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REPORT SUMMARY:¹

MURDERS OF WOMEN (FEMICIDE) AND ATTEMPTS FOR FEMICIDE IN ALBANIA

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Purpose, scope, methodology of the study.

This study focuses on analyzing the Albanian criminal legislation related to Femicide, gender-related violent crimes, criminal crimes related to domestic violence, their characteristics and judgment, for the period 2017-2020. Through an analysis of legislation and court decisions, **the study** intends to describe the state of Albanian legislation in terms of ensuring protection from femicide, as well as in terms of punishment of violent criminal offenses of femicide by judicial bodies and law enforcement bodies. The study includes also some conclusions on the improvement of the situation based on its findings.

Different methods are used in conducting this study, including an analysis of the Albanian legislation from a comparative perspective, an analysis of the statistical data regarding violent acts against women and girls due to gender, an analysis of the court decisions in the framework of justice for victims, questionnaires for the employees of justice bodies and auxiliary justice bodies in relation to their gender concepts and stereotypes, an analysis of the questionnaire data, as well as interviews with perpetrators of crimes that have resulted in the loss of the lives of their spouses.

The entire paper is divided into 5 chapters and annexes, summarized as follows.

Chapter I, “On Femicide”, is a brief overview of the theoretical framework, which analyzes the meaning of femicide, its characteristics and classifications. This chapter aims to provide an understanding of the term Femicide, as it is being used for the first time in studies of this nature.

Chapter II, “Criminal legislation in Albania - an overview of the murder of women as a criminal offense related to domestic violence”. This chapter analyzes the Albanian legal framework on femicide in Albania. This chapter aims to analyze the criminal offenses provided by the Criminal Code related to Femicide, comparing them with the international standards and identify the problems and needs of the legislation by an approach analysis.

“Femicide” is not a term used in the Criminal Code (CC), nor in the Albanian legislation. The criminal legislation of the Republic of Albania does not contain any expressed provision that regulates gender-related murders. So, it is not considered as a separate criminal offense. However, the Criminal Code (CC) provides for certain criminal offenses which, under certain circumstances, might qualify as femicide. This includes murder (Article 76 of the Criminal Code), intentional murder in connection with another crime (Article 77), premeditated murder (Article 78), murder in other qualifying circumstances (Article 79), murder committed in a state of severe mental shock (Article 82) and intentional serious injury resulting in death (Article 88, paragraph 2). Article 88 of the Criminal Code provides for the criminal offense of intentional serious injury under aggravating circumstances when such criminal offense is committed against several persons, against a person who is the spouse, ex-spouse, cohabitant or ex-cohabitant, close relative or in-law of the perpetrator, or when such injury has resulted in death. Murder due to family relationships is a criminal offense provided for by article 79/c of the Criminal Code. In this context, the Criminal Code introduced another provision with its 2013 amendments: Article 79/c “Murder due to family relations”, which provides that: Intentional murder of a person who is the spouse, ex-spouse, cohabitant, relative or relatively close to the perpetrator, shall be punished by imprisonment of not less than twenty years or life imprisonment. The Criminal Code, in its article 50, letter “j” provides also for acts of murder due to the gender of the person as an aggravating circumstance.

During the reporting period, Albania has made efforts to fulfill its obligations based on international legal instruments such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (“Istanbul Convention”), the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention), the EC Convention on Action against Trafficking in Human Beings and the Convention on the Rights of the Child (CRC). The legal framework in the field of children’s rights and juvenile justice has also been improved by the adoption of by-laws.

The analysis of the criminal law related to the crimes related to femicide shows that the criminal legislation has improved in this area. The Albanian Criminal Code was amended in its general and special part. The changes in the special part have brought new criminal offenses, as well as clarifications in the existing articles of

the Criminal Code. Some changes were dictated by the increase in crime, others by the need to adapt the Albanian criminal law to international standards. The most important developments in this field that were carried out with the changes to the Criminal Code in 2012 and 2013 are summarized below:

First, a new criminal offense was introduced: premeditated murder due to family relations (Article 79/c) and for which the provision provides imprisonment for not less than twenty years or life imprisonment. The criminal offense “very serious physical assault” is amended in order to provide for a harsher punishment for offenses committed against a person who is the spouse, ex-spouse, cohabitant or ex-cohabitant, relative of the perpetrator, or when it results in death (Article 88 & 2).

Secondly, a new criminal offense, namely “Forced disappearance” (Article 109/c) was also introduced, providing for the disappearance of a child, a pregnant woman or a person who is unable to defend themselves.

Thirdly, the criminal offense of killing a newborn baby is considered a crime and the punishment is increased.

