

## UPR

### Shadow Report

Period: 2014-2018

**Reporter:** *The Center for Legal Civic Initiatives* (hereinafter CLCI) in collaboration with the Network of Monitoring against Gender-based Violence (hereinafter Network)<sup>1</sup>:

**Executive Summary:** The Aim of this report is to analyze the Albanian situation, to identify problems and give suggestions for solutions regarding the following recommendations:

- I.** Take action to effectively prevent and fight violence against women, particularly domestic violence. (104.44 –Algeria; 104.45-Slovakia; 104.46-Turkey; 104.55-France);
- II.** Raise public awareness of domestic violence as a criminal offence (105.22-Czech Republic);
- III.** Address the factors which may still prevent women from filing complaints regarding episodes of violence (104.47- Italy);

For the drafting of this report, we have made use of the experiences gained from the Network's organizations operating in providing services to citizens in this field, from combined efforts with public institutions and from several public awareness and legal initiatives<sup>2</sup>.

The report identifies certain issues, which are related to the current situation regarding the institutional protection of Albanian women and girls from domestic violence. This continues to be a sensitive issue in Albania. Thus, based on the data provided by the National Data System regarding domestic violence episodes at local level, REVALB, the system has recorded 758 episodes of violence in 2017, whereas access to courts as regards to the protection orders is still problematic. A large number of cases, over 60% of the proceedings for protection or immediate protection order are dismissed with no final court decision. On the other side, the execution and compliance with the protection orders pose several challenges and as such there is a need for stronger commitment of the local institutions and better cooperation with the state police and the

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<sup>1</sup> Regarding Network's member see: <https://rrjetikunderdhunesgjimore-monitorime.al/anetare-te-rrjetit-rw-ojf-ve-per-monitorimin-e-zbatimit-te-standarteve-kunder-dhbgj-dhe-dhf/>

<sup>2</sup> In this regard, the following instruments have been used:

Analyses and information collected from questionnaires carried out by the Network's organizations;

Previous reports prepared by the Civic Society organizations;

Opinions and ideas put forward by the Network's organizations during different workshops;

Official statistics, or data provided by the civil society organizations;

Interpretation of recently adopted legal acts;

Case law of courts regarding cases we refer them.

bailiff's office. The latter institution poses another issue in particular due to the strengthening of the private bailiffs and the inability of the state bailiff to provide the necessary assistance.

The reports also identifies the absolute need for an increased efficiency of the local institutions involved in the offering of services such as prevention of domestic violence and the rehabilitation which is still unsatisfactory.

The report points out the need for a renewed grasp of the by-laws with the view to better implementation in regard to the victim of domestic violence. Furthermore, it singles out the commitment of the legislative bodies to improve the laws in force, but it highlights the need for a major attention given to the laws' enforcement by the law enforcement bodies.

The report identifies the need for accelerated measures for the implementation of the Judicial Reform because its sluggish pace has brought about gaps in the activity of the judicial institutions which in turn impact the citizens' access to the judiciary.

## **I. Take action to effectively prevent and fight violence against women, particularly domestic violence.**

1. The Albanian State has given due importance to two main courses of action: the reforming of legislation and the regulating of free legal aid. The 2015-2017 period is widely considered as the Period of Judicial Reform, which brought forth significant legal changes. Initially, domestic violence and violence against women were not included in the objectives of legislative reviews. Nevertheless, upon the special initiative undertaken by the female Members of Parliament and supported by the civil society organizations, these two issues were deemed in need for legislative reviews. The main aim here is the harmonization of the Albanian Legislation with the international standards<sup>3</sup> and its amelioration with the view of it becoming more feasible and effective. In this report we will focus only on analyzing the performance and efficiency of certain legal initiatives, which have a significant impact on protecting women from violence.
2. While participating the consultative process in the framework of the Judicial Reform, several civil society organizations presented tangible suggestions regarding legislative improvements with the view to find solutions to problems and deficiencies tackled during their work for protection from gender-based violence. In many cases, the proposals were taken into consideration and were reflected in the legislative content. What still poses concern for the civil society organizations is for these acts to be fully implemented and efficient. A great number of the new provisions provide for the facilitation and a more comprehensive implementation of the existing provisions, but they still need to be better understood under a new mindset and efficiently implemented by the competent bodies.

