



Submission, with regards to  
the execution of the case  
Tërshana v. Albania



DGI Directorate General of Human Rights and Rule of Law  
Department for the Execution of Judgments of the ECtHR  
F-67075 Strasbourg Cedex  
FRANCE  
Email: [DGI-Execution@coe.int](mailto:DGI-Execution@coe.int)

25.01.2022

## **COMMUNICATION**

**by the Albanian Monitoring Network Against Gender-Based Violence regarding the execution of the judgment in the case Tërshana v. Albania (Application No 48756/14) in accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgements**

# 1. Introduction

## Case Description:

The case concerns the ineffective investigation into the acid attack against the applicant. The applicant was disfigured as a result of a serious acid attack in 2009 by an unidentified assailant in a street in Tirana. Although she suspected that her former husband, whom she accused of domestic violence, was behind the attack, the criminal investigation, opened in 2009 and stayed in 2010, did not lead to any criminal conviction. It appears that until the end of 2015 the criminal investigation was still pending before the police authorities.

The Court held that although there existed an effective legislative framework in Albania at the relevant time to prosecute the perpetrator, the investigation into the attack was not effective. Although the attack had had the hallmarks of gender-based violence and therefore should have incited the authorities to react with special diligence, the authorities had not even been able to identify the substance thrown over her. The investigation was moreover stayed in 2010, without identifying the person responsible, and the applicant has not been given any information about its progress since, despite her repeated enquiries (violation of the procedural limb of Article 2).

While the judgement is under supervision by the CoE Council of Ministers, the Monitoring Network against Gender-Based Violence (Monitoring Network) takes the opportunity to bring to the attention of the Committee of Ministers, a number of important issues related to the execution of the judgment and the Action Plan submitted by the Government.

The Monitoring Network is a group of 42 civil society organizations focusing on promoting and protecting women's rights in Albania and fighting gender-based



violence.<sup>1</sup> This submission has been developed in consultation with 27 CSOs members of the Network, which provided their input and endorsement.<sup>2</sup> All members organizations have extensive experience in provision of services, to women victims of domestic violence and other forms of violence, including legal representation. The Network focuses particularly in monitoring the Government's actions to address domestic violence and GBV, based on the national and international legal commitments. The Network has submitted multiple alternative reports to international human rights mechanisms, including CEDAW, UPR, Istanbul Convention and others. The Monitoring Network would like to express its gratitude to the European Implementation Network for its guidance and support in the drafting of this Submission.

The Action Plan submitted by Albania on individual and general measures provides an overview of key legal and institutional developments to address domestic and other forms of gender-based violence. The Monitoring Network reaffirms that the legislation has significantly improved in accordance with international standards<sup>3</sup> and efforts have made to strengthen the institutional framework at the national and local levels in this area. However, there are several aspects of the Action Plan that do not adequately enable the Committee of Ministers to exercise informed supervision of *Tërshana v. Albania* judgement.

Based on the following analysis of the Action Plan, the Monitoring Network recommends the CM to continue its supervision of *Tërshana v. Albania* judgement and to request the Government to submit a more targeted Action Plan, with specific measures to address gaps particularly with regards to effective and special diligence in investigation and prosecution of cases of domestic violence and other forms of gender-based violence, which are among the main findings of the judgement.

- 1 Established in 2017 with the support of UN Women in Albania and European Union, <https://rrjetikunderdhunesgjinore-monitorime.al>
- 2 The submission has been drafted by Prof. Dr. Aurela Anastasi and Agustela Nini, experts
- 3 UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)



## 2. Relevance of *Tërshana v. Albania* judgement for the Albanian context

Although the 2020 judgement refers to a violation that took place 13 years ago, many of its individual and general findings remain very relevant, particularly in relation to the justice system. The judgement points out the failure of state authorities to react with due diligence in carrying out investigation on a severe attack against a woman in context where “violence against women was under-reported, under-investigated, under-prosecuted, and under-sentenced”.<sup>4</sup> The Court refers to multiple reports and recommendations addressed to Albania in recent years by international and regional human rights mechanisms, as well as reputable international and national civil society organisations. *They all indicate that that violence against women is one of the most serious human rights concerns for the country.*<sup>5</sup>

Other important issues dealt directly and indirectly in the judgement include low reporting of violence, lack of adequate prevention measures, disregard of victims’ rights during the investigation process, lack of compensation’s schemes and inadequate support services for victims of domestic and gender-based violence, including legal aid. In this submission, the Monitoring Network will provide analysis of data provided by the Government and additional evidence, which show these are persistent challenges, despite the progress in legislation pointed out in the Action Plan submitted by the State.