Fourth, penalties were increased in cases of trafficking of women and girls for various purposes, including exploitation of prostitution or other forms of sexual exploitation, forced labor or services, slavery or similar forms of slavery, use or transplantation of bodies, as well as other forms of exploitation, inside and outside the territory of Albania (Article 110/a). The amended law considers as a criminal offense in aggravating circumstances, cases where minors are involved, persons with whom they have close gender relations, spouses, guardians or people who they are in an official relationships with, or when the offense was committed in collaboration, or more than once, or by persons in charge of state and public functions.

Fifth, sexual harassment, violent sexual relations between spouses or cohabitants are criminalized, and a distinction is made between sexual violence, sexual relations, obscene acts and sexual harassment, sexual relations between spouses or cohabitants without the consent of one of them are criminalized (Article 102 of the Criminal Code) in accordance with the Istanbul Convention (Article 36&3 of the Convention). The amendments aimed to align the criminal law with the Istanbul Convention and the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse (Articles 3 and 18 of the Convention).

Sixth, the new criminal offense “Domestic violence” was added (Article 130/a). The new provision provides for beating and any other act of violence against persons in family relationships (paragraph 1); serious threat of murder or serious bodily injury in family relations (paragraph 2), intentional slight injury, intentional injury that has caused temporary incapacity for work for more than nine days is provided for in a special paragraph of Article 130/ a, (paragraph 3). This provision was amended in 2013, providing for the protection of children who are present during domestic violence and in 2020 aiming to clarify all forms of domestic violence, as well as those who are considered family members in the case of domestic violence.

Seventh, stalking was added as a new criminal offense (Article 121/a) in 2012. The criminal code provides for this offense under aggravating circumstances in cases where it is committed by the ex-husband, ex-cohabitant or the person who had an intimate relationship with the victim; against a minor, a pregnant woman or a person unable to defend themselves, and in case it is committed by a masked person or accompanied by the carrying or use of weapons.

Ninth, aggravating circumstances have been added in cases where criminal offenses are committed: in violation of protection orders; taking advantage of family relationships; motivated by reasons related to gender, gender identity and/or sexual preference.

However, the analysis of the indicators of these criminal offenses and compliance with international standards shows that in addition to the above-mentioned improvements, there is still a need for revision. For example, there are no legal provisions in criminal legislation for some offences, such as: female genital mutilation and forced sterilization, as an obligation derived from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. There is a lack of preventive legislation for violence against women and gender-based violence in the civil legislation, which is limited to domestic violence only. Meanwhile, in the criminal legislation, there is a need for a review of some of the punishments, in order to better comply with the principle of proportionality.

In its Chapter II, the Report draws attention to the fact that Albania must further improve the institutional mechanisms for the protection of children and victims

of domestic violence, the promotion of the rights of persons with disabilities, the guarantee of gender equality and the provision of minimum health and social services, especially at the local government level. Special attention is also paid to empowering the civil judicial process to strengthen the prevention of domestic violence, violence against women, and femicide.

Chapter III “Analysis of court decisions on the criminal offenses of killing of women and girls related to gender, femicide (2017-2020).”

This chapter analyzes the court decisions related to Femicide in Albania during the period 2017-2020. This chapter aims to draw up a report on the study of cases of killing of women and girls due to gender, through monitoring, analyzing and evaluating the decisions of the Albanian courts.

The analysis of judicial practice is based on the study of final court decisions during the monitoring period. The criminal offenses of femicide and attempted criminal offenses were studied, the profile of the perpetrator, the victim and the perpetrator-victim relationship, the factors that have influenced violence against women, the criminal offense committed, the way it was committed, aspects of the judicial procedure and criminal decisions. The in-depth analysis was carried out based on the profile of the perpetrator(s), the profile of the victim, and the circumstances taken into account by the court in giving its verdict. Some decisions were studied as case studies, in depth and, commenting on some aspects of the implementation of the criminal law, respect for the rights of the victim, respect for the principles of justice for the victims and the treatment of these aspects in reasoning decisions.

