



Albania
Stakeholder Report for the United Nations Universal Periodic Review

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates has previously published multiple reports on violence against women as human rights issue, provides consultation and commentary on draft laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence.

Human Rights in Democracy Center (HRDC) is non-governmental, non-partisan and non-profit organization aiming to work for the respect, protection and fulfillment of human rights in Albania. HRDC was founded to improve the human rights situation in the country and advance the social status of women, especially in rural areas. Through its multifaceted programs, the organization prevents, and combats violence against women and girls, builds women's capacity to engage in civil society, promotes a gender approach in the democratization process, and lobbies for laws related to gender equality. HRDC works both on preventing and combating violence against women and domestic violence, trains state actors regarding domestic laws, improves legal frameworks, and monitors to ensure the correct implementation of laws on the ground.

I. EXECUTIVE SUMMARY

1. **Domestic violence remains a widespread problem in Albania.** Domestic violence far exceeds all other crimes as the offense with the largest number of victims. In a 2013 survey on domestic violence led by the National Institute of Statistics, more than 50% of women in Albania between the ages of 18 and 55 reported that they had experienced domestic violence.¹ And in 2015, domestic violence-related deaths represented 37% of all crime-driven deaths.
2. Although the number of domestic violence criminal prosecutions has increased in recent years, there has also been an increase in the number of perpetrators who have been prosecuted for repeat offenses and for violating civil orders for protection. According to an HRDC study for 2016 and 2017,² the Tirana District Court decided 308 cases for the offense of “repeating acts of violence” (Article 130/a of the Criminal Code), and 27 cases have been prosecuted for the criminal offense provided by Article 321/2 of the Criminal Code “Actions contrary to the court decision” for violating orders for protection. Thus, in the last two years (2016 and 2017), perpetrators in 335 cases were imprisoned after violating the protection orders.
3. During its 2014 Universal Periodic Review, Albania supported the 23 recommendations addressing its response to domestic violence.
4. Albania was one of the first countries to ratify the Istanbul Convention, and it has taken some steps to comply with obligations thereunder. For example, there is now a national women’s helpline that operates 24 hours a day, 7 days a week and that is free of charge. It is, however, run by an NGO and has received limited support from the government.³ GREVIO published its baseline review of Albania’s compliance in November 2017, noting several shortfalls, including the lack of sexual violence referral centers, the use of alternative dispute resolution processes, and the need to involve the health care system in the fight against violence against women and to establish and fund an effective system of legal aid for victims of violence against women.
5. Although Albania has passed laws and has practices that address domestic violence and sexual assault, gaps remain in the language of the laws and in their implementation. This report addresses these challenges and provides recommendations to promote victim safety and offender accountability.
6. Information for this report was gathered from HRDC, which conducts ongoing monitoring and evaluation of judicial decisions in Tirana District Courts, and secondary sources.

II. BACKGROUND AND FRAMEWORK

7. Albania has ratified or acceded to several human rights treaties, including the Convention against Torture, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic Social and Cultural Rights, and the Convention on the Rights of

the Child. Albania's constitution includes the principle that binding international treaty provisions take precedence over conflicting provisions of domestic law.⁴

8. Albania ratified the Istanbul Convention on 4 February 2013 without reservations. The Istanbul Convention entered into force in Albania on 1 August 2014. In November 2017, GREVIO published its Baseline Evaluation Report for Albania's compliance with the Istanbul Convention.

A. 2014 Universal Periodic Review

9. During the 2014 Universal Periodic Review, Albania received 23 recommendations on how it could improve its response to victims of domestic violence. Albania supported these recommendations, and this section identifies whether the government has fully implemented, partially implemented, or not implemented select recommendations.