4 *Tërshana v. Albania* § 156

5 In 2019, Albania underwent its third Universal Periodical Review - a unique process which involves a review of the human rights records of all UN Member States. GBV was the area, which received the highest number of recommendations, 38 out of 197 (or 19,3 %) <https://www.ohchr.org/EN/HRBodies/UPR/Pages/ALindex.aspx>



### 3. Individual Measures

Regarding individual measures, in addition to payment of just satisfaction, the Government informs in its Action Plan that the Prosecution Office of Tirana has been requested to provide updated information on the measures taken by the Prosecution authorities to address the shortcomings identified in the Court' judgment. Without prejudice to the outcomes of a possible re-investigation in *Tërshana* case, the Monitoring Network anticipates it to be quite a challenging process in view of the complexity of such an investigation taking place 13 years after the attack and in the absence of an expert evaluation "to establish the nature of the substance found in the container and on the applicant's clothes".<sup>6</sup> In addition, the Government does not include any information in the Action Plan on measures taken to improve investigation of such cases, including whether the Institute of Forensic Medicine is currently able to conduct chemical or toxicological examinations considering that based on the judgement, the relevant authorities at the time (Institute of Scientific Police and Faculty of Natural Sciences) "either lacked the necessary specialist equipment or it was not within their competence to compile such reports".<sup>7</sup>

6 *Tërshana v. Albania* §158

7 *Ibid.* §158

## 4. General Measures

### 4.1 Legislative framework

The Government provides a comprehensive and accurate overview of the improvements in the Albanian legislation in relation to GBV, including the legislation on domestic violence, Criminal Code and Criminal Procedural Code. However, the Action Plan fails to mention measures needed to improve several aspects of the legislation that are still not in conformity with the Istanbul Convention and other international standards.<sup>8</sup> In addition, the Action Plan also does not refer to several gaps and challenges on the implementation of the civil and criminal legislation. Based on the experience of CSOs members of the Monitoring Network, these include lack of knowledge and capacities of authorities to implement legislation, limited human resources, lack of accountability for officials failing to comply with their obligations and lack of budgeting and financial resources to implement preventive, protection and support measures for victims of gender-based violence. Insufficient emergency shelters and long-term support for victims as well as rehabilitation programmes for perpetrators are also considered problematic. CSOs remain the main providers of services for victims of GBV, with the support of international organizations and donors.<sup>9</sup> These are issues accepted by the Government<sup>10</sup> (not mentioned in the Action Plan) and raised continuously in many reports prepared by CSOs, national Human Rights Institutions and even the in multiple recommendations addressed to Albania by human rights mechanisms.

8 E.g. lack of prevention and protection measures for victims of all forms of violence other than domestic violence and a force-based definition of rape and sexual violence in the Criminal Code, which is not in compliance with article 36 of the Istanbul Convention

9 Albania Country Gender Equality Brief, UN Women Albania, 2020, <https://eca.unwomen.org/en/digital-library/publications/2020/12/country-gender-equality-brief-albania-2020>

10 Evaluation Report of the National Strategy on Gender Equality 2016-2020, prepared by the Ministry of Health and Social Protection, <https://www.shendetesia.gov.al/wp-content/uploads/2021/07/Raporti-i-vleresimit-te-SKBGJ-2016-2020.pdf>

## 4.2 Investigation and prosecution of perpetrators of violence against women

The Monitoring Network notices with surprise that the Action Plan does not provide any situation analysis of investigations and prosecution of perpetrators of violence against women, considering the judgment concerns about **the ineffective investigation** due to the **“the failure of authorities to react with special diligence in carrying out the investigative measures”**. The Government also does not include any information in the Action Plan on measures taken to improve expert examinations during investigation of gender-based violence cases, which are important also for individual measures.

