



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Information on domestic violence including: available state protection for victims; children/youth victims; & NGOs/organisations supportive for children/youth victims

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 December 2018 the *Organisation for Economic Co-operation and Development* notes in a report that:

“Albania ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2013 (Council of Europe, 2017). The Convention takes precedence over domestic legislation (Constitution, art. 122). There is no law addressing violence against women, with specific provisions regarding investigation, prosecution and punishment of the perpetrator and protection and support services for victims” (Organisation for Economic Co-operation and Development (7 December 2018) *2019 Social Institutions and Gender Index - Country Profile: Albania*, p.3).

This report also states that:

“Albania possesses a comprehensive legislation addressing domestic violence. The Criminal Code, under article 130/a, includes domestic violence as a criminal offense punishable of up to two years of imprisonment in case of battering and any other act of violence against a person; of up to three years in case of a serious death threat or serious injury; and of up to five years in case of intentional injury. If committed repeatedly or in the presence of a minor, the punishment is one to five years of imprisonment (Criminal Code, art. 130/a). The relations covered under this provision include: a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law to the perpetrator of the criminal offense (Criminal Code, art.

130/a). Additionally, the domestic violence legislation covers the following abuse: physical, sexual, psychological, and economic (Criminal Code, art. 130/a & Law on Measures against Violence in Family Relations, art. 3). The Law on Measures against Violence in Family Relations provides for specific provisions for the prevention of domestic violence, and for integrated services for victims of domestic violence, such as comprehensive and accessible health services, 24-hour, free of charge hotline, social and rehabilitation centres and free legal assistance (art. 6 & 7)” (ibid, p.3).

A report issued in 2019 by *Freedom House* commenting on events of 2018 states 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 (2019) *Freedom in the World 2019, Albania*)

In March 2019 the *United States Department of State* reviewing events of 2018 points out that:

“Police often did not have the training or capacity to deal effectively with domestic violence cases. The government operated one shelter to protect survivors of domestic violence and three shelters for victims of human trafficking that accommodated victims of domestic violence as well” (United States Department of State (13 March 2019) *2018 Country Reports on Human Rights Practices – Albania*, p.19).

Commenting on children this report also states that:

“Services for abuse victims were not readily available”(ibid, p.20).

In February 2019 the *Office of the United Nations High Commissioner for Human Rights* points out in a report that:

“The law required the establishment of a nation-wide child protection system, but only half of the municipalities of Albania had established child protection structures...” (Office of the United Nations High Commissioner for Human Rights (19 February 2019) *Summary of Stakeholders' submissions on Albania: Report of the Office of the United Nations High Commissioner for Human Rights*, p.7).

In February 2019 the *Office of the United Nations High Commissioner for Human Rights* states that:

“The United Nations country team noted that legislation on gender equality, non-discrimination and domestic violence had improved, and that Albania was implementing the third National Strategy on Gender Equality for 2016–2020...” (Office of the United Nations High Commissioner for Human Rights (22 February 2019) *Compilation on Albania: Report of the Office of the United Nations High Commissioner for Human Rights*, p.7).

This document also states that:

“The United Nations country team noted that the amendments made in 2018 to the law on measures against domestic violence had improved the legal definition of

domestic violence, but it recommended that the legal framework be brought into full compliance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), including by revising the definition of rape and ensuring protection and prevention measures for victims of all forms of sexual violence...The Committee on the Elimination of Discrimination against Women was concerned about the prevalence of gender-based violence, the low rate of reporting of cases of gender-based violence against women, the insufficient implementation of the national referral mechanism, the insufficient number of shelters for victims of gender-based violence and the restrictive criteria for admission to those shelters, and the frequent failure to enforce protection orders and emergency protection orders..." (ibid, pp.7-8).

This report also states that:

"The Committee on Enforced Disappearances noted that domestic legislation offered general protection to children against violence, exploitation, neglect and abuse, but did not provide for specific protection for children subjected to enforced disappearance" (ibid, p.9).

A publication issued in March 2019 by the *United Nations Development Programme* states that:

"...battered women are not receiving the protection, support services, and access to justice that is their legal and human rights" (United Nations Development Programme (March 2019) *National Population Survey: Violence against Women and Girls in Albania*, p.97).

A report issued in March 2019 by the *Organisation for Security and Cooperation in Europe* lists a number of supporting organisations for Albania (Organisation for Security and Cooperation in Europe (March 2019) *Well-Being and Safety of Women*, p.141).