Programs to assist victims of domestic violence:

Status of Implementation: Accepted, Partially Implemented

10. 104.46 Continue adopting and implementing robust measures to better address domestic violence, and develop programmes to assist the victims of domestic violence and programmes to assist the victims of domestic violence (Turkey).
11. 104.48 Enhance support services for victims of domestic and gender-based violence; and take measures to raise awareness among law enforcement officials, lawyers and judges of the serious nature of domestic and gender-based violence (Australia)
12. 104.49 Provide the necessary support, including adequate shelter, to all victims of domestic violence (Denmark)
13. 104.50 Establish appropriate shelters and social services for victims of domestic violence, as well as a system of victim compensation and reintegration (Ireland)
14. 104.51 Provide the necessary assistance to the victims of domestic violence, including through the adoption of rehabilitation and reintegration programmes (Lithuania)
15. 105.21 Provide necessary legal protection and practical assistance for victims of violence against women (Poland) (accepted and considered in the process of implementation)

Investigation and prosecution of domestic violence:

Status of Implementation: Accepted, Partially Implemented

16. 104.45 Continue endeavours aimed at combating domestic violence and ensure that all reports of domestic violence are thoroughly investigated and perpetrators are brought to justice in accordance with the law (Slovakia)
17. 104.52 Undertake a deep analysis of protection orders for victims of domestic violence that were broken, in order to identify the root causes and take appropriate measures to secure the safety of the victims (Hungary)
18. 104.56 Ensure that all reports of domestic violence are thoroughly investigated and that the perpetrators are brought to justice (Lithuania)

19. 104.57 Ensure that cases of domestic violence are properly investigated and prosecuted (Slovenia)
20. 104.58 Ensure that reports of domestic violence are investigated swiftly and fully, and that prosecutions are carried out with the full force of the law (United Kingdom)
21. 104.59 Ensure that all complaints of domestic violence are seriously investigated, with the protection of victims and the prosecution of the perpetrators, in accordance with existing legislation, in particular through raising the awareness of police forces on such issues (Belgium)
22. 105.22 Ensure adequate training of police in order to increase their capability to deal with domestic violence cases, and take further steps to raise public awareness of domestic violence as a criminal offence (Czech Republic) (accepted and considered in the process of implementation)
23. 106.11 Continue with efforts to combat violence against women and take additional measures to reduce violence by addressing the reasons for the withdrawal of many protection order petitions in cases of domestic violence, and ensuring that all reports of domestic violence are thoroughly investigated and that the perpetrators are brought to justice in accordance with the law (Canada) (accepted and considered in the process of implementation).

Reporting of domestic violence:

Status of Implementation: Accepted, Not Implemented

24. 104.47 Fully implement the normative framework and related policies aimed at preventing violence against women, in particular by addressing the factors which may still prevent women from filing complaints regarding episodes of violence (Italy)

Prevention of domestic violence:

Status of Implementation: Accepted, Partially Implemented

25. 104.55 Take action to effectively prevent and fight violence against women, particularly domestic violence (France)
26. 105.4 Further improve national institutions and human rights infrastructure, including the harmonization of domestic legislation and the legal system with the international and European Union instruments on persons with disabilities, the rights of the child, the prevention of domestic violence and trafficking in persons (Viet Nam) (accepted and considered in the process of implementation)

National Strategies on Gender-Equality and Reducing Gender Violence

Status of Implementation: Accepted, Partially Implemented

27. 104.54 Fully implement the National Strategy on Gender Equality and Against Gender-Based and Domestic Violence and build up the capacity of the police force to deal with

such cases, including through additional training programs to help police identify and assist survivors of domestic violence (United States of America)

28. 105.9 Fully implement without further delay the provisions of the national action plan on gender equality and domestic violence (Austria) (accepted and considered in the process of implementation)
29. 105.10 Continue to implement effectively the National Strategy for Gender Equality, Reduction of Gender-Based Violence and Domestic Violence (China) (accepted and considered in the process of implementation)
30. 105.11 Increase efforts to tackle domestic violence, gender stereotypes and discrimination on that ground (the former Yugoslav Republic of Macedonia) (accepted and considered in the process of implementation)
31. 105.19 Create a national strategy related to combating domestic violence against women and children (Russian Federation) (accepted and considered in the process of implementation)
32. 105.20 Promote a comprehensive policy of sensitization to the fight against domestic violence (Nicaragua) (accepted and considered in the process of implementation)