The request of the Center for Legal and Civic Initiatives for information was sent to 23 courts, 22 of which are district courts with general jurisdiction, while the remaining one is the Special Court of First Instance for Corruption and Organized Crime, under which the archive of the Court for Serious Crimes is also found. 19 courts responded to the request of the Centre for Legal Initiatives, while four of them did not respond. Specifically, the Courts of general jurisdiction Durrës, Kavajë, Sarandë, Tropojë did not respond to the request sent by the Center for Legal and Civic Initiatives. Of the 19 courts that responded, 8 of them provided references on judicial decisions on

femicide, while 11 of them had not tried any criminal offenses for femicide during the period 2017-2020. Our work was focused on the court decisions given by the 8 courts, from which the court decisions of the Dibër and Gjirokastër courts were singled out from the beginning, since based on the definitions we have so far at the international level, they were not assessed as criminal offenses of femicide. Finally, for this study, the decisions referred by the following 6 courts were analyzed: the Court of Serious Crimes, Tirana, and the courts of the judicial districts of Berat, Fier, Lezhë, Shkodër, and Vlorë.

The decisions made available by the courts of judicial districts were downloaded from the electronic address www.gjykata.gov.al and were forwarded mostly in an anonymized manner. Decisions of the Court of First Instance for Serious Crimes are copies of final criminal decisions. The decisions contain notes on the trial in the Courts of Appeal and their decision-making.

Some judicial decisions made available by the courts did not meet the criteria to be considered femicide, although the victim or one of the victims of the criminal offense was a woman. The crime was committed in the family for property reasons, or for other weak motives that had nothing to do with gender and the fact that the victim was a woman. Some of the judicial decisions forwarded by the courts were not final. These decisions were not analyzed during this study.

From the judicial decisions forwarded by the courts, 23 final decisions are classified as femicide and attempted femicide and are analyzed in this study. Most of the decisions (70%) were given by the Court for Serious Crimes, which was competent for the trial of murder due to family relations until 2017, followed by the court of general jurisdiction of Shkodra and Fier.

Part of the study is a decision of Shkodra judicial district court. Although there are indications that the crime might have been motivated by family relationships, the motives of the criminal offense have not been fully investigated. As a result, the charges for the criminal offense of premeditated murder remained pending and the criminal case was dismissed for the two defendants. (*Two people shot a woman - in her own business premises. The decision does not reveal any information about the motives of the criminal offense and the findings of the investigations carried out by the prosecution. The court decided to drop the charges against both defendants. However,*

the decision indirectly mentions, that on the day of the event, the Court of Appeal of Shkodra would decide on the custody of the three children of the victim's sister, who had been orphaned after the killing of their mother a few months earlier. The investigations turned out to have been ineffective).

Problems and difficulties during the monitoring of judicial decisions. One of the difficulties encountered in conducting the study is the lack of complete or partial data on perpetrators and victims, due to the anonymization of the decisions. In some decisions, not only the personal data of the defendant/s and the victim/s, but also of the witnesses and their testimonies have been anonymized, making it difficult to analyze the arguments that the court had in mind in judging the case, as well as the analysis of the circumstances taken into account in determining the type and level of punishment.

Phenomenology of femicide crimes. In the studied cases, it turns out that 33 criminal offenses were investigated, of which 25 main criminal offenses, including one case of the criminal offense of "Domestic Violence", provided by Article 130/a of the Criminal Code. The criminal offenses that are considered femicides have been defined by the court mainly as: murder due to family relations provided by Article 79/c of the Criminal Code (75%), murder in other qualifying circumstances provided for by Article 79 of the Criminal Code (8.3%), premeditated murder, provided for by Article 78 of the Criminal Code (8.3%), intentional serious injury, provided for by Article 88 of the Criminal Code (8.3%). In 6 cases, the criminal offense of murder or attempted murder competed had been committed simultaneously with the criminal offense of manufacturing and possessing weapons, explosive weapons and ammunition without a permit (Article 278 of the Criminal Code) or manufacturing and possessing hunting weapons without a permit and in another case, with the criminal offense "Support after crime". In four analyzed cases, the criminal offense remained an attempt. According to the legal definition of the main criminal offense, the highest percentage of criminal offenses were fully committed in the amount of 84%, while the attempted criminal offenses represented only 16% of all cases.

The criminal offenses studied are premeditated murder, murder in other qualifying circumstances, murder due to family relationships, intentional serious injury in aggravating circumstances.

The criminal offenses of murder and attempted murder were committed by men, with the exception of one case where the perpetrator was a woman.

Chapter IV “Assessment of the capacities of the responsible institutions and the needs for their strengthening”.

This chapter makes an assessment of the capacities of the responsible institutions and the needs for strengthening them. This assessment is made in two parts: *The first part* contains the analysis of the data and the main findings from the completion of the Questionnaire for the employees in the institutions responsible for handling cases of domestic violence and violence against women. *The second part* presents the analysis of the data and the main findings from the completion of the Questionnaire shared with leaders and managers in the institutions responsible against domestic violence.

