of case.

187. GREVIO encourages the Albanian authorities to take measures to address delays in the proceedings for protection orders before the courts.

179. The state report (page 72) contains the following information: in 2021, 163 breaches of EBOs and protection orders were recorded and prosecuted, but only 11 perpetrators were detained. In 2022, 158 breaches of EBOs and protection orders were recorded and prosecuted, but only five perpetrators were detained. No information was provided to show whether the perpetrators were convicted or what type of sentence was issued.

180. Information received during the evaluation visit.

181. According to available data provided in the state report, in 2021, less than 50% of emergency barring orders resulted in a subsequent protection order being issued. See the state report, page 100.

182. Article 16, paragraph 3, of the Law on Measures against Violence in Family Relations prescribes that when a request is submitted to the court by the police or prosecutor, the victim's withdrawal from the process shall not lead to the case being discontinued.

183. See the section, Emerging trends in the areas of violence against women and domestic violence.

184. Information received during the evaluation visit. Also see GREVIO's Baseline Evaluation Report on Albania, paragraph 187.

5. Measures of protection (Article 56)

188. Article 56 of the Istanbul Convention is a key provision for building trust at the level of judicial proceedings for women and girls who have experienced or who are witness to any of the forms of violence covered by the convention. It sets forth a non-exhaustive list of procedures designed to protect victims of violence from intimidation, retaliation and secondary victimisation at all stages of proceedings, during investigations and at trial. The drafters intended this list to be indicative, and parties may adopt additional protection measures that are more favourable than those provided in the convention. Moreover, intimidation and secondary victimisation can occur not only at the hands of perpetrators but also when investigations and judicial proceedings are not based on a gendered understanding of violence against women, which is why the practical application of measures of protection should be firmly anchored in such an understanding.

189. In its baseline evaluation report, GREVIO had welcomed the recent changes to the Criminal Proceedings Code introducing the right of a victim to be informed about a perpetrator's release and the progress of a complaint, the right to benefit from support and interpretation services and the right to refuse to answer questions not directly related to the crime at hand. Victims of sexual violence had further been granted the right to be heard through audiovisual means during court hearings, to reduce the number of times they may be asked to testify. Nevertheless, at that point GREVIO had been unable to assess the implementation of these provisions in practice.

190. Although no new measures of protection have been introduced since the adoption of the baseline evaluation report, GREVIO welcomes the progress made in operationalising the above provisions. To this end a co-operation agreement was signed between the Directorate of Prisons and the State Police, stipulating the procedure surrounding the obligation to inform the victim about a perpetrator's release.¹⁸⁵ Nonetheless, it would appear that in practice it remains unclear which body ultimately bears the duty to inform the victim.¹⁸⁶ Furthermore, this obligation does not appear to extend to situations where a perpetrator has escaped custody. As a result, in many cases the victim is not informed that the perpetrator is at large.¹⁸⁷ The failure to follow this obligation was identified as the primary error that made it possible for a recently released perpetrator to kill three women and injure three more in March of 2023.¹⁸⁸

191. Moreover, GREVIO received information that victims may still be placed in a situation to testify multiple times before various authorities on account of incomplete files submitted to the courts and why an earlier testimony provided before other bodies, such as law enforcement, could not be used in these situations remains unclear.¹⁸⁹ Although creating a victim-friendly system for hearing victims remotely can facilitate victims' access to courts, it remains similarly unclear to what extent women victims of violence can in practice testify via audiovisual means, despite information received by GREVIO that many courtrooms are equipped with the requisite technical means. Similarly, no information was received about the extent to which child victims are able to exercise the right to be questioned by specialist court experts only and whether the interviews are recorded. GREVIO is therefore not in a position to assess the application of the above measures.

192. Last, no information was received by GREVIO about any measures introduced since the adoption of GREVIO's baseline report to address the specific needs of women victims faced with intersectional discrimination, such as making courthouses and police stations accessible for victims with physical disabilities, providing interpretation for victims with hearing impairments or providing specially adapted assistance for victims with intellectual disabilities.

185. Co-operation Agreement between the General Directorate of Prisons and the General Directorate of the State Police signed in March and April of 2019, by the two parties respectively, on prison release procedures and victim notification.