B. Domestic Legal Framework

33. Albania has enacted criminal and civil laws that address domestic violence. The civil law “On Measures against Violence in Family Relations” (LDV) defines domestic violence as any act or omission of one person against members of the family, “resulting in violation of [the victim’s] physical, moral, psychological, sexual, social, and economic integrity.”⁵ Members of the family include current or former spouses or cohabitating partners, siblings, relatives of direct blood line, and siblings and some relatives of the spouse or cohabitating partner. Recent changes to the LDV have expanded the definition to also cover persons in intimate physical or emotional relationships.
34. Civil protections under the LDV include immediate and longer-term protection orders from the court. In addition to the victims themselves, police and prosecutors can also petition for protection orders for adult victims, on behalf of minors, or for emergency protection.⁶ Courts are required to reach a decision on emergency protection orders within 48 hours of receipt of the petition.⁷ The court can issue an immediate protection order if it finds that the perpetrator’s threats are direct and endanger the health, safety, and well-being of the victim.⁸ Recent changes to the LDV also allow police to issue an Immediate Order for Preliminary Protection that is valid for 48 hours and then subject to review by the court.

35. The LDV also requires the Ministry of Health to establish structures to offer medical assistance and support to victims of domestic violence and to provide the victim with a medical report and referrals to other support and protection services.⁹ The LDV further requires health centers who have written proof that domestic violence has occurred to immediately issue a certified copy of that evidence on the petitioner's or the court's request.¹⁰ Recent additions to the LDV also require medical institutions to provide psychological assistance.
36. Violations of orders for protection are crimes under Article 321/2 of the Criminal Code as obstruction in the execution of court decisions.
37. In the Criminal Code, domestic violence is defined in Article 130/a to cover "battering and any other act of violence, including threats, causing harm to the 'physical, psychosocial and economic integrity' of the victim."¹¹ The provision covers violence against a spouse, former spouse, cohabitant or former cohabitant, close relative or close in-law to the perpetrator.¹² It does not cover current or former partners where the victim and perpetrator were not married or did not live together.
38. Sexual violence is a crime under Article 102 of the Criminal Code, but sexual violence between spouses and cohabitants is limited to sexual activity by use of force.¹³ All acts of sexual violence are subject to private prosecution, including violent acts within the domestic sphere.¹⁴
39. The Law "On legal assistance guaranteed by the State" entered into force in June 2018 and provides the right for victims of domestic violence to obtain legal assistance. The Law has not been fully implemented.

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Right or area 29.2. Gender-based violence

A. Support services are insufficient.

1) Housing is limited for victims of domestic violence.

40. Victims of domestic violence have problems accessing services, especially housing. **Law No. 22/2018 "For social housing" identifies victims of domestic violence as a priority category for housing,¹⁵ but many municipalities do not offer social housing programs and those that are available do not meet victim needs.** Tirana, the largest municipality in the country, currently offers few social housing programs (e.g., social rent, soft loans), but these programs are insufficient for victims' actual housing needs.
41. Victims face problems accessing short-term housing as well. There are 10 women's shelters in Albania, with 167 beds. Based on Albania's population, the standards

established under the Istanbul Convention require 289 beds to be available.¹⁶ Thus, **the number of shelters in the country and their capacity is insufficient.**

42. In addition to a shortage of beds, emergency shelter is not easily accessible. **Only victims who provide a notarized copy of orders for protection, referral reports from the police and social workers, and copies of medical reports are allowed to access shelters.** This requirement leaves victims who are in the process of obtaining orders or who do not wish to file a petition without protection. In addition, victims who have experienced psychological violence are excluded from accessing shelters, as they are unable to provide forensic medical reports. In some cases, institutions (e.g., the Municipality, Health Centers, or the Forensic Medicine Institute) refuse to provide the victim of domestic violence with the necessary documentation. And shelters do not have access to specialized services for victims who come from marginalized groups or who have special needs (e.g., women with health problems or with disabilities).¹⁷ Consequently, many victims have difficulty accessing shelters. Amendments to the LDV direct the Ministry of Social Protection and Health to establish emergency shelters.