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<sup>3</sup> The main focus has been the harmonizing of the Albanian Legislation with the Istanbul Convention (CAHVIO).

Therefore, the initiatives which should be undertaken for a better implementation of these provisions are equally important.

3. ***“The Criminal Procedure Code”*** was updated and for the first time it stipulated the procedural rights of the victims during the criminal proceedings<sup>4</sup>. Those rights were harmonized with the standards of the EU Directive and the Council of Europe Convention<sup>5</sup>. The Code provides for special procedural rights for the women who are victims of trafficking and sexual violence. Furthermore, the cases regarding sexual assault on mature women, who previously have been prosecuted upon the accusing victim’s request, now shall be handled ex officio. This is a first-time instance of the victim’s procedural status during the criminal proceedings. Prior to this, the accusing victim could file the complaint while asking for compensation for the damage suffered due to the criminal offence. The latter has rarely been filed to the court and as far as the execution of court decisions is concerned, there has been no such a case.
4. The civil society organizations are still concerned regarding the fact that the judiciary should assume a more amicable attitude especially when it comes to the victims of trafficking or sexual assault. Such an issue is raised based on the experience of the civil society organizations operating in this field. They have identified cases of victims being treated with contempt while showing no affability. Targets of such a contemptuous behavior were not only the victims, but their lawyers, and social workers as well;
5. There have been cases when it was impossible to file a request to the competent bodies for compensation for moral and material damage due to the expenses such a filing would incur. In the cases when the right to compensation was granted by the court, there is no executed decision due to the gaps in the law and/or the inaccurate understanding of the respective legislation. We have also found the inadequate knowledge and disinterest of lawyers regarding the victims’ rights to play a role here<sup>6</sup>. We think that the main factors leading to this situation are not only the gaps in the Law but the prejudices and stigmatization of victims<sup>7</sup>, which still persists, and the lack of effectiveness of the judiciary and the inability to execute court decisions<sup>8</sup>.
6. Despite being amended, the Albanian legislation does not guarantee the victims’ compensation. Article 36 of the ***“The Criminal Procedure Code”***<sup>9</sup>, providing for the seizure of criminal proceeds, stipulates for the State to have sole and exclusive ownership over these assets. No state agency allows for the victims’ compensation to be carried out

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<sup>4</sup> See: Law no. 35/2017, *The Criminal Procedure Code of the Republic of Albania*, AS AMENDED

<sup>5</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA & Council of Europe Convention on Action Against Trafficking in Human Beings, ratified by Law 9642, dated 20.11.2006.

<sup>6</sup> From the monitoring of the court decisions during this period of time in Tirana, and based on the experience of our organizations, we have identified a small number of requests filed for victims’ compensation.

<sup>7</sup> CLCI’ Report, *“Promotion of the rights of trafficked persons in Albania”*, Tirana 2015, p. 81.

<sup>8</sup> The court decision granting compensation to the trafficking victim D.S. has not been executed since 2014, when it has become final.

<sup>9</sup> The law no. 7895, dated 27.01.1995, as amended.

under this provision. Even though other laws<sup>10</sup>, provides for the compensation for the victims of organized crime and trafficking to the extent determined by judicial decision, there is no individual compensation for victims of trafficking allocated from this fund.<sup>11</sup> Such an entitlement is not thoroughly understood by courts as well, which in turn should reflect more accuracy in the decisions they take, regarding the methods of victims' compensation, in order for their execution to be more feasible. Despite the fact that several suggestions were provided by the Network's organizations during the consultative process preceding the Judicial Reform aiming at the legislation's harmonization in this regard, they were only partly taken into consideration without getting to the heart of the matter.<sup>12</sup>

