



Albania - Researched and compiled by the Refugee Documentation Centre of Ireland on Friday 18 and Monday 21 January 2019

Information on current legislation protecting victims of domestic violence

A report issued in November 2017 by the *Group of Experts on Action against Violence against Women and Domestic Violence* notes:

“Following the introduction of a dedicated offence for acts of domestic violence...administrative data on reporting rates of domestic violence have steadily increased...” (Group of Experts on Action against Violence against Women and Domestic Violence (24 November 2017) *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 (Istanbul Convention) Albania*, p.42).

This report also states that:

“...domestic violence has been criminalised in Albania since 2012” (ibid, p.13).

It is also noted in this document that:

“The multi-faceted nature of domestic violence is reflected in the definition set out in Article 130/a of the CCA which covers battering and any other act of violence, including threats, causing harm to the “physical, psychosocial and economic integrity” of the victim. The personal scope of this provision embraces violence against “a spouse, former spouse, cohabitant or former cohabitant, close relative or close in-law to the perpetrator”” (ibid, p.13).

A report issued in 2018 by the *Human Rights in Democracy Centre* notes that:

“Lack of free legal aid affects the effective progress of judicial process for victims of domestic violence. In 90% of cases, victims/ survivors of DV are not supported with legal protection. In the absence of a legal representative, the victim of domestic violence withdraws from judicial process, because he/she does not have proper information on the importance of legal consequences of the protection order” (Human Rights in Democracy Centre (2018) *“Respect Of The Rights Of Victims/Survivors Of Domestic Violence In The Judicial Process”, Findings and recommendations from the monitoring of judgments of Tirana District court*, p.19).

This document also states that:

“New Law on Legal Aid¹⁴ approved on 14.12.2017, which will come into power on June 2018, puts legal responsibilities (as institutions for the administration and functioning of the legal aid system) over the Ministry of Justice, the Legal Aid Department, the National Chamber of Advocates and the competent courts. This law lists victims of domestic violence as the first special category of legal aid beneficiaries...” (ibid, p.20).

This document also notes that:

“With amending of Criminal Code (Added by law no.23/2012) “For some changes in Law 7895, dated on 27.1.1995 “Criminal Code of Albania”, changed, domestic violence is a penal act. Also, it is added article 130/a “Domestic Violence after article 130 “Forcing or impeding to cohabit or divorce. This article is separated in three paragraphs respectively battering, beating, and injury has an identical formulation with article 90 “Other intentional harm, article 84 “Threat”, and article 89 “Non-serious intentional injury”. So, three other articles of Criminal Code are merged in article 130/1 “Domestic Violence”. The only change is the active subjects of penal acts (in case of article 130/a “Domestic Violence”) are special subjects (spouse, former spouse, cohabitant or former cohabitant, close relative or close in-law to the perpetrator of the criminal offence and not general subjects according to Law 90 “Other intentional harm”, 84 “Threat”, and article 89 “Non-serious intentional injury”. Another change is that legislator has toughened the punishment for beating (article 130/a) in relation to equivalent article of Penal Code for this act, article 90 “Other intentional harm. Article 130/a foresees “Battering, beating and any other act of violence against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close in-law to the perpetrator of the criminal offence, resulting in violation of his or her physical, psychosocial and economic integrity, shall be punished by imprisonment of up to two years” (ibid, pp.65-66).

A report issued in 2018 by *Freedom House* commenting on events of 2017 points out that:

“Domestic violence is widespread, and while the parliament has adopted some measures to combat the problem in recent years, few cases are prosecuted” (Freedom House (2018) *Freedom in the World 2018, Albania*, p.7).

In March 2018 the *Albanian Helsinki Committee* issued a report reviewing events of the preceding year including noting for domestic violence that:

“Victims of this crime continue to be massively women, children and the elderly, who do not yet enjoy adequate protection by the state” (Albanian Helsinki Committee (March 2018) *Report On The Situation Of Respect For Human Rights And Freedoms In Albania During 2017* , p.11).