2) Emergency centers and crisis management centers for sexual violence do not exist.

43. Victims of sexual violence receive little protection and few services. **Albania does not have rape crisis centers or sexual violence referral centers,¹⁸ leaving victims at risk of not receiving needed medical care; however, recent changes to the LDV direct the Ministry of Social Protection and Health to establish crisis centers.** Other services for victims of sexual violence (e.g., trauma support, counselling, or support during court proceedings) are also rare.¹⁹
44. Sexual violence is still a taboo topic, and GREVIO noted its extreme concern that the majority of victims of sexual violence receive little or no protection and that the majority of cases are unreported.²⁰ Available data indicated that there were only 3 convictions in 2014 and 4 in 2015 of the criminal offense of rape.²¹

3) Psycho-social rehabilitation programs are not available.

45. Rehabilitation programs aim to teach domestic violence perpetrators to adopt non-violent behavior in interpersonal relationships to prevent future violence and change their violent behavior. **Article 10 of the LDV allows the court to order the perpetrator's participation in these programs; however, courts have not been ordering these programs as protection measures.²² Recent amendments to the LDV list psychosocial treatment programs, parental training programs, and drug and alcohol addiction programs as potential protection measures.**
46. These programs have only recently been introduced in Albania.²³ They are currently limited in number and location and are only provided by a few NGOs.²⁴ **Some available programs do not follow best practices and incorporate practices that are dangerous in domestic violence situations, such as family therapy/counseling or mediation.²⁵**

B. Domestic violence victims are denied access to justice.

1) Health centers deny victims access to medical reports and impact victim access to justice.

47. The LDV entered into force in 2006, yet the Ministry of Health still has not undertaken concrete steps to implement LDV obligations in health centers. There is an urgent need for the Ministry to take necessary measures and ensure that victims of domestic violence can access support services in health centers, as required in the LDV.
48. Article 7 of the LDV requires health centers to provide victims with health services, referrals, and a Special Medical Report that provides written evidence of domestic violence in court proceedings. Health centers are not providing these reports. From 2016 to 2017, health centers only issued seven medical reports.²⁶ **The failure of health centers to issue these required reports impacts the victim's right to health care and her right to a fair hearing.** Courts rely on written evidence or witnesses in 70 percent of cases.²⁷ Thus, if victims do not have access to medical reports to submit as evidence, courts may postpone hearings, leaving the victim at risk of violence, or dismiss the case for lack of evidence.²⁸

2) Courts need to remove harmful practices in protection order proceedings.

49. The number of protection orders increased by 33 percent between 2015 and 2017²⁹ due to increased awareness by victims of domestic violence, as well as the increased accountability of responsible institutions in addressing domestic violence. Despite these improvements, courts can make many improvements to their practices with respect to petitions for protection orders to protect victims.
50. **Courts dismiss an alarming number of protection order cases.** Courts have accepted or partially accepted only 24 percent of petitions.³⁰ **Courts suspended, refused, or dismissed 76 percent of petitions for protection orders.** The majority of cases were dismissed because the petitioner asked to withdraw the request (52 percent of dismissals)³¹ or because the offender failed to show up to the court hearing (48 percent of dismissals).
51. Courts dismiss other cases because relations between the parties have “normalized” after reconciliation. Conciliation is required in divorce proceedings, including those involving domestic violence,³² and in practice, courts also require conciliation (i.e., mediation) in civil proceedings for protection measures.³³ Mandatory conciliation is included in the procedure for applying for emergency barring orders.³⁴ **The Istanbul Convention and international best practice standards prohibit the use of mediation and conciliation in cases of violence against women.**³⁵ These procedures can be harmful in domestic violence situations because the parties do not have equal bargaining power, yet the principles of the procedure assume that the parties have equal power, and they can place the victim at risk of physical harm. In some cases, conciliation practices have been fatal for the victim.³⁶
52. Judges are increasingly conducting proceedings in their offices, which makes it impossible to physically separate the parties.³⁷ Victims may fear the abuser or the abuser