The report contains only some of the conclusions that can be drawn from this chapter, as the data and analysis presented by the tables are numerous. This chapter can also be used for further studies, as many issues related to the work of law enforcement bodies, gender stereotypes, prevention and punishment of femicide, violence against women and domestic violence can be raised from the careful study of the tables., etc. However, all conclusions and recommendations of the report are summarized in its fifth part.

Chapter V “Conclusions and Recommendations” contains conclusions and recommendations highlighted for each chapter in order to clarify the institutional responsibilities in relation to them. A summary of the Report’s conclusions and recommendations is presented in this short version.

The “Annex” contains three interviews of three offenders, who are serving prison terms for having killed their wives.

Questionnaires and documents used for preparing this study will be presented in the annex in the online version only.

Summary of the Report's conclusions: legislation, empirical data, jurisprudence.

Albanian criminal **legislation** is improved in its approach to the standards stemming from international conventions. In addition to the general provisions, the Criminal Code provides also for special criminal offenses implied by the term “femicide”, when such offenses are committed because of gender. This includes criminal offenses such as: murder (Article 76 of the Criminal Code), intentional murder in connection with another crime (Article 77), premeditated murder (Article 78), murder in other qualifying circumstances (Article 79), murder due to family relations (Article 79/c), domestic violence (Article 130/a), intentional serious bodily harm (Article 88, paragraph 2), infanticide (Article 81). However, the Penal Criminal needs further revisions in order to fully comply with international standards and ensure effective implementation. Apart from others, the provisions that foresee sexual crimes require special attention.

Civil and administrative legislation dealing with the prevention of domestic violence is improved and implemented more widely. Continued approximation of the non-criminal legislation dealing with all forms of violence against women in society, is based on the findings of scientific studies and on the standards provided in the conventions to which the Albanian state is a party. This recommendation comes from the Committee of the Parties to the Istanbul Convention, according to which the Albanian state must ensure that the measures taken in accordance with the Convention deal with all forms of violence against women, in a holistic and comprehensive manner.

Empirical data. A criminal offense for gender motives is an offense committed under aggravating circumstances, but the official crime statistics fail to provide specific data, broken down by gender, age, characteristics of the perpetrator and the victim for each offense. Fragmentary statistics on violence against women do not provide adequate guidance for an effective crime prevention policy. Law enforcement agencies and the judiciary collect and process data on crimes against women and girls. INSTAT conducts periodic surveys and publishes data on women, crime, and victims of crime. Despite the progress made regarding the collection, processing and publication of crime data disaggregated by age and gender, perpetrators and victims, the statistics are still not standardized, harmonized and do not provide public data on

victims and perpetrators according to specifics and all types of crime. The statistical yearbooks of the Prosecutor's Office and the Ministry of Justice do not provide data on crimes and victims by gender. It is recommended to collect and process data on the implementation of aggravating motives for criminal offenses with gender motives, as well as gender-disaggregated data for criminal offenses against persons, health, family, etc. The full implementation of the integrated case data system will enable better understanding of crime from a gender perspective and data on its victims according to demographic characteristics. It is recommended to populate the database together with the juvenile database from all institutions that collect and process data.

The policy against criminal offenses of violence against women and domestic crime has changed and intensified in recent years. It is necessary to evaluate its impact on the prevention of violence against women in society.

We find that there are no studies on the degree of punishment for all forms of violence against women.

There is a lack of research on the impact of legal improvements on the prevention of victimization and re-victimization of women and girls. Scientific studies and evaluations of criminal policy against gender-based violent criminal offenses will enable more effective criminal and non-criminal policies in preventing criminal offenses against women and girls.

In addition to improving the legal framework that enables the prevention and combating of crimes against women, the capacity building of local and central mechanisms that have competences and responsibilities in the field must also continue. There is a need to build the capacities of professionals who are in contact with women and girls who are victims of crime and all types of support services for victims throughout the country.

It is of particular importance to inform the public and raise awareness about violence against women, as a serious violation of human rights and the need for a society based on inclusion and gender equality, not only in urban areas but also in rural areas, among youth, men and women.

The impact of criminal procedural legislation and other non-criminal laws dealing with violence against women is considered quite important. Based on the findings of research, it is recommended to make the necessary improvements in the non-criminal legislation as well.

Jurisdiction for criminal offenses of femicide. During the period 2017-2020, criminal offenses of femicide were investigated and judged by the Court of First Instance for Serious Crimes, but with the changes in the subject jurisdiction of the courts, they were later investigated and judged by the judicial district courts. From the judicial decisions forwarded by the courts, 23 final decisions have been analyzed as femicide. Most of the decisions on femicide (70%), during 2017-2020, were given by the Court for Serious Crimes, which was competent for the trial of murder due to family relations. The rest of the judicial decisions were given by the judicial district courts.