186. Report submitted by the Monitoring Network against Gender-Based Violence, p.33.

187. Information received during the evaluation visit.

188. Report submitted by the Monitoring Network against Gender-Based Violence, p.34.

189. Information received during the evaluation visit.

193. **GREVIO strongly encourages the Albanian authorities to evaluate the implementation of the existing protection measures for women victims of gender-based violence, and to ensure their practical application and close alignment with the requirements of Article 56 of the Istanbul Convention, particularly taking into consideration the needs of victims faced with intersectional discrimination.**

194. **GREVIO further encourages the Albanian authorities to take the necessary measures, including legislative, to increase the use of audiovisual testimonies for victims of sexual violence.**

Appendix I

List of proposals and suggestions by GREVIO

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

B. Comprehensive and co-ordinated policies (Article 7)

1. GREVIO encourages the Albanian authorities to (paragraph 20):
 - a. provide a holistic response to preventing and combating violence against women and domestic violence by ensuring that the policies in place cover all forms of violence against women covered by the Istanbul Convention;
 - b. enhance the role of the National Council for Gender Equality as the national co-ordinating body by strengthening its powers and competences and allocating the necessary human and financial resources to both the National Council for Gender Equality and the Ministry of Health and Social Protection in order to ensure the sustainability of their work;
 - c. ensure that the relevant policies concerning preventing and combating violence against women take into consideration and integrate the perspective of women who are or might be exposed to intersectional discrimination;
 - d. evaluate, on a regular basis, their policies that aim to achieve the comprehensive policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data.

C. Financial resources (Article 8)

2. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Albanian authorities to (paragraph 27):
 - a. allocate appropriate, sufficient and sustainable funding for policies, programmes and measures to prevent and combat all forms of violence against women, at both central and municipal levels;
 - b. ensure, through adequate funding, a sustainable role for women's rights NGOs providing support services to victims of any and all forms of violence against women and all categories of victims, including legal aid, for example through long-term grants based on transparent procurement procedures, and to remove unnecessary bureaucratic hurdles in the process of applying for funding.

D. Data collection (Article 11)

3. Social services

3. GREVIO encourages the Albanian authorities to take measures to improve the systematic collection of data by all hospitals and other healthcare facilities (paragraph 39).
4. GREVIO notes the benefits brought about by the introduction of the REVALB data-collection system and encourages the Albanian authorities to take measures that would ensure that data collection is harmonised across various sectors (namely law-enforcement agencies, judicial

authorities, and health and social services), in particular between the REVALB system and the state agency INSTAT, which would allow for the creation of a fully fledged unified system of data collection in the field of violence against women and which would contain information on each case, from the moment when the crime is reported until its final outcome (paragraph 40).

5. GREVIO encourages the Albanian authorities to ensure that the collection, storing and processing of data complies with standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved (paragraph 41).

6. GREVIO further encourages the Albanian authorities to collect data on the number of emergency barring and protection orders issued, disaggregated by the reasons for the adoption of the measure (paragraph 42).

III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution

A. Prevention

1. General obligations (Article 12)

7. GREVIO urges the Albanian authorities to take measures to (paragraph 48):

- a. promote, on a regular basis and at all levels, awareness-raising campaigns or programmes to increase awareness among the general public of the different manifestations of all forms of violence covered by the scope of the Istanbul Convention and of the gendered nature of this violence;
- b. ensure that such efforts are embedded in wider primary prevention measures that cater to the specificities of the different population groups and work towards deconstructing patriarchal attitudes as well as social and moral codes that condone violence against women and domestic violence;
- c. to regularly carry out impact assessments of any awareness-raising campaigns and primary prevention measures taken.

2. Education (Article 14)

8. GREVIO encourages the Albanian authorities to continue their efforts to mainstream equality between women and men in education and, where appropriate, to integrate education on gender-based violence into the existing curricula, and to tap into the expertise of NGOs specialised in these issues. The Albanian authorities should also increase their efforts to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships in non-formal education, as well as in sports, cultural and leisure activities (paragraph 57).

9. GREVIO further encourages the Albanian authorities to ensure that specific forms of violence against women and girls, including in their digital dimension, are addressed in the school system without the stigmatisation of and discrimination against those women and girls exposed to them (paragraph 58).

10. GREVIO invites the Albanian authorities to monitor how teachers make use of the existing materials and how they approach issues related to domestic violence and violence against women (paragraph 59).

3. Training of professionals (Article 15)

11. GREVIO urges the Albanian authorities to ensure the provision of systematic and mandatory initial and in-service training on identifying and responding to all forms of violence against women, including its digital dimension, while focusing on the victims' human rights, safety, individual needs and empowerment, and the prevention of secondary victimisation by all those in the justice system, such as judges, prosecutors, lawyers and law-enforcement officers, as well as by healthcare and education professionals (paragraph 68).