7. **The Law “On measures against violence in family relations”**<sup>13</sup>, has been amended bringing about important improvements to a more efficient implementation. For the first time it provides for the issuing of *The Emergency Protection Order* by the State Police. It also aims at strengthening the emergency protection in cases of immediate danger, within the first 48 hours, and at improving the efficiency of instruments used by the police. In this framework, the Council of Ministers's obligation is to adopt the standards for the victims' of sexual assault, (Article 7, “Duties of Other Responsible In-Line Authorities), as well as other related by-laws. The fact that the law provides for the persons in intimate relations, along with the cohabitating partners and people related by blood, shall help in broadening the spectrum of subjects asking for protection, especially for girls who are victims of violence inflicted by their boyfriends. Such a measure was indispensable, as there has been an increase in the number of cases reporting extreme violence and murdering of girls<sup>14</sup>.
8. **The new Law “On Free Legal Aid provided by the State”**<sup>15</sup>, is crucial in the judiciary access of the vulnerable people, such as the victims of violence. This law stipulates special provisions for the legal representation of victims of domestic violence and human trafficking. This law invalidated the previous one, which has failed to protect the vulnerable categories. Since March 2009, up to now, only a limited number of women who were victims of domestic and gender-based violence have filed for legal aid at the

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<sup>10</sup> The law no. 10 192, dated 03.12.2009 “On prevention and fight against organized crime and trafficking through preventive measures against property”, as amended.

<sup>11</sup> The Agency of the Administration of Confiscated and Sequestered Assets in its reply to the CLCI dated 20.07.2018 (No.722/1prot.), points out: “This is to inform you that your request filed to the AACSA is not under our jurisdiction”.

<sup>12</sup> These proposals were presented by the organizations under the ‘Justice for All’ Coalition, and by the experts of UNDP, Albania, regarding improvements to the Law no. 10 192, dated 3.12.2009 “On prevention and fight against organized crime, trafficking, corruption and other crimes through preventive measures against property” as amended. In fact, improvements were made to the provisions regulating the fund allocated to the local bodies for the carrying out of their activities, but there was no change to the individual compensation to the victims of trafficking based on the court decisions.

<sup>13</sup> Law no. 9669, dated 18.12.2006 “On measures against violence in family relations”, as amended by law 7/2018.

<sup>14</sup> In the six-month time frame, two female students were killed by persons claiming to be their boyfriends. For further information see: [http://www.qag-al.org/ang/publication/statement\\_urgent.pdf](http://www.qag-al.org/ang/publication/statement_urgent.pdf)

<sup>15</sup> Law no. 111/2017.

State Commission for Legal Aid (SCLA). According to an analysis carried out by the Reporting NGOs, there are several reasons behind such reluctance in seeking help. There was a legislative misconception, which transformed the role of the SCLA from an administrative and managing body, in a case-reviewing body. There was a misconception regarding the cooperation with civil society organizations, which resulted to be sluggish and under planned. The organizations have observed the victim's lack of trust in the state institutions in general; lack of information with regards to the operation of such a service, the burdensome check list of the documents necessary for filing a request for legal aid at SCLA, as well as the financial costs of procuring these documents; lack of accountability when it comes to the MoJ jurists responsible for fulfilling the demands for FLA, when in many cases have interrupted their work without finalizing the procedures. There is no list of qualified lawyers who shall offer this aid ex officio, whereas judges resort to the list of criminal lawyers when certain cases are filed. Furthermore, the legal clinics are not located in vicinity of the victims in need; there are not clinics attached to the district courts, but only at the Ministry of Justice. As a result the victims' access to free legal aid has been difficult.

9. The inefficiencies observed in the implementation of this law have been pointed out in many reports drafted by the civil society<sup>16</sup>, as well as in the EU progress reports on Albania.<sup>17</sup> We consider of vital importance the support and assistance of the civil society in free legal aid provision. We are firm in this conviction as the free legal aid has been used by the organizations in these last 20 years, while establishing a network of lawyers pertaining to the civil society who are specialized in this field. For the moment, we are drafting the by-laws, which are expected to regulate the cooperation between the Free Legal Aid Directorate and the Civil Society Organizations.
10. It is imperative for the State to support the civil society organizations regarding such an important issue. From a future perspective, we believe that this will enlarge the "market" of the organizations, which will have to face competition in order to provide certain services. In this regard, it is necessitated for a legal provision to allow for their being financially supported by the State through the SCLA at the core of this law, and pursuant to law<sup>18</sup>. Therefore, the coordination of the aid is very important, particularly for the implementation of fair procedures for the selection of those organizations, which through their lawyers, provide the best quality services.