In March 2019 *United Nations Women* notes that:

"The Shelter for Abused Women and Girls is part of the Monitoring Network against Gender- Based Violence, a network of 48 civil society organizations across Albania. The creation of the network was facilitated by UN Women under its regional programme on ending violence against women, funded by the European Union. In 2018, the network played a significant role in advocating for changes to the law "On Measures Against Violence in Family Relations" and in proposing a draft Law on Social Housing. Because of their advocacy, women survivors of domestic violence, victims and possible victims of trafficking, and single mothers are now among the groups to be prioritized for low-cost public housing, under the social housing law approved in May 2018" (United Nations Women (5 March 2019) *New Law In Albania Will Provide Low-Cost Housing For Domestic Violence Survivors*, p.2).

A report issued in April 2019 by the *Advocates for Human Rights* states that:

"...the police have not requested a protection order for a minor or for an adult in any case from 2015 to 2017" (Advocates for Human Rights (10 April 2019) *Albania: Stakeholder Report for the United Nations Universal Periodic Review (Domestic violence remains a widespread problem in Albania)*, p.10).

This report also states that:

“Victims of domestic violence have problems accessing services, especially housing” (ibid, p.6)

In April 2019 *Save the Children* states in a report that:

“Support to national efforts to prevent child violence and exploitation consist in some key interventions at the municipal social structures (Child Protection Units) that are working to establish social work standards to assess and address the needs of children at risk and in difficult situations, support to national child helpline as the main referral mechanism for children at risk/victims of violence and abuse and more specifically on violence supported targeted communication programme on behaviour change that works with children and teachers to reduce school based violence” (Save the Children (10 April 2019) *Universal Periodic Review 2018: Stakeholder report on Albania (The situation of children)*, p.4).

This document also states that:

“Data on the incidence and prevalence of child abuse and violence against children in Albania is scattered and overall figures may tend to underestimate based on many children's acceptance of violence as a normal part of life and a tendency to justify violence used against them. The BECAN study [5] illustrates the nature and extent of the abuse, violence and neglect still experienced by Albanian children. Nearly 62% of children reported having experienced at least one form of psychological violence during their lifetime (prevalence), and nearly 70% (68.63%) reported having experienced at least one form of psychological violence during the past year (incidence)” (ibid, p.5).

In April 2019 *United Nations Women* states that:

“The findings of 2017 and 2018 reveal that in almost all selected municipalities, there is a lack of emergency shelters to provide immediate services to women who have suffered violence and whose cases have been reported to the referral mechanism” (United Nations Women (12 April 2019) *Emergency shelters and specialized services needed for women survivors of violence in Albania*, p.1).

A report published in May 2019 by *United Nations Albania* states that:

“Many gaps remain with regard to the setting up of protection and prevention measures and provision of services for victims of violence. Yet, the progress achieved in this area, supported mainly by UN in Albania, has contributed to an increased level of awareness of GBV victims on their rights and protecting mechanisms” (United Nations Albania (29 May 2019) *2018 Progress Report*, p.88).

In May 2019 the *European Commission* states in a report that:

“Legal framework was improved in the areas of child's rights and domestic violence” (European Commission (29 May 2019) *Albania 2019 Report*, p.5).

This document also states that

“In July 2018, Albania progressed in tackling gender-based violence by amending the Law on Measures against Violence in Family Relations. The changes introduced are in line with the Istanbul Convention and the Convention on Elimination of all forms of Violence against Women. The law has strengthened protection measures for survivors of violence. It is important that implementation of the new legislative framework starts swiftly, as domestic violence remains a serious concern. In 2018, there was evidence of 4 951 cases of domestic violence. In 1 914 cases, the required investigative and procedural acts were referred to the prosecution office to initiate criminal proceedings. 608 alleged perpetrators were arrested, 77 were detained, and 688 prosecuted at large. 541 cases of other criminal offences related to family relationships were reported. In 2018, 60 women and girls were identified and referred to relevant services as victims or potential victims of human trafficking. While the number of local referral mechanisms for reporting gender-based violence has increased to 39 municipalities out of 61, efforts should be stepped up to set up and make these referral mechanisms functional in all municipalities. There are several women’s organisations that operate shelters for victims of domestic violence, but they have limited hosting and financing capacity” (ibid, p.28).

It is also pointed out in this document that:

“On the rights of the child, the adoption of the Law on the Rights and Protection of the Child in 2018 constituted a major step in improving the legal framework for child protection. This new law requires a multi-sectoral preventive and responsive approach to all forms of violence against children. Several by-laws have also been adopted” (ibid, p.29).

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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.

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