12. GREVIO further strongly encourages the Albanian authorities to take measures to address issues that reduce the effectiveness of training, such as staff turnover (paragraph 69).

4. Preventive intervention and treatment programmes (Article 16)

b. Programmes for perpetrators of sexual violence

13. Recalling the findings issued in the baseline evaluation report, GREVIO strongly encourages the Albanian authorities to expand the existing perpetrator programmes and introduce programmes aimed specifically at perpetrators of sexual violence (paragraph 76).

B. Protection and support

1. General obligations (Article 18)

14. GREVIO encourages the Albanian authorities to (paragraph 85):

- a. produce a list of mandatory services that all municipal referral mechanisms must provide to women victims that would ensure that a comprehensive package of services, with the goal of empowering the victims, is available around the country;
- b. further improve the interinstitutional co-operation among all members of the referral mechanism by taking measures that would improve staff retention;
- c. equip the referral mechanism to deal effectively with forms of violence against women other than domestic and sexual violence.
- d. Take measures to ensure the structural and financial sustainability of referral mechanisms in the long term.

2. General support services (Article 20)

a. Social services

15. Recalling its findings from the baseline evaluation report, GREVIO strongly encourages the Albanian authorities to increase the funding and the number of available services for women victims, and to ensure appropriate funding for the social services to support victims of all forms of violence against women, particularly focusing on housing, and respond to their short and long-term needs (paragraph 93).

16. GREVIO further strongly encourages the Albanian authorities to step up their efforts to provide all women victims of domestic violence and other forms of violence against women with access to available social support services, especially taking into account the specific needs of Roma and Egyptian women and women with disabilities (paragraph 94).

b. Healthcare services

17. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Albanian authorities to (paragraph 100):

- a. implement standardised care paths in the healthcare sector based on a gender-sensitive approach, in order to ensure, in line with ethical and professional standards, the identification of victims and, where necessary, their children, their diagnosis, treatment and referral to appropriate specialist support services;
- b. ensure that healthcare professionals issue victims with a medical report documenting the violence suffered, injuries (including photos) and resulting health problems;
- c. develop and implement adequate procedures to ensure that informed consent is sought from a victim of violence for the reporting of a suspicion of a criminal act, outside of those cases where there is a reasonable suspicion that there is an imminent danger to the victim or another person, or where the victim is a child. This should be done in respect of medical secrecy and in full compliance with the right for respect for private life and the protection of personal data.

18. GREVIO further urges the Albanian authorities to take measures to ensure that all women and girls victims have access to comprehensive healthcare services, with a particular focus on the needs of victims with mental health problems (paragraph 101).

3. Specialist support services (Article 22)

19. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Albanian authorities to (paragraph 111):

- a. ensure adequate specialist support services offering immediate, short and long-term support to all women victims and their children;
- b. increase the number and geographical distribution of appropriate, easily accessible and specialised emergency and long-term shelters, providing safe accommodation for women victims of violence.

20. GREVIO further strongly encourages the Albanian authorities to (paragraph 112):

- a. ensure that all women victims of gender-based violence and their children, irrespective of their age, have access to emergency and long-term shelters, irrespective of their will to report the violence;
- b. step up their efforts to ensure that women victims of violence suffering from mental health problems and women with disabilities have access to specialist services.

21. GREVIO further encourages the Albanian authorities to ensure that the national helpline and legal counselling services are continuously supported through sufficient and sustainable financing (paragraph 113).

4. Support for victims of sexual violence (Article 25)

22. GREVIO urges the Albanian authorities to take measures to ensure that access to different support services, including a forensic examination free of charge, for a victim of sexual violence is not conditional on her willingness to report the crime (paragraph 120).

23. GREVIO further urges the Albanian authorities to remove unnecessary hurdles, financial or otherwise, for victims of sexual violence seeking to obtain a forensic examination and to introduce a system for storing forensic evidence in cases where the victim needs time to reflect on whether to report the rape/sexual violence (paragraph 121).

24. GREVIO encourages the Albanian authorities to ensure the rollout of victim-centred sexual violence referral centres that provide services in compliance with Article 25 of the Istanbul Convention throughout the country (paragraph 122).