The cases studied involve 33 criminal offenses, including 25 main criminal offenses, including one case of "Domestic Violence", provided for by article 130/a of the Criminal Code. Murder due to family relations, provided by Article 79/c of the Criminal Code, accounts for the largest part of the analyzed crimes (75%), followed by "murder in other qualifying circumstances", provided for by Article 79 of the Criminal Code (8.3%), premeditated murder, provided for by Article 78 of the Criminal Code (8.3%), intentional serious injury, provided for by Article 88 of the Criminal Code (8.3%).

Some of the criminal offenses of femicide have competed with other criminal offences, mainly the production and illegal possession of weapons, explosive weapons and ammunition.

Places where femicide is committed. Criminal acts of femicide were committed in urban areas to the extent of 57%, mainly in small towns, while 43% of them were committed in rural areas. Most of them were committed in the common apartment of the victim and the perpetrator or in the yard of the apartment (74%), in the workplace - private business of the victim (13%) or on the street, while the victim was going to work (road in rural area) or when the victim was leaving a service center (9%). In one case, the criminal offense was committed in the apartment of the parents of the perpetrator's ex-wife, where she was settled after the divorce and the violence exerted by her ex-husband (4%).

When the criminal offense was committed. Criminal offenses were committed at different times of the year, with an increase during the month of April (22%); during different hours of the day, mostly in the evening (26%) and afternoon (17%), less in early morning (13%), morning (13%) or during lunch (13%).

The way and means of committing the criminal offense were different, such as: sharp tools found in the apartment (hawk, sledgehammer, crowbar, iron bar), automatic firearm (in one case with a silencer), house knife, and in one case, phototoxin poisoning. There have been cases when the perpetrator has used more than one tool, making the crime even more cruel. In some cases, the perpetrators have committed the criminal offense in the presence of their minor child(ren).

Age of Femicide perpetrators. Most of the perpetrators of femicide crimes were in the age group over 57 years old, but there were also younger ages. Specifically, at the time of committing the criminal offense, the perpetrators were over 57 years old (50%), followed by the 49-56 age group (17%), the 41-48 age group (13%), the 25-32 age group (13 %) and 8-25 and 33-40 age groups (4%).

Place of Residence. Most of the perpetrators of the criminal offense were born in the village (58%), followed by those born in the city (42%). There is no data on defendants born in suburban areas. In terms of residence, the defendants live in the city (54%) and in the countryside (46%).

Marital status. Regarding marital status, most of the perpetrators were married at the time of committing the crime (58%).

Profession. The decisions do not contain data on the profession and employment for most of the defendants.

Education. The authors had an elementary level of education or secondary education.

Criminal records. The perpetrators of criminal offenses were mostly not convicted earlier (75%), while 21% of them were convicted for various criminal offences. 17% of the perpetrators were convicted of domestic violence, including one, who had been convicted twice.

The attitude of the perpetrators after committing the crime. The reasoning of the court decisions shows that 25% of the defendants claimed to have mental or psychological health problems. From the psychiatric-legal expertise, it results that most of the defendants were self-conscious at the time of committing the criminal offense.

The perpetrators have not plead guilty (29%, some have expressed remorse during the trial (21%); others have not expressed any remorse (25%). For a part of the defendants, the decisions do not contain data on the author's attitude after committing the crime (17%).

Victims of femicide. Criminal offenses have caused 27 victims, most of them women (89%). The criminal acts of femicide are committed more often against the wife, ex-wife, or cohabitant. Women are more often victims of femicide by their husbands, but also by other family members or other persons. Women are more often victims of murder by their husband, in their own home or by other family members who live with them.

Victims of femicide are most at risk in their home, especially when they live with the abuser. The risk increases when women continue to live together with the abuser in the shared apartment even though they have a protection order; when the victim who is violated does not report it and continues to stay in the same apartment with the abuser.

Most of the victims experienced physical and psychological violence before femicide. Most of the victims were physically and psychologically abused for a long period (44%); had been psychologically abused (11 %) and only a few victims (15 %) had not suffered violence earlier. However, only a part of the victims (19%) had a protection order when the crime was committed or earlier. So only a small fraction of them had reported the violence and sought help.

Weak motives, jealousy, gender stereotypes, patriarchal culture, suspicions of adultery, alcohol addiction, untreated mental health problems, economic problems in the family, have been some of the motives for committing crimes of femicide.