### **Suggested solutions to the above-mentioned issues:**

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<sup>16</sup> "Respecting the rights of Victims/Survivors of Domestic Violence, in the Judicial Process under the court decisions in the Judicial District of Tirana, for the 2016-2017 period; a HRDC study; TLAS, Report on the legal aid in Albania, Tirana 2013.

<sup>17</sup> See: 2016 EU Progress Report on Albania: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_albania.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf)

<sup>18</sup> See the law no.10 093, dated 9.3.2009 "On the organizing and functioning of the civil society support agency", as amended

11. The organizations have identified many problems related to the implementation of the law and the authorities' unaccountability as such. Therefore, we propose further intensification of the initiatives for a more efficient implementation of the new legislation, such as the improvement of the school curricula, launching of awareness-raising and legal education campaigns, continuation and planning of training activities with experts in the field, mainly with the court bailiffs, supporting the civil society organizations which offer services, etc.
12. Even though the adopted amendments are expected to improve the performance of the protection orders, it should be emphasized the fact that their scope is protection against violent acts within the context of family relations and this does not extend to other kinds of violent acts against women. Therefore, we fully support and demand that the obligation imposed on the Government by the Parliament to draft within two years the framework law for the prevention and fight against violence on women should be met.
13. It is necessary for the timely adoption of the by-laws pursuant to the amendments made to the law against domestic violence, as well as the law on the legal aid provided by the state, which are expected to regulate even the cooperation between the Free Legal Aid Directorate and the Civil Society Organizations.
14. We believe that there is a need for more initiatives that would improve the situation of law enforcement by the state police bodies. It is imperative to provide for clear protocols regarding the communication and coordination of activities among the state police, bailiffs' and social service offices at the municipality level. This allows for a more efficient implementation of the PO, their continuous monitoring and prevention of aggravated acts of domestic violence. It is important to correct the tendency of institutions issuing protection orders, which easily select the measure that removes domestic violence victims from their home accompanying them to the shelter, rather than deciding that the perpetrators leave the home.
15. We highly appreciate the attention paid by the Parliament to the issue of domestic violence, whose resolution it adopted sometimes ago.<sup>19</sup> We also highly value its engagement for the Civil Rights Defenders and the draft-resolution drafted with this regard<sup>20</sup>. Nevertheless, the steps to be taken for achieving the objectives and observing the principles set forth in the resolutions are equally important. As per their current status, such steps are sufficiently effective for raising public awareness, but they are inadequate when it comes to their efficient implementation.

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<sup>19</sup> See: Resolution on violence against women and on increasing the efficiency of the legal mechanisms for its prevention, adopted on 04.12.2017:

<http://www.qbz.gov.al/Botime/Akteindividuale/Janar%202017/Fletore%20212/REZOLUTE,%20date%204.12.2017.pdf>

<sup>20</sup> Draft resolution for recognizing and supporting the activities of the agencies protecting the human rights, engaged in promoting, awareness-raising and protection of human right and fundamental freedoms, in strengthening the rule of law and in consolidating democracy; Tirane, on 19 Korrik 2018:

<https://www.parlament.al/Files/Projekte/20180724095737Projektrezoluta%20V.Hysi.pdf>

16. The judges and prosecutors should continue the process of qualifications and awareness-raising with regard to the protection of victims of violence. For the moment there is an institutional halt due to the delays in the implementation of the Judicial Reform, which has started in Albania in the years 2015-16. As a result, the judiciary's administrative bodies are not established yet, and the operation of the existing bodies has drastically weakened. The Constitutional Court and the Supreme Court do not meet any longer for not being able to create a quorum<sup>21</sup>. The High Council of Justice and the High Council of Prosecutions have yet to be established. The judges and prosecutors are undergoing the vetting process. Under these circumstances, we demand to learn from the Government how it plans to avoid such gaps and to guarantee their accountability and qualification in this period of time.