In fact, based on the monitoring activity of the Network’s member and data analysis on the ratio of cases under investigation and convictions, there is an improved performance of the prosecution offices and courts this regard.<sup>11</sup> In addition, the General Prosecution Office in its annual reports provides data in relation to domestic violence investigations making reference to relevant international standards and obligations.<sup>12</sup> (In this reports, there is no reference to judgements of the ECtHR in relation to Albania in general and specifically to *Tërshana* case on gender-based violence). The Government in its Action Plan does not include any analysis of the activities of this institution, which is key for the implementation of general measures of *Tërshana v. Albania* case.

Despite improvements in legislation and some increased performance of law enforcement agencies and prosecution office since 2009, there are several remaining gaps in this regard. For example, the much lower ratio of registered investigations v. reported cases of domestic violence (38% in 2018, 28% in 2019 28% and 32% in 2020)<sup>13</sup> puts into question the effectiveness of investigations through these years.

11 Stakeholder report to Human Rights in Democracy Center (HRDC) to the Committee of State Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) for the reporting period 2017-2020.  
<https://rm.coe.int/albania-hrdc-report-cop-rec/1680a4681d>

12 Annual reports of the General Prosecution Office,  
[https://www.pp.gov.al/Dokumente/RAPORTE\\_T\\_PROKURORIT\\_T\\_P\\_RGJITHSH\\_M/](https://www.pp.gov.al/Dokumente/RAPORTE_T_PROKURORIT_T_P_RGJITHSH_M/)

13 Based on the calculation of data provided in the Government’s Action Plan

CSOs members of the Monitoring Network report that protection measures for victims during a criminal investigation are not always effectively implemented.<sup>14</sup> Based on their experience in providing legal aid and other service support to victims of gender-based violence, identify several reasons, including a certain practice from the police in some districts, where the victim is expected to approve the initiation of investigation, which is not a legal requirement.<sup>15</sup> Others include lack of willingness of authorities to conduct timely and effective investigations<sup>16</sup>, gender stereotypes among of judicial police and prosecutors,<sup>17</sup> prolongation of investigations, which compels some time victims to withdraw from the process, expectation from the victims to provide evidence and their difficulties in this regard due to lack of legal counselling, lack of proper expert examination including forensic evidence, difficulties in providing evidence for psychological violence and others.

Therefore, it is important that Government intensifies measures to develop an investigative methodology for collecting evidence for cases of domestic violence and other forms of gender-based violence, organize continuous gender sensitive trainings of law enforcement officials with regards to the rights of victims of violence in criminal processes, address the under-staffing problem in in the justice system, and others.

- 
- 14 Article 58/a of the Criminal Code has introduced an array of safeguards in the areas covered by indents b (right to be informed when the perpetrator is released from detention), c (right to be informed of the follow-up given to the complaint, the charges, the general progress of the investigation or proceedings and the outcome of the case), d (right to be heard), e (right to be supported) and h (right to benefit from interpretation) of paragraph 1 of Article 56. Victims' access to information has been further enhanced following the enactment of the new law on the prosecution office, establishing a public relations coordinator responsible for informing victims in each prosecution office.
  - 15 Based on Article 24 of the 2016 Law on Domestic Violence, amended, the police ipso facto is required to refer all reported cases of violence for investigation to the Prosecution Office and the later to initiate investigation for cases of domestic violence and sexual violence ex officio
  - 16 Several examples were shared by CSOs in a meeting organized to discuss this submission, including the case of a 16 year old girl sexually abused from a 40 year old men. According to the girl's report to the Police, she was held captive for five days in a hotel by the abuser in Kukës. Although the prosecution office started investigations, the alleged abuser has not been detained and the Prosecution office has informed the organization dealing with the case, that they are still collecting evidence. The organization claims that the fact that the minor was kept as a captive in a hotel could be easily proved by camera footage. The alleged abuser seems to have been convicted for a similar offence before and being free puts other women and girls of being target of his abuse.
  - 17 Another case reported by CSOs relate to a woman who reported to the police threats by a person to make public her private and intimate pictures and was confronted with Police/Prosecution response that a possible investigation would expose her case and related evidence to her husband and family.