14 victims lost their lives, while there is no information about 8 victims. The five victims who survived the crime had different approaches regarding the criminal

process, such as asking for their abusive husbands not be punished for being the father of the children; forgiving their husbands arguing that they had been drunk, or that they did not intend to kill them, or victims were afraid to claim that they had been injured by their husbands, presenting the case as an accident. Only in one case did the victim, through her lawyer, request that her perpetrator be punished.

Despite the legal improvements in the Code of Criminal Procedure, which brought a new status and support for victims in the criminal process, justice for victims is still far from being realized in practice. Judicial practice, regarding the treatment of the victim and the relationship between the perpetrator and the victim, is not unified; the criminal policy applied varies for criminal offenses of femicide with the same degree of social danger, from one court to another. The meaning of criminal offenses of femicide in practice is not unified. The findings of the study showed that prosecutors and judges held different positions regarding the legal definition of the main criminal offense, the type and extent of punishment.

The judicial decisions of the Court of First Instance for Serious Crimes constitute a better practice in relation to the judicial decisions of the judicial district courts. The latter, since they are currently the competent courts to judge these criminal offenses, still have work to do to ensure justice for the victims.

The studied court decisions do not contain complete data on the profile of the victims, as well as on the perpetrator-victim relationships before, during and after the commission of the criminal offense. Most likely, during the investigation and trial, the focus is on analyzing the elements of the criminal offense and proving guilt.

Although the victim and her heirs enjoy a number of rights in the criminal process, they are invited as witnesses, while for information and assistance to address the needs of the victim during the process, there are no data from the information contained in the decisions. For example, court decisions do not provide information if, in addition to medical treatment, victims of attempted crimes have been assisted or treated for their rehabilitation and reintegration. The decisions do not contain information about whether the victim was informed about her rights, whether she was informed about support programs. Also, there is no data on whether her needs have been addressed before the competent institutions.

Despite the legal improvements of the civil legislation regarding the measures for the prevention of violence in family relations, the removal of the abuser from the apartment has not been applied in all cases. Even in cases where the court decided to remove the abuser from the apartment, this measure was not accompanied by other measures for protecting the victim or perpetrator's treatment programs.

The civil action in the criminal process and the compensation of victims are provided for in the law, but they are very little applied in practice. Of the studied cases, only in one case was a civil lawsuit filed in the criminal process and it was not reviewed by the court. There is no data on whether the victim was informed about the right to material and moral compensation and other services necessary for her rehabilitation, free legal aid, or security needs in their contact with justice and in confronting the perpetrator.

The sentences given for the criminal offenses of femicide vary for several reasons. They also depended on the type of procedure followed. In addition to the different understanding and application of the law, it is established that the defendants have benefited from significant reductions in punishment due to their shortened trial. The acceptance of the request for an abbreviated trial by the Court has led to a less harsh sentence and non-judgment of the civil suit in the criminal process.

The anonymization of decisions and data for their protection against third parties, according to the provisions of the legislation in force for the personal data protection has created ambiguity and lack of transparency. In particular, some decisions of the courts of judicial districts are significantly incomplete and in some cases incomprehensible due to the almost complete lack of content.

Recommendations

Based on the findings of the study, a summary of suggestions is presented as follows:

General measures for the prevention of femicide

Based on the criminogenic factors evidenced in the studied cases, we suggest that it is important to pay special attention to the creation of a culture of gender equality, prevention of gender discrimination, distancing from gender models and stereotypes throughout the country, mainly outside Tirana, in urban and rural areas.

Promoting gender equality and combating gender stereotypes should be part of legal education programs at all levels of pre-university education, educating positive role models of men and women, boys and girls.

Information, education and awareness about the rights of women and girls, about gender equality, about the roles of men and women in society and the prevention of gender-based violence, must be strengthened and extended to all the municipalities of the country.

The machilist culture, the wrong mentality that exists regarding the family, women and their role in the family, the rights of family members, needs to be addressed, especially in small towns. Schools, local institutions, civil society organizations and community activists should be at the forefront of educational and awareness campaigns to create an environment that prevents discrimination against women and girls.

Special preventive measures

In Albania, there is no special state body for reporting and monitoring cases of femicide. Until now, such cases have been reported in the general framework of statistics of the relevant bodies: the police, the prosecutor's office, the judicial bodies, as well as the Ministry of Justice. It is necessary that, in addition to statistical reporting, a public institution engages in reporting and monitoring cases of femicide to ensure a better approach to prevention and compliance by the competent state bodies. It is imperative that a *femicide watch* be established under an independent institution of public administration.