## **II. Address the factors which may still prevent women from filing complaints regarding episodes of violence;**

17. By means of a thorough analysis of the factors that might refrain women from filing request for protection against domestic violence, we have identified subjective factors related to the subject and the mentality of women, as well as to the information regarding the respective rights. In this regard, there are many taboos, particularly in the rural areas. Actually, it is a fact generally acknowledged that the episodes of violence are reported more in cities<sup>22</sup>, than in villages and that the women who reside in rural areas face more barriers when it comes to filing complaints, be them subjective barriers or objective institutional barriers. The number of victims of violence is a total of 1038 persons, out of which 295 residing in the rural areas and 743 in the urban areas<sup>23</sup>. The Network's organizations raise their concern that the rural areas face more barriers *“due to the mindset which is still closed in these areas; due to the lack of information regarding rights; lack of access to free legal aid”*. The situation regarding the functioning of the institutions has impacted the geographical distribution and the number of complaints filed by victims of violence.

18. The objective factors are related to the incapacity of the institutions to provide services in due time while instilling trust in the individual. The organizations of this network have reported a series of concerns regarding the deficient functioning of the institutions, which

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<sup>21</sup> See: A. Anastasi, *Challenges for the Constitutional Court and Democracy in Albania*,

<http://www.icconnectblog.com/2018/05/challenges-for-the-constitutional-court-and-democracy-in-albania/>

<sup>22</sup> See: The Data Centrum Research Institute, Report of the Core Study on Domestic Violence and Albanian State Police (2012) <http://www.cp-project.al/archive/wp-content/uploads/2014/01/Dhuna-ne-familje-dhe-PSh.pdf> , p.65, 82. See also, “Domestic violence in Albania, National survey on 2013 population”, p.12, <http://www.undp.org/content/dam/albania/docs/Vrojtim%20Kombetar%20Dhuna%20ne%20Familje%20ne%20Shqi%20peri%202013.pdf>

<sup>23</sup> MSHMS, Draft Report “Measures taken in the fight against violence on women and domestic violence”, 1 January – 31 December 2017, undisclosed report, shared with the members of the National Council on Gender Equality, p. 16.

in turn prevents women from reporting episodes of violence. Actually, they point out that *there is an absence of emergency shelters in cities, of a 24/7 hotline, of inter-disciplinary services, of services providing psychological counseling and rehabilitation to the offenders, of mid-term and long-term rehabilitating services for the integration of violence survivors in the society, lack of acts which shall determine the standards and protocols to be followed, etc.* Furthermore, “...specialized services need to be equally distributed in the whole territory, while providing equal access to all categories of women or victims of domestic violence”<sup>24</sup>. Based on the monitoring of NGOs of this Network, it is identified a lack of the engagement of local governments on the raising awareness for women in this field and no budgeting voice is foreseen for this activity<sup>25</sup>.

19. The counseling lines, as very important institutions for the reporting of episodes of violence, operate only in certain municipalities, and there is a lack of such lines in the others. In addition, in most cases they do not operate 24/7. As such, e.g. until July of this year, the counseling line at the Municipality of Durres has recorded 15 phone calls which is a small number of reported cases via a telephone number which can be reached only within the regular working hours. In the Vlora Municipality, the counseling 24/7 hotline is located in the premises of “Vatra” Center and it operates only within the regular working hours. The same situation is presented in Shkoder, and what’s more to that, it is the caller that has to pay the fee of the phone call.
20. The operational state of the National Referral Mechanism is another important aspect, which impacts the access of reporting domestic violence episodes. The reports of this Network’s organizations have pointed out that such a mechanism is functional only in certain municipalities, such as: Tiranë, Durrës, Vlorë, Bulqizë and Korçë, Elbasan, Shkoder<sup>26</sup>. Whereas in the other areas it is latent and almost not functional. Our general observation is that their role in preventing violence needs to be strengthened. In addition, there are few cases it contributes in when it comes to the prosecution, compared to the number of EPO/PO issued. This deficiency of the mechanisms stems mainly from the lack of the supporting services. For example, the city of Durres, despite having the mechanism already in place, has no emergency center, no shelter for the victims of violence and no dedicated service for the offender’s rehabilitation. This is the reason why the performance of the mechanism is poor and different from the municipality of Korça, where both the mechanism and its supporting services are functional<sup>27</sup>.