may be threatening them or pushing them to withdraw the petition. HRDC has identified several victims who have withdrawn their requests because of court “reconciliation” with the perpetrator, yet reconciliation is short-lived and they remain in violent situations. In one example, HRDC represented a victim who had withdrawn two requests for protection measures after “reconciliation.” HRDC represented her in several proceedings, an indication that her perpetrator continued to commit violence against her.³⁸

53. **Judicial practices to require written evidence impact a victim’s right to access justice because proceedings may be delayed or dismissed.**³⁹ Judges are not required to have written evidence and may render a decision on a petition for an order for protection based on the facts and circumstances presented to it.⁴⁰ It can be difficult to collect evidence or have witnesses testify in domestic violence cases. Monitoring of decisions in Tirana district courts indicates that decisions were based on written evidence or witnesses in 71 percent of cases.⁴¹ In practice, judges in Tirana district courts request written evidence and witnesses, or they will dismiss cases.⁴² This practice is particularly concerning because, as indicated above, health centers are not issuing medical certificates to victims that can serve as evidence for the court.⁴³
54. In addition, HRDC identified a practice where judges question the victim on whether the perpetrator had committed another act of violence against her while a temporary protection order was in place. If the perpetrator had not committed an additional act of violence, the judge would overturn the case, rather than hear evidence for a longer-term protection order.⁴⁴
55. A positive development in court practice covers fees when a psychologist questions minors in court hearings; however, court funds do not cover required psycho-social assessment reports or the psychologist’s fee to question the victim in court hearings. This expense falls on the victim if they want to submit evidence in support of their case. Article 14, paragraph 4 of the LDV exempts petitioners from court taxes and fees. **The courts do not yet have a free psychologist list available to victims of domestic violence or juveniles.** HRDC also has identified situations where the victims has been requested to pay the psychologist fee when minors are questioned.⁴⁵
56. Judges generally respected deadlines for reviewing requests for protection orders (in 94% of cases)⁴⁶ and issuing decisions for immediate protection orders.⁴⁷ There have been violations, however, of the deadline for scheduling the hearing, and judges have violated the 15-day deadline to decide whether to grant a protection order.⁴⁸ **Postponing hearings places victims at risk, as their perpetrator can continue to commit acts of violence.** In 27 percent of cases, there was at least one postponement of a hearing. In one case, the hearing was postponed six times at the defendant’s request. After the sixth postponement, the petitioner did not show up, and the court dismissed the case.⁴⁹
57. **Monitoring also revealed practices where judges request victims to withdraw requests for protection measures if there are criminal proceedings.**⁵⁰ The LDV provides that prosecuting crimes of domestic violence and requests for protection measures can occur at the same time.⁵¹ Specifically, Article 24 provides that the issuance of a protective measure does not inhibit initiation of criminal proceedings for acts or omissions that qualify as criminal offenses.⁵² These judicial practices violate the LDV.
58. In addition, monitoring of judicial decisions reveals that court decisions improperly refer to provisions of the Civil Code with respect to property ownership (e.g., in cases where the victim requests the removal of the perpetrator from the apartment for a fixed period of

time or ordering the perpetrator to allow the victim sole or partial use of an apartment).⁵³ The LDV only requires that the property is commonly used by the parties⁵⁴ and states that restrictions on the right to property under the law are to be carried out “regardless of the rights of ownership or possession of the offender”; thus ensuring that a victim’s rights to health and safety are not subordinated to a perpetrator’s access to commonly used property for a limited period of time.⁵⁵ **Court requests for documentation of apartment ownership delay the legal process and contradict the LDV.**