In 2018 the *European Women’s Lobby* notes in a report that:

“The Albanian legislative framework and policies, while extensive in addressing DV, are often misguided and prejudiced” (European Women’s Lobby (2018) *Mapping Of Policies And Legislation On Violence Against Women And The Istanbul Convention In Albania*, p.5).

A table in this report notes the “Key provisions of the Law on Measures against Violence in Family Relations” (ibid, p.6).

A table in this publication includes the “Key provisions of the Criminal Code” (ibid, p.7).

A report issued in April 2018 by the *European Commission* notes:

“While the number of local mechanisms for reporting gender-based violence has increased, efforts should be stepped up to establish them in all municipalities. The

Ministry of Justice established a new office to coordinate efforts against domestic violence” (European Commission (17 April 2018) *Albania 2018 Report*, p.29).

United Nations Albania in June 2018 notes that:

“Comprehensive provisions on the rights of victims of crimes, including victims of GBV, sexual violence and human trafficking, were included in the recent amendments to the Albanian Code of Criminal Procedure...and the Free Legal Aid law...” (United Nations Albania (1 June 2018) *2017 Progress Report [2.5 Gender-Based Violence]*, p.2).

A report issued in June 2018 the *Civil Society Strengthening Platform* points out in a report that:

“Law No. 9669, dated 18.12.2006, "On Measures Against Violence in Family Relations", amended, established the necessary legal basis for the protection of victims of domestic violence. The ratification of the EC Convention by the Albanian State (8.11.2012) made it necessary to harmonize the Law No. 9669 with this convention. Since 2017, the Albanian government has begun work to prepare new changes to this law” (Civil Society Strengthening Platform (28 June 2018) *Harmonization of country legislation with the Istanbul Convention*).

United Nations Women in September 2018 states in a report that:

“Starting from September this year, women and girls who experience violence in Albania will be granted immediate protection by the police as soon as they report violence cases” (United Nations Women (17 September 2018) *Amendments to domestic violence law in Albania strengthens protection of women survivors of violence*

A report issued in October 2018 *Women Against Violence Europe* states in a report that:

“...there is now a solid legal framework to address domestic violence, both in the civil and criminal law...” (Women Against Violence Europe (4 October 2018) *Benefits and Challenges the CSSP Platform has faced in the Process of Implementing and Monitoring the Istanbul Convention [Albania excerpt]*).

This document also states that:

“In Albania, interpretation has served to ensure that incidents of violence are considered in the determination of custody and visitation rights of children, thus remedying the absence of any national legislative measures that should be in accordance with Article 31 of the IC. However, there is overall divergent interpretation across the country which tends to eventually deny effective access to justice for victims of violence; for example, by introducing mandatory conciliation in the emergency barring orders procedure. Therefore, improved awareness among legal professionals is needed regarding the fundamental principles that should guide any intervention process, such as considering a victim's and her children's safety at all stages of the legal process” (ibid).

In December 2018 the *United Nations Development Programme* states that:

“On 21 November the Albanian National Council for gender equality approved the model for the functioning of the center and the necessary standards for services to be provided to the sexual violence survivors. This represents a significant step towards meeting the requirements of the Istanbul Convention which lays emphasis on providing this type of specialized support by urging the state parties to provide for the setting-up of accessible rape crisis or sexual violence referral centers. Pursuant to these obligations and recent recommendations of the Monitoring Committee for Implementation of Istanbul Convention (GREVIO) for Albania and based on best practices MoHSP, supported by UNDP, led the process of improving the law on measures against violence in family relations. The law entered into force in August 2018. Among other improvements, the Domestic Violence law provides for the establishment of crisis management centers for cases of sexual violence to ensure the availability of emergency rooms in the hospitals where the victim is treated. Furthermore, these improved provisions foresee the development of the standards for the establishment and functioning of the crisis management centers” (United Nations Development Programme (6 December 2018) *Albania sets up the first center to support victims of sexual violence*).