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<sup>24</sup> Idem, p. 2.

<sup>25</sup> During 2017, this fund was missing altogether in Municipality of Durres and Shkodra, while in Vlora municipality it was insufficient, whereas the Korça Municipality should be considered a success story in this regard. See in more detail: QAGJZH dhe RrFGSh, 2018. The Reports for the monitoring the National Strategy on Gender Equality 2016 - 2020 for the Vlora, Korça and Durres Municipality.

<sup>26</sup> Even among these cities, there are differences regarding the operation of this mechanism. Thus, e.g. the mechanism performs regularly in Korce, Tirane, Elbasan, whereas in the other municipalities it is not steady. See: idem footnote no. 25.

<sup>27</sup> See in more detail: Metaj E., Final report, “Analysis of the functioning of the coordinated community response to domestic violence at the local level in Albania, Tirana 2015, p.7. accessible at:



21. Other gaps in the framework of the functioning of the Referral Mechanism are related to the coordination of the institutions partaking in it. Each member/part of the mechanism attempts to take full responsibility on the case, failing to achieve the desired coordination of a fully operational Mechanism. Certain stakeholders, such as the Regional Education Directorates, are passive and the Network's organizations report their being absent in the meetings and activities organized by the Mechanism. Whereas among the most active and efficient ones are the social services offices in the Municipality and the social workers at the Administrative Units. Furthermore, they have identified the fact that the technical interinstitutional teams do not regularly meet. Thus, in the city of Pogradec, for the year 2018, the technical team held three (non-regular) meetings, all of them initiated by the "Unë Gruaja" (It's me, the woman) association, with the view to handle two urgent cases. As far as the case of A.SH. in Durrës is concerned, the state police failed to engage actively and there was a lack of due coordination among stakeholders at local level, despite the fact that children did report the violence exerted by their father on their mother on 30.12.2017. In a couple of months, their mother was killed by her husband.
22. The organizations are also focused on the quality of services provided by the respective workers. One of the major issues identified by the organizations is the fact that the institutions *undergo frequent staff-related changes. These frequent staff mobility is reported among the state police, employment offices and health centers.* In contrast, the local coordinators against violence are reported to be more stable due to the fact that their job position is incorporated in the organizational structure of the Municipality.
23. Another crucial issue related to the barriers to violence reporting is the ethics of the institutions' staff. In this regard, the rapport this staff establishes and their attitude towards the victims of the domestic violence are of great importance as factors that would increase the number of violence reporting cases. There have been cases of staff's unethical attitudes reported to the organizations of our Network which provide legal aid in their capacity as clinics. A very disturbing case was when the Police Inspector G.B has been reported for displaying incorrect behavior in the form of moral harassment to the victim, during the procedures for the issuing of the protection order. Upon verification of the Ombudsman's Commissioner, disciplinary measures were taken for the case in question<sup>28</sup>. From our surveys we have found that these measures were taken by the Ethics Commission of the Police Directorate, but we deem them disproportional to the criminal offence.

## **Suggestions and solutions with regard to the recommendation.**

24. The State should increase the financial resources for a better functioning of the counseling lines, while insuring a faster and more accessible service at any time, 24/7. The central government should take measures for funding the Toll-Free National Hotline. Special attention should be given to strengthening the capacities of counseling lines' staff in order to increase their efficiency. This might be achieved through continuous training, ethics monitoring and ensuring tenure of the workers trained for in these sectors.
25. There is a need for further monitoring of the institutional reliability and accountability. We would suggest the setting-up of teams in order to monitor the institutional activities, especially of the National Referral Mechanism against domestic violence.
26. The cooperation among responsible institutions needs to be strengthened for a faster and more efficient response in following through the episodes of domestic violence.
27. We fully support and encourage the Social Care Reform, as it will provide solutions to issues regarding the setting-up of a service network at local level aiming at meeting the needs of different social groups, including the victims of domestic violence.
28. There is a need for raising public awareness through informative campaigns (especially) in the rural areas at local level with particular attention to sharing information related to legislation, service functionality, referral mechanisms, etc. The adoption of the National Strategy for community legal education, which was prepared by civil society organizations, while aiming at this field, would increase citizens' awareness for their rights in this regard.
29. Along with improvements to free legal aid, as mentioned above, there is a need for free psychological and social assistance<sup>29</sup> for the victims in every city/village. Furthermore, it is of crucial importance the staff qualification in this area with the view to increase the access of victims in reporting episodes of domestic violence, and to provide them with the psychological and social expertise throughout the process.
30. The capacity building of the staff in the referral mechanism's institutions should go hand in hand with trainings in professional ethics, which among other aspects, should aim at the aspects related to gender ethics and prevention of behaviors leading to gender-based harassment.
31. The NPOs play a very important role in the operation of the mechanism. We recommend that the Albanian authorities and different donors/partners pay particular attention to a more stable and sustainable funding to women's NPOs working to support victims and prevent violence and thus enabling them to meet fully the needs of all victims in