## 4.3 Reporting of gender-based violence

Lack of an effective investigation of cases of gender-based violence affects women's trust in the justice system and their reporting to authorities. The Action Plan indicates, the number of reported cases of violence has gradually increased in recent years, attributed *inter alia* to awareness raising and improved response of authorities. Nevertheless, the number of reported cases remains negligible compared to prevalence of violence. According to the latest 2018 National Survey on Violence against Women conducted by the National Statistics Office (INSTAT), **1 out of 3 (or 36.6 percent)** women 'currently' (in 2018 when the survey was conducted) experienced violence and **2 out of 3 (or 61.8 percent) women** (those who were never been married and never lived with a male partner, but had been involved in a relationship with a male without living together, such as dating or engaged) 'currently' experienced dating violence.<sup>18</sup> On the other hand, the total number of cases of domestic violence reported to the police in the same year of the survey (2018) was **4591**<sup>19</sup> and in 2020, **4701**.<sup>20</sup> Neither the national survey nor an analysis of the reasons for such a difference between number of reported cases and prevalence of violence is mentioned in the Action Plan, an issue which requires special attention by the Albanian Government.

## 4.4 Protection measures for victims of domestic violence

Furthermore, an effective response of authorities to protect women from violence that could escalate to serious harm is very important to the process of investigation and prosecution, including collecting evidence. The Albanian legislation on domestic violence includes three types of protection measures - Protection Orders (PO) and Immediate Protection Orders (IPO) issued by the Court and Orders for Preliminary Protection Measures (OPPM) issued by the police and subject to review by the Court within 48 hours, linked with the risk assessment procedure.<sup>21</sup>

18 National Population Survey: Violence Against Women and Girls in Albania, INSTAT, Albania, 2019 <http://www.instat.gov.al/media/6123/publication-violence-against-women.pdf>

19 Albania's population in 1 January 2019 was 2.862.427, and women population accounted for 50,1 %: Men and Women in Albania, 2019, INSTAT, [http://www.instat.gov.al/media/6413/burra-dhe-gra\\_2019.pdf](http://www.instat.gov.al/media/6413/burra-dhe-gra_2019.pdf)

20 Albania's population on 1 January 2021 was 2,829,741 and women accounted for 50,2 %. Men and Women in Albania, 2021, INSTAT, <https://www2.unwomen.org/-/media/field%20office%20albania/attachments/publications/2021/06/women%20and%20men%20in%20albania%202021.pdf?la=en&vs=2434>

21 OPPM were introduced in 2018 amendments of the law on domestic violence and closely linked with risk assessment that need to be conducted by the Police in collaboration with local authorities and should provide

Despite progress, lack of adequate and effective protection measures for all victims of violence remains a serious issue of concern and not fully transparent in the data provided in the Action Plan. For example, the Plan does not provide the number of OPPM issued by the Police and does not mention any data or analysis on risk assessment. However, monitoring reports of CSOs indicate that police started to issue OPPM only in February 2020, despite the relevant legal provisions were adopted in 2018.<sup>22</sup> The police authorities still do not share specific data on OPPM, as they regularly with PO/IPO. Risk assessments – a key tool for measures to prevent further and extreme forms of violence such as killing of members of the family or femicide – do not take place regularly and consistently around the country, and despite efforts to train the police on relevant procedures, there are still knowledge and technical gaps among the police.<sup>23</sup>

As for the protection orders issued by the Court, an analysis of data in the Action Plan indicates that the ratio of requests to the courts on issuing of protection measures v. reported cases of violence varied from 53% to 61% during 2014-2018. A similar pattern is noticed from 2019 to 2021 based on other government sources, but not included in the Action Plan. The Plan neither mentions the number of requests for protection orders accepted by the courts. From 2014 to 2017 a large number of cases - over 60% of the proceedings for protection or immediate protection order – were dismissed with no final court decision.<sup>24</sup> The situation has not been very different in more recent years. In **2020** there were 4702 reports of domestic violence, 2836 requests (60%) brought to the Court for protection measures and 1596 (56%) accepted by a court order.

