

The implementation of the Istanbul Convention - a guarantee for the protection of children from assisted violence

M.B. is 41 years old, has only elementary education, is unemployed, and has two children. She met her husband at the age of 15. Her alcoholic spouse abused, belittled, and humiliated her by systematically abusing her. M.B. made her first denouncement of violence in 2017, since the situation was extremely critical. The husband, now degraded by alcohol, began to steal savings, without bringing anything for the children. As if all this was not enough, debtors began to show up at their home, and often M.B., was forced to work two jobs, in order to pay her husband's debts.

M.B. had forgiven her husband several times for the sake of the children, hoping that he would repent, change and reflect for the benefit of the family. Her every attempt to change the situation received only constant accusations of betrayal, insults and threats from him.

M.B. was aware that the situation was deteriorating not only against her, but also against their little boy, who suffered all forms of violence from his father, including physical, sexual, psychological, and economic violence. She addressed the relevant bodies with the support of the lawyers of the Centre for Legal Civic Initiatives, Av.Etleva Zeqiraj and Av.Andia Dragoj.

The Tirana District Court has issued a Protection Order for M.B. in 2018, and in 2019 the Court issued another protection order in favour of M.B. and the minor child.

Currently, the Tirana District Court ended the marriage and ruled that "...the child upbringing and education was assigned to M.B., who is his mother and a survivor of domestic violence. The abusive spouse (defendant) must contribute in bringing up and educating the child by paying the amount of 10.000 (ten thousand) LEK from the day of filing a lawsuit. The father (defendant) can meet his son only for two hours, without sleeping together".

The position of the Court is in line with the highest interest of children and the conventions ratified by the Albanian state, in particular the UN Convention on the Rights of Children and the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The latter, in the Article 31, rules that: **"Custody, visitation rights and security" requires State Parties to take the necessary legislative or other measures to ensure that in determining custody and visitation rights of children, incidents of violence are taken into consideration.**

The specifics of the case and the need to pursue it for a long time, demonstrate how important it was to provide free legal services and protection by CLCI lawyers, in the context of the project: "Empowering battered and vulnerable women with legal education, free legal aid and advocacy". This project is part of the 'Protection and promotion of women's rights in Albania' program. It is implemented by the Albanian Women's Empowerment Network (AWEN) with the financial support of the Swedish Agency for Development and Cooperation (SIDA).