Legal information, social services for vulnerable women and girls should be extended to the entire territory of the Republic of Albania. Local mechanisms for the prevention of gender-based violence and social services need to be strengthened with sufficient human and financial resources, but above all trained and specialized human resources for serving and supporting women and girls.

Local self-government bodies must identify every vulnerable family, women and girls who are at risk of becoming victims of domestic violence or who are already victims, the existing factors that might incite or that might have already

incited violence, and address them by providing concrete solutions, based on the particularities of each case.

Informing potential victims or victims of gender-based violence about their rights and institutional mechanisms for guaranteeing their rights, about social services, as well as increasing the victim's trust in institutions and removing any barriers to reporting and receiving necessary services needs to be guaranteed everywhere, especially outside Tirana.

It is necessary to assess and address mental health care among outpatient services in cases where institutionalized treatment is not necessary. The map of psychological services and mental health care services should be extended to the entire territory of the country.

It is necessary to inform and raise the awareness of the population to address mental health problems and strengthen mental health care programs.

Justice for victims

The approach of legal professionals and law enforcement agencies needs to change, putting the interests of victims of gender-based violence at the center of the criminal process. It is recommended to strengthen the awareness of professionals about the dangerousness of criminal offenses based on gender motives and to address the needs of the victims.

To strengthen the implementation of the legal provisions introduced to the law on preventive measures against domestic violence, which requires the police officer contacted by a victim asking for protection, to refer the case to the prosecutor's office for initiating criminal proceedings against the perpetrator according to the rules defined in the Code of Criminal Procedure; also, the obligation to provide the victim with a copy of the document, the creation and updating of a register of protection orders are recommended to be monitored by independent bodies.

It is suggested that the implementation of protection orders be accompanied by the application of other protective measures provided by law and, in particular, of the offender's treatment programs. On the other hand, rehabilitation programs for offenders addicted to alcohol, with personality and mental health disorders, need to

be extended and consolidated throughout the country.

In practice, victims should not be allowed to stay in the same apartment with the defendant. Special attention should be paid to notifying the victim when the defendant completes the sentence, or when he is released before the end of the term of the sentence. In these cases, legal acts must provide for the competent body and its obligation to notify the victim. In rural areas or small towns where sufficient distance between the perpetrator and the victim cannot be ensured, the use of electronic means of surveillance of the perpetrator needs to be considered.

The separation of the perpetrator from the victim should be accompanied by other protective measures, careful monitoring of the case by the responsible institutions in order to guarantee the life of the victim, as well as by taking measures, when the reports of the local coordinators against domestic violence show that the perpetrator has committed actions in violation of the court's protection orders.

The establishment and operation of rehabilitation programs for offenders is of great importance in any case, especially when separation is applied as a measure.

Regarding the criminal proceedings and the position of the victims and their heirs in the criminal process

Informing the victims about their rights, the right to participate and be heard in the process must be guaranteed along with ensuring the victims' physical and emotional safety. The rights provided by the Code of Criminal Procedure (Article 58) and the right to question the victim for criminal offenses committed within the family through audiovisual means (Article 361, paragraph 8) must be implemented in accordance with international standards.

The rule that victims should be questioned as little as possible, preferably once, avoiding confrontation with the perpetrator in order to prevent re-victimization, must be respected every time this is requested by the victim. In order to guarantee the respect of this right, it is necessary that the victims are informed in an understandable language about their rights.

Within the new judicial map approved, it is recommended to create friendly environments for all victims, including surviving victims of femicide and their heirs.

The right of heirs participating in the process should be evaluated as an opportunity to hear and address the rights of the victim and especially the right to compensation from the perpetrator or the state.

Special care should be taken of victims' minor children when called to testify. The best interest of the child and the avoidance of their re-victimization are paramount in cases of femicide criminal proceedings. When it is considered necessary to ask the minor child, this should be done in the presence of psychologists specialized in the rights of the child, in formulating the questions and interviewing the child.

Criminal procedure and criminal policy

The report suggests the inclusion of the analysis of the history of concrete cases of domestic violence and femicide, in order to increase the awareness of professionals regarding the records of domestic violence and femicide, as well as the attention they should give to each incident of violence, as well as their repetition.

It is recommended that court decisions better reflect the profile of the perpetrator, the victim, the perpetrator-victim relationship, the perpetrator's personality, their previous behavior, the perpetrator's real approach to the criminal offense committed, and avoid generic sentences that are not relevant to the case being adjudicated.

Regarding the reasoning for the type and extent of punishment, it is recommended to have the same understanding and application of the dangerousness of the offense and the perpetrator, the reasoning must be based on the analysis of the concrete circumstances of the case and use of a gender nondiscriminatory language.