Members of the Monitoring Network identify several reasons for cases not being able to go successfully through the legal system, including inability of victims to provide evidence<sup>25</sup>, lack of psychological assessment reports (a monitoring of decisions of Tirana District Court on protection measures during January-June 2020, revealed that in only 11% of cases such assessment were prepared) and lack of legal aid for victims of violence (according to the same report only 17% of victims of domestic violence

---

key information to the Court on the scope and specific protection measures.

22 Monitoring Report on the implementation of the 2018 amendments to the Law No. 9669, 18.12.2006, :On Measures against Violence in Family Relations,; for the period January 2019-December 2020, Centre for Civic Legal Initiatives, Tirana, August 2021, [http://www.qag-al.org/ang/publication/report\\_law\\_monitoring.pdf](http://www.qag-al.org/ang/publication/report_law_monitoring.pdf)

23 Ibid.

24 Shadow Report of the Center for Civic Legal Initiative and the Monitoring Network submitted to the UPR third cycle of review on Albania, 2019 [http://www.qag-al.org/ang/publication/upr\\_shadow\\_report\\_eng.pdf](http://www.qag-al.org/ang/publication/upr_shadow_report_eng.pdf)

25 Although the Court is required to request evidence from other institutions (Article 15 of the Law on Domestic Violence), in practice this does not take place, and the burden of proof remains mainly with the victims (these are civil proceedings)

were represented by a lawyer).<sup>26</sup> The Albanian Government needs to conduct a more in-depth analysis of the reasons for protection measures being much lower than the actual cases of violence reported to the Police.

Challenges of women victims of violence to access justice may exacerbate in view of a recent reform proposal on a new territorial distribution of first instance courts and reduction of their number from 22 to 12.<sup>27</sup> This may pose many challenges for women victims of violence to participate in court hearings taking place in districts far from their residence, particularly for women living in remote rural areas.

Finally, specific protection measures included in the Court orders, as well as monitoring and violations of protection orders, are important aspects not discussed in the Government's Action Plan. Only in 2020, the removal of the perpetrator from the household became a mandatory measure for courts which, based on CSOs reports, show hesitation for its implementation on the argument that perpetrators have no other alternative for accommodation. There is no clear information on whether the Police and local authorities collaborate as required by the legislation to conduct regular monitoring of protection measures, particularly in the absence of an electronic monitoring system for perpetrators of violence. In this context, it is important to mention that in recent years there have been some extreme cases of women being murdered by their partners or family members, despite women's report of violence or courts' issuance of protection orders. And there is no official information about any law enforcement or local authorities in charge of taking or monitoring prevention measures being prosecuted for failure to ensure implementation or monitoring of protection measures<sup>28</sup>.

## 4.5 Femicide

The Monitoring Network is concerned by the government's Action Plan to downplay femicide in Albania. It is not clear for which period the Action Plan informs about "a significant reduction (30-50 %) of serious events (murders) in the family relation" and what is the reference year or period. More importantly, the Action Plan does not

26 Stakeholder report to Human Rights in Democracy Center (HRDC) to the Committee of State Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) for the reporting period 2017-2020.

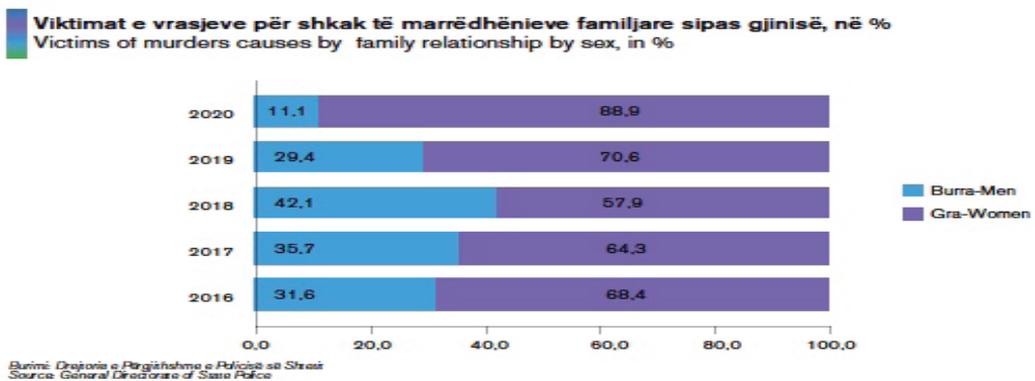
<https://rm.coe.int/albania-hrdc-report-cop-rec/1680a4681d>

27 <http://klgj.al/wp-content/uploads/2021/12/NJË-HARTË-E-RE-GJYQËSORE-.pdf>

28 Stakeholder report to Human Rights in Democracy Center (HRDC) to the Committee of State Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) for the reporting period 2017-2020.