In June 2015 the *Government of Albania* notes:

“Battering and any other act of violence against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law to the perpetrator of the criminal offence, resulting in violation of his or her physical, psycho-social and economic integrity, shall be punished by imprisonment of up to two years. A serious death threat or serious injury, against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law to the perpetrator of the criminal offence, resulting in violation of his or her physical, psycho-social and economic integrity, shall be punished by imprisonment of up to three years. Intentional injury committed against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law to the perpetrator of the criminal offence, resulting in a temporary disability for work for more than nine days, shall be punished by imprisonment of up to five years” (Government of Albania (11 June 2015) *Criminal Code Of The Republic Of Albania*, p.66).

References

Albanian Helsinki Committee (March 2018) *Report On The Situation Of Respect For Human Rights And Freedoms In Albania During 2017*

<http://www.ahc.org.al/wp-content/uploads/2018/06/Report-on-the-situation-of-respect-for-human-rights-and-freedoms-in-Albania.pdf>

Accessed Monday 21 January 2019

Civil Society Strengthening Platform (28 June 2018) *Harmonization of country legislation with the Istanbul Convention*

<https://www.ein.org.uk/members/country-report/harmonization-country-legislation-istanbul-convention>

This is a subscription database

Accessed Monday 21 January 2019

European Commission (17 April 2018) *Albania 2018 Report*

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf>

Accessed Friday 18 January 2019

European Women's Lobby (2018) *Mapping Of Policies And Legislation On Violence Against Women And The Istanbul Convention In Albania*

https://www.womenlobby.org/IMG/pdf/ewl-albania_report_web.pdf

Accessed Monday 21 January 2019

Freedom House (2018) *Freedom in the World 2018, Albania*

<https://freedomhouse.org/report/freedom-world/2018/albania>

Accessed Friday 18 January 2019

Government of Albania (11 June 2015) *Criminal Code Of The Republic Of Albania*

<http://rai-see.org/wp-content/uploads/2015/08/Criminal-Code-11-06-2015-EN.pdf>

Accessed Friday 18 January 2019

Group of Experts on Action against Violence against Women and Domestic Violence (24 November 2017) *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 (Istanbul Convention) Albania*

<https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>

Accessed Friday 18 January 2019

Human Rights in Democracy Centre (2018) *"Respect Of The Rights Of Victims/Survivors Of Domestic Violence In The Judicial Process", Findings and recommendations from the monitoring of judgments of Tirana District court*

http://www.stopvaw.org/uploads/study_hrhc_2016_2017_1.pdf

Accessed Friday 18 January 2019

United Nations Albania (1 June 2018) *2017 Progress Report [2.5 Gender-Based Violence]*

<https://www.ein.org.uk/members/country-report/2017-progress-report-25-gender-based-violence>

This is a subscription database

Accessed Monday 21 January 2019

United Nations Development Programme (6 December 2018) *Albania sets up the first center to support victims of sexual violence*

<http://www.al.undp.org/content/albania/en/home/presscenter/articles/2018/albania-sets-up-the-first-center-to-support-victims-of-sexual-vi.html>

Accessed Friday 18 January 2019

United Nations Women (17 September 2018) *Amendments to domestic violence law in Albania strengthens protection of women survivors of violence*

<http://eca.unwomen.org/en/news/stories/2018/09/amendments-to-domestic-violence-law-in-albania-strengthens-protection-of-women-survivors-of-violence>

Accessed Friday 18 January 2019

Women Against Violence Europe (4 October 2018) *Benefits and Challenges the CSSP Platform has faced in the Process of Implementing and Monitoring the Istanbul Convention [Albania excerpt]*

<https://www.ein.org.uk/members/country-report/benefits-and-challenges-cssp-platform-has-faced-process-implementing-and>

This is a subscription database

Accessed Monday 21 January 2019

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

Amnesty International
BBC News/Monitoring
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
Internal Displacement Monitoring Centre
International Crisis Group
IRIN News
Lexis Nexis
Minority Rights Group International
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Reliefweb
Reuters
United Kingdom Home Office
United States Department of State
UNHCR Refworld