59. **Problems arise in the execution of protection orders when the decision is appealed or when the defendant does not appear at the trial.**⁵⁶ Under Article 443 of the Code of Civil Procedure, a defendant has 15 days in which to appeal an order; however, Article 21, paragraph 3 of the LDV specifically states that filing an appeal does not stay the execution of the decision.⁵⁷ Delays – either from an appeal or procedure when the defendant fails to appear at court – can endanger a victim’s life and compel clarification in the language of the laws.
60. **Bailiffs in Tirana are also requesting that victims pay to have the protection orders enforced,** despite victims being exempt from such payments since 2010.⁵⁸

3) Police are not requesting protection orders.

61. Victims go to police stations to report violence in most cases. Police⁵⁹ are authorized under the LDV to seek immediate protection orders or protection orders on their own initiative, when they conclude that family members are affected by violence.⁶⁰ In other words, when a police officer becomes aware of cases of domestic violence and intervention could prevent serious events in the future, the officer may petition the court to issue an immediate or longer-term protection order for victims of domestic violence. This practice can be helpful in cases where the victim is too afraid to report domestic violence to the police or to the court or in cases where the victim’s need is great and urgent.
62. As mentioned above, victims may feel intimidated, abandoned, or threatened by the perpetrator and may seek to withdraw requests for protection orders. When police are the plaintiff, the court will not dismiss cases in these circumstances, and an immediate or longer protection order will be issued against the perpetrator.⁶¹
63. **Despite the protection this practice can provide to victims, the police have not requested a protection order for a minor or for an adult in any case from 2015 to 2017.**⁶²
64. Police also do not have a standard procedure regarding risk assessment and safety management, which is important to prevent further serious acts and direct victims to appropriate services.⁶³ Systematic assessment of risk, safety management, and coordinated prevention and protection measures should be a core practice in multi-agency cooperation, and the LDV now requires police to conduct risk assessments for security of victims of violence.

4) Victims do not have access to legal aid.

65. In approximately 90 percent of domestic violence cases that are dismissed, the victim does not have an attorney, and victims are represented by attorneys in only 43 percent of cases that are not dismissed or rejected by the courts.⁶⁴ The lack of free legal aid constitutes an obstacle to the effective trial of victims of violence, who are left alone and without legal protection in 57 percent of cases. **When victims do not have access to legal advice, they withdraw their case because they do not understand the importance of a protection order,⁶⁵ it is difficult to collect evidence or witnesses,⁶⁶ or they will submit to the court's harmful conciliation practices.**
66. The new Law on Legal Aid that entered into force in June 2018 is a positive step forward, yet there are ways that Albania can improve its implementation. Although domestic violence victims are identified as the first special category of legal aid beneficiaries, the Tirana Judicial District Court (the largest in the country) does not yet maintain a list of available free attorneys.

5) Prosecutors do not share medical evidence with victims of domestic violence or request protection measures.

67. When a victim of domestic violence has physical injuries, police may direct her to the Forensic Legal Institute, which would then provide its completed report to the prosecutor for criminal proceedings. These reports can also be evidence in civil court proceedings, yet **prosecutors do not provide the information to civil court judges or even on the request of the victim herself.** This limits a victim's access to justice by withholding medical evidence that the victim could use to establish civil claims for relief and protection.
68. Prosecutors also do not directly participate in civil proceedings that could protect victims. As indicated in the section on police above, victims may be pressured or coerced into withdrawing petitions for protective measures. When the police or the prosecutor requests the measures, however, the court will not dismiss proceedings, and measures may be granted against the perpetrator to protect the victim. Even though the LDV authorizes them to seek protective measures, HRDC monitoring of Tirana District Courts indicates that the Prosecutor's Office did not initiate any of these requests.