C. Substantive law

1. Custody, visitation rights and safety (Article 31)

25. GREVIO encourages the Albanian authorities to take the following priority action in the area of custody and visitation rights to ensure the safety of victims and their children (paragraph 130):

- a. ensure that the negative impact that violence against women has on children is reflected in legislation and that incidents of violence against women are a mandatory legal criterion to be taken into account when deciding on custody and visitation rights;
- b. take measures to incorporate a systematic screening and risk-assessment process in cases concerning the determination of custody and visitation rights to establish whether violence has been an issue in the relationship. This obligation should extend to all such cases, beyond those where information on violence was submitted by the police. To this end, standard procedures to allow for the swift and effective exchange of information would need to be put in place for all relevant stakeholders;
- c. build safeguards into the procedures where custody and visitation rights are decided, such as offering parents separate appointments or creating separate waiting areas in courts, and take measures to prevent revictimisation.

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

26. Recalling the findings issued in the baseline evaluation report on Albania, GREVIO urges the Albanian authorities to take legal or other measures to abolish mandatory conciliation in all criminal cases concerning violence against women, in particular those concerning rape, sexual abuse and forced marriage (paragraph 135).

27. GREVIO strongly encourages the Albanian authorities to take legal or other measures to abolish mandatory conciliation in parental separation proceedings in which there have been incidents of violence (paragraph 136).

D. Investigation, prosecution, procedural law and protective measures

1. General obligations, immediate response, prevention and protection (Articles 49 and 50)

a. Reporting to, immediate response and investigations by law-enforcement agencies

28. GREVIO urges the Albanian authorities to (paragraph 147):

- a. enhance the capacity and knowledge of all law-enforcement officers in order to achieve a timely and victim-sensitive response to every report of violence against women and domestic violence and introduce measures to improve law enforcement's response to such cases, for example by introducing specialist police units dedicated to violence against women and domestic violence; taking measures to improve the retention of experienced police officers; and integrating the work of the cybercrime division into investigations by other branches of law enforcement working on cases of violence against women and domestic violence;
- b. take measures to improve reporting by victims and ensure a victim-centred and gender-sensitive response to such cases, especially by taking into account the special needs of women faced with intersectional discrimination;
- c. take measures to ensure accountability for police officers who have failed in their duties to protect victims or have otherwise acted in violation of the rules applicable to

processing cases falling under all forms of violence against women covered by the Istanbul Convention.

b. Effective investigation and prosecution

29. GREVIO urges the Albanian authorities to (paragraph 152):

- a. swiftly identify and address any factors that contribute to attrition concerning all cases of violence against women covered by the Istanbul Convention, and to re-examine the practice of discontinuing the investigation or withdrawing charges in cases where women victims withdraw their statements;
- b. ensure that investigating and prosecution services enhance their case-building efforts for all forms of violence covered by the Istanbul Convention, including digital manifestations of such violence; to this end, GREVIO encourages the timely collection of evidence, including evidence beyond the victim's statement in sexual assault and rape cases;
- c. take measures to allow, in conformity with Article 55, paragraph 1, of the Istanbul Convention, prosecution to continue in cases where victims withdraw their statement;
- d. take additional measures to ensure a streamlined, victim-centred and gender-sensitive handling of all cases of violence against women covered by the Istanbul Convention, while affording these cases the appropriate priority and implementing measures to prevent secondary victimisation.

c. Conviction rates

30. GREVIO urges the Albanian authorities to (paragraph 158):

- a. take measures to identify and address all factors contributing to the high levels of attrition in criminal justice proceedings in relation to cases of violence against women covered by the Istanbul Convention, including the reasons for delays in such proceedings, in order to ensure, by legislative and other measures, greater accountability of perpetrators;
- b. take measures to analyse the barriers that hamper judicial proceedings and convictions in cases of sexual violence, including by adopting a gender-sensitive approach by all stakeholders in the criminal justice system;
- c. assess progress in this field through appropriate data collection in order to identify the existing gaps in the criminal justice response to violence against women and domestic violence.

2. Risk assessment and risk management (Article 51)

31. GREVIO strongly encourages the Albanian authorities to ensure that risk assessment and management in cases concerning all forms of violence covered by the Istanbul Convention are conducted in a manner that involves and is co-ordinated with all relevant agencies and entities that provide services to the victim and her children, including law enforcement, social welfare, healthcare authorities, women's specialist services and education facilities. This should include increasing the capacity of the police to perform risk assessments independently and professionally (paragraph 167).

32. GREVIO further strongly encourages the Albanian authorities to introduce a system of retrospective review of cases of gender-based killings and gender-based violence-related suicides of women and to assess whether gaps in the institutional and/or judicial response contributed to the fatal outcome, with the aim of preventing them in the future and holding to account both the perpetrators and any institutions that may have failed in their duties to prevent such incidents (paragraph 168).

