

Committee of the Parties



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

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Albania

IC-CP/Inf(2018)3

Published on 30 January 2018

The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Albania on 4 February 2013;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Albania adopted by GREVIO at its 12th meeting (9 – 13 October 2017), as well as the comments of the Government received on 17 November 2017;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken and progress achieved by the Albanian authorities in implementing the Convention and noting in particular:

- the grounding of measures to combat violence against women on efforts to promote gender equality;
- the importance afforded to measures to prevent violence against women in the National Action Plan on Gender Equality (2016-2020);
- the development of new mechanisms to fund on a long-term basis NGOs running services for victims;
- on-going plans to include issues related to domestic violence in surveys led by the National Institute of Statistics (INSTAT);
- efforts to promote awareness around violence against women by linking the issues of gender equality and violence against women, and by involving men and boys as actors of change in combating stereotypes and rejecting all forms of violence;
- the involvement of the educational sector as a key player in the Albanian authorities' overall scheme to prevent and combat violence against women;

- efforts to train professionals of various backgrounds on issues related to violence against women;
- the initiatives taken by the authorities, civil society organisations and the media to partner together in awareness campaigns on violence against women;
- the recent amendments to the Labour Code regarding sexual harassment in the workplace, as well as measures taken to face this issue within law enforcement agencies, which included instituting sexual harassment as a serious disciplinary offence;
- considerable achievements made in launching multi-agency co-operation structures (referral mechanisms) in 29 municipalities;
- the initiative of supporting the work of the co-ordinated community response with a modern information system and a data-based approach;
- recent measures adopted to entitle women victims of domestic violence to receive social assistance benefits, to receive a specific economic aid for as long as they are under the cover of a protection order and to have priority access to social housing under certain conditions of income;
- the introduction in Law No. 18/2017 on the Rights and Protection of the Child of provisions regulating supervised visits intended to protect children;
- the introduction in the Law on Domestic Violence of a mechanism to provide victims of domestic violence with court orders shielding them and family members from immediate threats to their security, health or well-being;
- recent measures taken to enshrine in the Albanian legislative framework the duty for the relevant authorities to provide child witnesses of domestic violence with the appropriate psychosocial counselling support, including when they are party to judicial proceedings;
- the recent amendments to the Albanian Code of Criminal Procedure which contemplate specific measures to protect the rights and interests of victims at all stages of investigations and judicial proceedings;

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of Albania take the following measures identified in GREVIO's report¹ for immediate action to:

1. ensure that measures taken in accordance with the Convention address all forms of violence against women, in a holistic and comprehensive fashion (paragraph 4);
2. harmonise the definition of domestic violence with the Convention (paragraph 9);
3. promote a clear understanding within society of the gendered nature of violence against women and its unacceptability under any pretext whatsoever (paragraph 22);
4. strengthen the machinery for combating violence against women by providing appropriate human and financial resources at both the central and municipal levels and giving due regard to the additional proposals made by GREVIO (paragraph 27);
5. provide stable and sustainable funding levels for women's NGOs working to support victims and prevent violence (paragraph 32);
6. strengthen the role of the National Council on Gender Equality by conferring upon it clear decision-making powers as well as dedicated human and financial resources to enable this body to exercise effectively its functions as a co-ordinating body (paragraph 36);
7. improve data collection by law enforcement and the criminal justice sector by clearly identifying the number of women victims per type of offence, developing data categories

¹ The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

- on the type of relationship between perpetrator and victim and conducting studies on conviction rates for all forms of violence against women (paragraph 41);
8. bring the health care system to the forefront of efforts to combat all forms of violence against women, by implementing all the proposals set out in GREVIO's report (paragraph 98);
 9. set up rape-crisis centres and/or sexual violence referral centres in the framework of a multi-sectorial response targeting the community at large, aiming at breaking the existing taboos in regard to sexual violence and encouraging reporting (paragraph 110);
 10. ensure victims' access to civil remedies against state authorities in particular by informing victims of their rights and raising awareness amongst public officials in relation thereto (paragraph 114);
 11. within the framework of any decision to issue a protection order or any other relevant court decision settling family matters where there has been/is violence ensure that courts examine *ex officio* whether a protection order should be issued for the children of the victim and settle custody and visiting rights by having due regard to the violence and to the best interest of the child (paragraph 121);
 12. amend the definition of rape so that it is based on lack of freely given consent, does not require demonstration of use of force or resistance and in the case of rape involving children between 14 and 18, does not depend on whether or not the victim has reached puberty; criminalise the non-consensual sexual behaviour described in paragraph 1, indents b and c of Article 36 of the Convention; take the necessary measures to ensure that any act of sexual violence between former or current spouses or partners as recognised by internal law is criminalised (paragraph 139);
 13. clearly exclude the applicability of conciliation in the course of the proceedings for the issuance of protection orders; establish the principle that conciliation cannot be obligatory in divorce proceedings where there is violence; incorporate a risk assessment and safeguards to ensure the full and free consent of the victim in the frame of any voluntary conciliation procedure (paragraph 175);
 14. develop and promote the use of standardised procedures for assessing and managing the risk of lethality and repeated violence for victims of all the forms of violence against women covered by the Convention (paragraph 182);
 15. enhance the protection afforded under the system of emergency barring orders and protection orders by implementing the proposals listed in GREVIO's report (paragraph 188);
 16. introduce restraining or protection orders for victims of violence against women other than domestic violence (paragraph 189);
 17. remove all obstacles preventing children who witness violence from benefitting from protection orders (paragraph 191);
 18. bring the Albanian legislation in conformity with the rules regarding *ex parte* and *ex officio* prosecution set in Article 55, paragraph 1 of the Convention (paragraph 198);
 19. establish and fund appropriately an effective system of legal aid for the victims of all the forms of violence against women covered by the Convention and promote the exercise of victims' right to access legal aid (paragraph 206).

-
- B. Requests the Government of Albania to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2021.
 - C. Recommends that the Government of Albania take measures to implement the further conclusions of GREVIO's baseline evaluation report.