C. Victims of violence are not able to access remedies for compensation.

69. **Victims lack access to legal aid attorneys who could provide information on available claims for compensation or damages.** If public officials fail to meet their obligations under the Istanbul Convention to refrain from acts of violence or to exercise due diligence, victims can access general civil remedies against State authorities for compensation for non-contractual damages. Although there is evidence that officials have failed to meet these obligations, there have been no recorded claims for such compensation.⁶⁷ Criminal and civil laws also provide victims with remedies to claim damages against their perpetrators, yet there is no information that indicates that any victims of violence against women have benefitted from these laws.⁶⁸

70. In addition, Article 30, paragraph 2 of the Istanbul Convention requires State parties to provide state compensation for victims who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources (e.g., the perpetrator, insurance or State-funded health and social provisions).⁶⁹ **Albania has not established this required compensation scheme.**⁷⁰

IV. RECOMMENDATIONS

71. This stakeholder report suggests the following recommendations for the Government of Albania:

Priority Recommendations:

72. **Provide ongoing trainings of police, judges, health professionals, victims support services, and other professional institutions encountering the problem of violence against women and domestic violence.**

73. **Increase funding for social programs that will increase victim access to long-term and stable housing options.**

74. **Establish standards and increase the number of perpetrator treatment programs that meet internationally accepted standards, focus on the safety and rights of women and children, coordinate with specialist support services for victims, and train staff conducting these programs.**

75. **Establish and fund the state compensation program for victims of violence against women.**

Recommendations:

76. Remove restrictions on victim access to shelters and dedicate efforts and funding to increase the number of shelter spaces that are available for victims of domestic violence and their children.

77. Ensure that police are adequately trained and have skills to respond, investigate, properly manage cases of gender-based violence, and petition for orders for protection.

78. Train judges on practices that will ensure that they do not dismiss petitions for protection measures solely because the petitioner did not submit written evidence or require evidence of ownership of commonly used property.

79. Ensure that required rape-crisis or sexual violence referral centers are established and funded to provide services to victims of sexual violence.

80. Monitor implementation of amendments to the LDV, including the prohibition of the use of mediation or conciliation in cases that involve domestic violence.

81. Establish and appropriately fund an effective system of legal aid for all victims of domestic violence and ensure that victims are informed of their right to access legal aid.

82. Train health care professionals in issuing certificates and establish policies to ensure the implementation of these practices.

83. Continue to fund psychologist fees when minors are questioned in court, and fund psychologist fees when adults are questioned in court as well as assessments and reports for adults and minors that are not during court hearings.
84. Implement judicial practices for the immediate execution of orders for protection measures.

¹ GREVIO, *Baseline Evaluation Report: Albania*, (November 24, 2017), GREVIO/Inf(2017)13, at 13, para. 5 (“GREVIO Report”).

² HRDC, *Study of HRDC: “Respect of The Rights of Victims/ Survivors Of Domestic Violence in The Judicial Process”: Findings and recommendations from the monitoring of judgments of Tirana District 2016-2017*, (2017) (“HRDC 2017 Report”).

³ Women Against Violence Europe, *WAVE Country Report 2017: The Situation of Women’s Specialist Support Services in Europe*, (March 2018) (“WAVE Report”), at 26, 27 and 35.

⁴ GREVIO Report at 13.

⁵ Law on Measures against Violence in Family Relations, Law No. 9669/2006, Art. 3 (unofficial translation from OSCE).

⁶ *Ibid.* Art. 13. Additional parties can request protection orders for minors.

⁷ HRDC, *Study of HRDC: Role of Tirana District Court in Protection from Domestic Violence in Family Relationship 2015*, (2015) (“HRDC 2015 Report”), at 18, citing Article 18 of the Law on Measures.

⁸ *Ibid.* at 19.

⁹ Law on Measures against Violence in Family Relations, Art. 7(2).

¹⁰ Law on Measures, Art. 15(2).

¹¹ GREVIO Report at 13, para. 6.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Parliament approved Law no 111/2017 “Law on legal assistance guaranteed by the state.” This law is expected to bring positive changes for categories in need, including victims of domestic violence.

¹⁶ WAVE Report, at 17.

¹⁷ GREVIO Report at 40, para. 105.