<https://rm.coe.int/albania-hrdc-report-cop-rec/1680a4681d>

include data on women killed in family relation for the period 2014-2018 but does this only for the period 2019-2021.<sup>29</sup> The table below shows data from the National Statistics Office, illustrating that women are the main victims of murders in family relation, which in recent years has prompted many protests from civil society and community about the failure of government to prevent these crimes.<sup>30</sup> These numbers are too high for a country of about 2,8 million and do not include the killing of women by non-partners or non-family members.



## 4.6 Legal Aid

Lack of legal aid for victims of domestic violence and sexual violence is another reason that affects the effective investigation of these cases. According to Albanian Criminal Code, victims of crime have the right to be represented by a lawyer during the investigation process, and “when entitled, to benefit from free legal aid, based on the relevant legislation”.<sup>31</sup> According to the 2017 Law on State Legal Aid, victims of domestic violence and sexual violence benefit from free legal aid and exclusion from court and expert fees regardless of their financial situation. However, only in 2020 the state legal aid system started to become functional due to lack of funding and delays in adoption of secondary legislation.

The Action Plan dedicates a special importance to this issue, but does not provide any data for victims of domestic and sexual violence that have benefited in the last years.

29 12 women and girls killed by their partners in 2019, 6 in 2020 and 10 in 2021.

30 <https://balkaninsight.com/2021/09/16/thousands-protest-against-femicide-that-has-shaken-albania/>

31 Article 58,

According to other government data (not included in the Action Plan) in 2020, out of a total of 4100 cases that benefited free primary legal aid, 157 were victims of domestic violence (a very low number compared to reported cases of violence)<sup>32</sup>. Even when legal aid is provided, it appears it is mainly offered during the civil proceedings for protection orders and not criminal proceedings. The process of obtaining fee waivers and payments for court fees and experts' fees remains very difficult.<sup>33</sup> Monitoring Network members that provide legal representation to victims of violence report that victims without access to legal aid advice, are prone to withdraw their case because of not understanding the importance of a protection order, find it is difficult to collect evidence or, submit to the court's harmful conciliation practices (which was common until the 2018 amendments of the Law on Domestic Violence).<sup>34</sup>

#### 4.7 Compensation

The Court declared inadmissible the complaint about a violation of Article 13 of the Convention in conjunction with Article 2 in view of the fact that the applicant could not challenge the prosecutor's acts and that she could not apply for compensation for the actual attack. However, the Monitoring Network notices that despite the Court's finding in paragraph 138 of the judgement<sup>35</sup>, generally, based on article 62 of the Criminal Procedural Code, **the investigation practice is developed through the submission of the civil complaint for compensation and supporting evidence, at the same time with the initiation of criminal investigations from the Prosecution.** This practice has influenced an increase of civil complaints in criminal proceedings. Members of the Monitoring Network support this practice and note that the submission of a civil complaint during the investigation phase, has been helpful to the criminal investigation and court proceedings.

32 Annual report of the Free Legal Aid Department of the Ministry of Justice of Albania, 2020, [https://ndihmajuridike.gov.al/wp-content/uploads/2021/01/RAPORT-VJETOR-MBI-VEPRIMTARINË-E-DNJF\\_RIPUNUAR...pdf](https://ndihmajuridike.gov.al/wp-content/uploads/2021/01/RAPORT-VJETOR-MBI-VEPRIMTARINË-E-DNJF_RIPUNUAR...pdf)

33 Common Country Analysis, UN Country Team in Albania, 2020; Albania Country Gender Equality Brief, UN Women Albania, 2020

34 Stakeholder Report for the United Nations UPR, submitted by the Advocates for Human Rights and Human Rights in Democracy Center, 2019

35 As regards the Government's first objection, the Court notes that an investigation was opened by the prosecutor. The applicant had clearly expected to be informed about the outcome of the investigation and to be told that the perpetrator had been identified and punished according to the criminal law. In this connection, the Court observes that, in view of the outline of domestic practice submitted by the Government, it would be very difficult for the applicant to prove her case in the event of her bringing civil proceedings under the Civil Code, seeking damages for the injuries sustained, without the perpetrator being identified. As regards a civil claim in the course of criminal proceedings under Article 61 of the CCP, the Court notes that such a claim could be submitted only if a case had been sent to trial before the domestic courts. In circumstances like those prevailing here, with the case never having come to trial, the Court does not see how this remedy could have been effective.