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<sup>29</sup> For further information see the report drafted by the Center for Legal Civic Initiatives (CLCI) and The Legal Aid Services (TLAS): The role of the psychologist and the social worker for increasing citizen's access to the justice system and protecting the child's best interest (case of Albania). Tirana,2014. [http://www.qag-al.org/publikime/raport\\_final.pdf](http://www.qag-al.org/publikime/raport_final.pdf)

compliance with GREVIO's recommendations (paragraph 32)<sup>30</sup>. The establishing of new NPOs at local level shall contribute to increasing the efficiency of the mechanism in question.

### **III. Raise public awareness of domestic violence as a criminal offence (105.22-Czech Republic);**

32. In the period 2012 – 2013, the Criminal Code underwent major changes among which it provided for the first time for the criminal offence of “Domestic Violence” (art.130/a). In this article, the code stipulates that active subjects of the criminal offence are people in different family relations and it provides for more severe punitive sentencing compared to other articles, which provide for equally punishable criminal offences of general matter. Furthermore, additions and changes were made regarding the category of the sexual assault as a criminal offence, “*Actions in violation of the Court Decision*”, which address the issue of the violation of protection orders issued by the Civil Court; and the provision for the first time of “Stalking”, etc.
33. With regards to the above-mentioned, several civic awareness campaigns are organized aiming at domestic violence as a criminal offence. The civil society organizations of this Network point out the fact that the awareness-raising campaigns, prior to the Code's amendments, were focused on raising public awareness on the need for the Criminal Code to undergo changes. They have cooperated with state institutions with this purpose in mind. Whereas, in the years 2014-2018 (for review objectives), the focus of such campaigns has been informing the general public on the new criminal offences and explaining the procedures and measures provided for by the legal provisions. Thus, there is a difference between the awareness-raising campaigns prior to the changes made to the Criminal Code, with the major focus on civic involvement in the legal changes, and the campaigns of today focusing more on legal education of the general public with regard to these changes, aiming at reporting domestic violence as a criminal offence.
34. The organizations carry out three major activities with awareness-raising as their sole purpose, but generally speaking, they lack coordination. Firstly, they try to engage in drawing the attention toward domestic violence as a crime and the opportunities to report it as such. Apart from the traditional instruments, such as the protests in front of the Parliament, the organizations have opted for other more innovative means such as theater performances on issues of social involvement, and commentaries of movies dedicated to pupils and students.
35. *Secondly*, the organizations have been engaged in the activities focusing on informing and legally educating the general public, by explaining the nature of the criminal offence, the consequences and procedures in place for its prosecution. In this framework, the talks held in schools carried out by organizations operating in Elbasan and the talks with the community in Vlora have been very efficient. The participants in these campaigns have increased in number due to the involvement of the students of the Law Faculties and of

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<sup>30</sup>GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence. <https://rrjetikunderdhunesgjinore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislative-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje>

the volunteers from the Pro-Bono Teams.