¹⁸ GREVIO Report at para. 109.

¹⁹ *Ibid.*

²⁰ GREVIO Report at 41, para. 109.

²¹ GREVIO Report at 40, para. 109.

²² HRDC 2017 Report at 28.

²³ GREVIO Report, para. 70.

²⁴ HRDC 2017 Report at 28; GREVIO Report at 30, para. 70.

²⁵ GREVIO Report at 30, para. 70.

²⁶ HRDC 2017 Report at 32.

²⁷ HRDC 2017 Report at 31.

²⁸ *Ibid.*

²⁹ HRDC 2017 Report at 12.

³⁰ HRDC 2015 Report at 13. Monitoring court decisions reveals, however, that when proceedings are not dismissed, judges generally grant the protection measures requested by the parties.

³¹ HRDC 2017 Report at 16. The Court, although in contradiction with Albanian law and the Istanbul Convention, has applied the conciliation procedure as a standard procedure.

³² GREVIO Report at 54, para. 174.

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- ³³ HRDC 2017 Report at 16; HRDC 2015 Report at 14-15, applying Articles 158/b and 240 of the Civil Procedure Code.
- ³⁴ GREVIO Report at 10.
- ³⁵ Istanbul Convention, Art. 48; UN Handbook for Legislation on Violence against Women, 3.9.1.
- ³⁶ GREVIO Report at 54, para. 174, citing Albania's State report.
- ³⁷ HRDC 2017 Report at 19.
- ³⁸ HRDC 2015 Report at 15.
- ³⁹ *Ibid.* at 25.
- ⁴⁰ *Ibid.* at 24, citing Law on Measures against Violence in Family Relations Article 15.3.
- ⁴¹ *Ibid.* at 24.
- ⁴² *Ibid.* at 24.
- ⁴³ *Ibid.* at 24-25.
- ⁴⁴ *Ibid.* at 20.
- ⁴⁵ HRDC 2017 Report at 61.
- ⁴⁶ *Ibid.* at 21.
- ⁴⁷ HRDC 2015 Report at 18.
- ⁴⁸ HRDC 2017 Report at 23.
- ⁴⁹ HRDC 2015 Report at 14.
- ⁵⁰ HRDC 2017 Report at 80.
- ⁵¹ *Ibid.*
- ⁵² *Ibid.*
- ⁵³ *Ibid.* at 79.
- ⁵⁴ HRDC 2015 Report at 22.
- ⁵⁵ *Ibid.*
- ⁵⁶ HRDC 2017 Report at 42.
- ⁵⁷ *Ibid.* at 42-43.
- ⁵⁸ *Ibid.* at 86.
- ⁵⁹ HRDC has trained the Police Officials of Tirana on an ongoing basis regarding their role in treatment and management of domestic violence victims.
- ⁶⁰ HRDC 2017 Report at 35.
- ⁶¹ *Ibid.*; HRDC 2015 Report at 28-29.
- ⁶² It is important to note that any petition for a protection order, except for minors and vulnerable adults, should be done with the consent of the victim. The most dangerous time for a victim of domestic violence is when she separates from her abuser, so it is important for her to make her own decision to leave a relationship, as she is in the best position to assess the potential danger. The Advocates for Human Rights, *Lethal and Extremely Dangerous Behavior*, Feb. 1, 2006, at http://www.stopvaw.org/Lethal_and_Extremely_Dangerous_Behavior.
- ⁶³ GREVIO Report at 57, para. 181.
- ⁶⁴ HRDC 2017 Report at 19 and 37.
- ⁶⁵ *Ibid.* at 19.
- ⁶⁶ HRDC 2015 Report at 16.
- ⁶⁷ GREVIO Report at 42, para. 113.
- ⁶⁸ *Ibid.* at 43, para. 115.
- ⁶⁹ *Ibid.* at 43, para. 115, citing Istanbul Convention Art. 30, para. 2.
- ⁷⁰ *Ibid.* at 43, para. 115.