Currently, members of the Monitoring Network are discussing options to make the civil complaint in a civil proceeding an effective tool in the context of gender-based violence criminal proceedings, to ensure victims benefit in practice from the right to be compensated. This is because, in practice, compensation claims settled in criminal proceedings are limited to economic damage and their payment depends on the outcome of the criminal trial. Alternatively, victims may file a compensation claim extended to all forms of damage, including non-pecuniary damage, under Article 625 of the Civil Code. But according to GREVIO's assessment report to Albania in 2017, there was no available information to indicate that any victim of violence against women, including domestic violence, ever instituted or benefited from such proceedings.<sup>36</sup> The situation does not seem to have changed in this respect since 2017, which in part is due to lack of legal advice to women to submit requests for compensation and high court and expert fees, on which women find it difficult to be exempted, despite being entitled to, based on the legal aid legislation.<sup>37</sup> A state compensation scheme available to victims of violence against women in Albania has yet not been established, as required by the Istanbul Convention.

36 Baseline Evaluation Report on Albania of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), 2017

37 Ibid. and Shadow Report of the Center for Civic Legal Initiative and the Monitoring Network submitted to the UPR third cycle of review on Albania, 2019 [http://www.qag-al.org/ang/publication/upr\\_shadow\\_report\\_eng.pdf](http://www.qag-al.org/ang/publication/upr_shadow_report_eng.pdf)

## 5. Conclusions and recommendations

Therefore, in view of the above, the Monitoring Network recommends the CM to:

- continue its supervision of *Tërshana v. Albania* judgement;
- request the Government to submit a targeted Action Plan, with specific data and information on investigation and prosecution of cases of domestic violence and other forms of gender-based violence, including an analysis of existing gaps and challenges to an effective investigation;
- request the Government to provide information on potential measures which could improve the authorities rapid response and the effectiveness of investigations, such as capacity building for law enforcement authorities, development of gender-sensitive investigative methodologies, organization of gender sensitive trainings for law enforcement, prosecution and judicial authorities; implementation of the principle of civil responsibility of public officials who fail in their duty to take the necessary preventive or protective measures within the scope of their powers;
- invite the government to communicate to judiciary and prosecution governance bodies about the importance implementation of ECtHR standards on gender-based violence, particularly about the case *Tërshana v. Albania* by the Prosecution Office, judiciary and other law enforcement agencies.

Submitted by the following members of the Monitoring Network Against Gender Based Violence:

Albanian Center for Family Development, ACFD  
Albanian Disability Rights Foundation-ADRF  
Albanian Helsinki Committee (AHC)  
Albanian Human Rights Group, AHRG  
Association of Women Business Professionals and Skilled Crafts, SHGPAZ  
Association Woman Center Light Steps  
AWEN-Albanian Women Empowerment Network  
Bridging communities  
Center for Development of Rural Women (CDRW)  
Center for Legal Civic Initiatives, CLCI  
Child Rights Center Albania (CRCA/ECPAT)  
Community Development Center "Today for the Future"  
Gender Alliance for Development Center  
In the family for the family, NFPP  
Intellectual Women Association  
IPSED-Institute for the Promotion of Social and Economic Development  
Mary Ward Loreto Foundation  
National Center for Community Services, NCCS  
Observatory for Children and Youth Rights  
Organization "Different and Equal"  
PLWHA Albanian Association  
Refleksione Association  
Tirana Legal Aid Society, TLAS  
Useful to Albanian Women  
Women Counselling and Social Services Center, Kukes  
Women in Public Service Albania, WPS  
Young Women's Christian Association of Albania-YWCA of Albania