It is recommended that, in addition to the main punishment, the courts better apply the supplementary punishments provided for in the Criminal Code.

The assessment of mitigating and aggravating circumstances is necessary to be preceded by a deep, thorough, comprehensive and objective investigation of the profile of the perpetrator, the victim, the perpetrator-victim relationship, the perpetrator's personality, their previous behavior, and the perpetrator's real approach to the criminal offense committed.

It is recommended that the courts, in evaluating requests for shorter adjudication, should consider preventing obstacles to proportional punishments and reviewing

civil claims in the criminal process. During decision-making, a fair balance must be maintained between the interests of the defendant, the civil plaintiff and the victim.

Regarding the anonymization of judicial decisions in cases of femicide

Analysis of the decisions shows that there is no uniform standard regarding the data to be anonymized. It is recommended that the High Judicial Council, in cooperation with the Commissioner for the Right to Information and Protection of Personal Data, review the rules and standardize the indicators regarding the data that must be anonymized, as well as enable the conduct of scientific studies by researchers, ensuring compliance by the latter with personal data protection rules.

On the other hand, it is necessary that all courts apply the same standards regarding the protection of the victim's personal data in the criminal process.

Regarding the need for scientific studies on femicide and other forms of violence against women and girls.

The study highlighted a number of problems related to material and procedural aspects of the investigation and judicial review, as well as the place that should be occupied by the victim and the perpetrator-victim relations in the judicial decisions for criminal offenses of femicide.

In order to study and evaluate the effectiveness of criminal justice for criminal offenses of femicide, it is recommended that judicial decisions enable research and scientific studies related to femicide, the recognition of criminogenic factors and the facts on which the criminal proceedings body and the court base their decision making.

Recognition and implementation of the statistical framework for measuring gender-related killings of women and girls (also referred to as "femicide/feminicide"), prepared by the United Nations Office on Drugs and Crime (UNODC) and the United Nations on Gender Equality and Empowerment of Women (UN WOMEN).

The collection and processing of statistics on femicide does not require legal changes, but a revision of the developed guidelines and their unification/standardization by the responsible structures of the police, the General Prosecutor's Office and the High Judicial Council (HJC), together with the Ministry of Justice, in order to determine

the statistics and elements that must be recorded, collected, processed and published, based on the provisions of the legislation in force for the right to information and the protection of personal data.

Regarding the professional training of employees of justice bodies

Training organized with police officers, other institutions or members of the National Referral Mechanism in cases of domestic violence should address issues related to the understanding of domestic violence, its causes, consequences, human rights, women's rights and their guarantee.

The responsible institutions should set up a joint working group to identify gaps in the effective protection of women victims of violence and steps to address them. Responsible institutions should organize joint discussions on gaps in institutional coordination and steps to be taken to strengthen cooperation between them.

Law enforcement institutions should develop an in-depth analysis and open discussion fora to understand what the police do not do well in the risk assessment process and what effects this brings to their work, as well as to the prosecution and courts, guaranteeing the safety of the victims of domestic violence.

The responsible institutions, in cooperation with other relevant stakeholders, should assess the need for training for prosecutors in relation to the effective criminal prosecution of acts of domestic violence. Also, the changes in civil and criminal legislation on domestic violence make it necessary to continue organizing activities to strengthen the capacities of judges. Trainings should also be organized with health care professionals on the causes and consequences of violence against women and domestic violence.

The responsible institutions must develop an in-depth analysis on the reasons for the lack of effectiveness of protection orders and the measures needed to increase their effectiveness.

The responsible institutions, in cooperation with other relevant actors, should organize trainings in relation to risk assessment, analysis of risk factors both in relation to the victim and in relation to the perpetrators, as well as the importance of risk assessment by victims themselves. It is also important to include topics aimed

at eradicating gender stereotypes in the training for the institutions responsible against domestic violence.

There is a need for strengthening institutional legal responsibility, in order for the representatives of the institutions to be aware of the state's obligation to compensate the damage caused to the victims as a result of violence against women and domestic violence, when the system has failed to protect victims' lives. Special attention should be paid to the execution of final court decisions for the compensation of the surviving victims or their heirs. Also, the articles of the Istanbul Convention as well as the explanatory report of this convention regarding the compensation of the victims are recommended to become part of the training of the members of the NRM in cases of domestic violence.

From reading the interviews of offenders convicted for having killed their wives, we can draw some conclusions. But what is evident in the three interviews is their delayed repentance and mental health suffering during the sentence. None of them had previous criminal records.