3. Emergency barring orders (Article 52)

33. Acknowledging the progress made since the baseline evaluation report in reducing delays for victims by introducing the possibility for police to also issue emergency barring orders, GREVIO recalls its findings and urges the Albanian authorities to step up efforts to make greater use of this measure by courts and by law-enforcement agencies, including for the protection of child witnesses, and to systematically monitor and enforce such orders (paragraph 175).

34. Furthermore, GREVIO strongly encourages the Albanian authorities to ensure adequate use is made of emergency barring orders as a tool for the establishment of physical safety of victims on the basis of primary-aggressor analysis and by discouraging the practice of evicting a perpetrator from parts of the shared dwelling only (paragraph 176).

35. Last, GREVIO encourages the Albanian authorities to take measures to clarify under which circumstances emergency barring orders can be issued for psychological violence and ensure their harmonised implementation by law enforcement and judges throughout the country (paragraph 177).

4. Restraining or protection orders (Article 53)

36. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Albanian authorities to (paragraph 185):

- a. step up measures to enforce and monitor protection orders and ensure effective, proportionate and dissuasive criminal or other sanctions for perpetrators breaching protection orders;
- b. take measures to ensure a harmonised application by judges of the legal provisions relating to the automatic inclusion of children who are subjected to or have witnessed violence in the proceedings for issuing protection orders;
- c. ensure that protection orders are available and accessible to victims of all forms of violence against women covered by the Istanbul Convention.

37. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO further strongly encourages the Albanian authorities to analyse and identify the reasons behind the low number of victims who seek protection orders once they have obtained an emergency barring order and take appropriate measures to ensure that victims' inability to attend court hearings is not detrimental to the outcome of case (paragraph 186).

38. GREVIO encourages the Albanian authorities to take measures to address delays in the proceedings for protection orders before the courts (paragraph 187).

5. Measures of protection (Article 56)

39. GREVIO strongly encourages the Albanian authorities to evaluate the implementation of the existing protection measures for women victims of gender-based violence, and to ensure their practical application and close alignment with the requirements of Article 56 of the Istanbul Convention, particularly taking into consideration the needs of victims faced with intersectional discrimination (paragraph 193).

40. GREVIO further encourages the Albanian authorities to take the necessary measures, including legislative, to increase the use of audiovisual testimonies for victims of sexual violence (paragraph 194).

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

Ministries

- Ministry of Health and Social Protection
- Ministry of Justice
- Ministry of the Interior
- Ministry of Education and Sport
- Ministry of Finance and Economy

Entities at national and local level

- General Prosecution Office
- High Judicial Council
- General Directorate of Prisons
- National Agency for the Support of Civil Society
- General Directorate of Migration and Asylum
- Institute of Forensic Medicine
- National School of Magistrates
- Tirana Central Police Directorate
- Domestic Violence Sector of the Tirana Police
- Cybercrime unit of the police
- Liliium Sexual Violence Centre, Tirana
- Roskovec Local Coordinator for Domestic Violence
- Vlore Local Coordinator for Domestic Violence
- Deputy Mayor of Vlore
- Vlore Psychiatric Hospital
- National Order of Psychologists
- Tirana Local Coordinator for Domestic Violence
- National Centre for the Treatment of Domestic Violence in Tirana
- People's Advocate of Albania (Ombudsperson)
- Albanian Institute of Statistics (INSTAT)

Non-governmental organisations and civil society

- Aleanca LGBTI
- Albanian Women Empowerment Network (AWEN)
- VATRA
- Woman's Forum Elbasan
- Initiative for Social Change ARSIS
- Albanian Disability Rights Forum (ADRF)
- National Counselling Helpline for Women and Girls
- Gender Alliance for Development Centre
- Albanian Society for All Ages (ASAG)
- Child Rights Centre Albania (CRCA)
- Roma Women's Rights Centre
- Human Rights in Democracy Centre (HRDC)
- Different and Equal
- Centre of Legal Civic Initiatives

GREVIO, the Group of Experts on Action against Violence against Women and Domestic Violence, is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by the parties.

Following the comprehensive stocktaking exercise set out in its baseline evaluation reports, GREVIO's first thematic evaluation round identifies progress made in building trust among women and girls by delivering support, protection and justice by any of the forms of violence against women covered by the Istanbul Convention. This report contains an analysis of developments in law and policy in respect of provisions of the convention relating to victim support and protection, criminal investigation and prosecution of acts of violence. It also covers developments in the determination of child custody and visitation rights in cases with a history of violence and wider preventive measures.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.