36. *Thirdly*, the participations of organizations in different trainings of police officers, prosecutors, judges, has been highly efficient in terms of awareness raising as it enabled practitioners to better grasp the issues encountered in the Albanian family context. These training sessions were carried out in close cooperation with the School of Magistrates, local authorities, state police, etc.
37. Among the issues raised by the organizations regarding problems faced when campaigning was the inability to continuously organize awareness campaigns. All organizations report that these campaigns are generally organized in cooperation with central and local authorities, mainly during the 16 days dedicated to the actions against gender-based violence, on the Orange Days, on the International Women's Day, and rarely in other times of the year. In most cases, the campaigns were concentrated in cities in the form of protests, whereas in villages in the form of informative talks in schools or local authorities.
38. Another issue was the organizing of the awareness-raising campaign with no consideration given to the interests of different target groups, which would have otherwise improved the quality of this information-sharing activity. The group of the young beneficiaries has been small, while major attention was given to women with little consideration to the group of detainees. In most cases, the information was given in broad terms with little focus on insights on offences recently provided for in the Criminal Code, or newly established institutions provided for in the Criminal Procedure Code with regard to domestic violence.
39. We have observed that the awareness-raising and information-sharing activities do not undergo any evaluation or monitoring. There is no information regarding the accurate number of participants, their gender or the gender of the participants or the impact of these activities. Nevertheless, on broader terms, these activities have involved more women and girls and fewer men and boys. Nevertheless we can draw conclusions by analyzing the increase in the number of reports of domestic violence episodes both in civil and criminal proceedings<sup>31</sup>.

### **Recommendations for the enhancement of awareness-raising campaigns**

40. The awareness-raising and information-sharing campaigns need to be organized by dividing the subjects into different beneficiary groups. Special attention should be paid to the young people, particularly the teenagers who have reached the age of criminal liability. The awareness and information should target not only girls and women, but efficient mechanisms should be put in use in order to involve men and boys as well.
41. It is of vital importance for the campaign organization to have a clear focus of the issue at hand, because as it was mentioned above, domestic violence has just been one of the aspects of a much broader campaign. For the moment, the awareness-raising and information-sharing campaigns should focus on the rights and obligations provided for in the Criminal Procedure Code, in particular about the victims of the criminal offence. This

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<sup>31</sup> During the period of time 2016-2017 Tirana's District Court has heard 930 cases involving 944 defendants for the criminal offence of domestic violence. See: "*Respect of the rights of victims/survivors of domestic violence in the judicial process*", Human rights in Democracy Center, Tirana, 2017, p.65-74

should be the priority of the institutions and civil society organizations in this regard. On one side, citizens should be informed about their rights and how to claim them, and on the other side prosecutors and lawyers need to improve their knowledge in the social field.

42. Awareness-raising activities need better planning and coordination in a multifaceted dimension. They should cover the whole territory of the country by making use of the appropriate instruments involving women and girls living in remote rural areas, or marginalized groups. Therefore, we believe that there is a need for strengthening the cooperation and coordination among the civil society organizations, state authorities and independent bodies.
43. We are of the opinion that awareness-raising formats should be enhanced and enriched through their performance analysis. Empirically speaking, we have observed that statements and call via the social media have major impact when integrated with the mass media as well. As a result, just to mention one example, as far as the statement “*Prevent violence - report stalking*” published by the Network on Facebook is concerned, the number of people reached is 3350, with 155 clicks and 110 likes/comments and shares<sup>32</sup>, Another adequate method was the peer-to-peer method which might be more successful in terms of students’ or *pro-bono* teams’ involvement.
44. It is the obligation of the Government and of the other state institutions to better plan the activities dedicated to awareness-raising and information-sharing in this regard, and to facilitate a viable institutional coordination. In this regard, we encourage the Parliament to adopt the community legal education draft-strategy as soon as possible. Subsequently, the Government should take measures to cooperate with civil society organizations in order to achieve the objectives of this strategy, which provides for information activities in this field.
45. The local coordinators against domestic violence and other members of the technical team of the Referral and Coordination Mechanisms against domestic violence should play a more active role in raising the community awareness. We recommend for the municipalities to increase their financial support for the organizing of the awareness campaigns. Whereas the independent institutions, such as the People’s Advocate, the Commissioner for the right to information, should enhance their activities in informing and raising public awareness in this aspect.

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<sup>32</sup>The declaration is available at: [http://www.qag-al.org/ang/publication/declaration\\_english.pdf](http://www.qag-al.org/ang/publication/declaration_english.pdf)