



Home Office

Country Information and Guidance

Albania: Women fearing domestic violence

Version 1.0

April 2016

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

Contents

Guidance	4
1. Introduction	4
1.1 Basis of Claim	4
2. Consideration of Issues	4
2.1 Credibility.....	4
2.2 Particular social group (PSG).....	4
2.3 Assessment of risk	4
2.4 Protection	5
2.5 Internal relocation.....	6
2.6 Certification	6
3. Policy summary	6
Country Information	8
4. Legal context	8
4.1 Overview	8
4.2 Legislation	8
4.3 Restrictions.....	10
5. Domestic violence.....	11
6. Attitudes and responses to women facing domestic violence.....	13
6.1 Societal attitudes	13
6.2 Police and judiciary attitudes and responses.....	15
6.3 Police training.....	16
7. Assistance available to women.....	17
7.2 Government run shelters	21
7.3 Non-government run shelters	24

Guidance

Updated 05 April 2016

1. Introduction

1.1 Basis of Claim

- 1.1.1 Women in fear of persecution or serious harm due to domestic violence.

[Back to Contents](#)

2. Consideration of Issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing. For suitability Criteria for Language Analysis see the [Asylum Instruction on Language Analysis](#).

[Back to Contents](#)

2.2 Particular social group (PSG)

- 2.2.1 Women at risk of domestic violence in Albania are not considered to form a particular social group within the meaning of the 1951 UN Refugee Convention. This is because although they share an immutable (or innate) characteristic – their gender – which cannot be changed, and although traditional views of their subordinate position in society are still prevalent in parts of the country, in general, in view of their equality under the law and the general availability of state protection against domestic violence, they are not now perceived as different and do not have a distinct identity in Albanian society.
- 2.2.2 In the absence of a link to one of the five Convention reasons necessary for the grant of refugee status, the question to be addressed in each case will be whether the particular person will face a real risk of serious harm as a result of the threat of domestic violence, sufficient to qualify for Humanitarian Protection (HP).
- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#). For further guidance on HP, see the [Asylum Instruction on Humanitarian Protection](#).

[Back to Contents](#)

2.3 Assessment of risk

- 2.3.1 Domestic violence in Albania is a serious and widespread problem, with a recent survey showing that some 53 percent of women had experienced

domestic violence within the last 12 months. Violence against women is not only perpetrated by current or former husbands/partners but also parents, brothers, sisters, in-laws, and other relatives. Domestic violence is more likely in some cases depending on the woman's level of education, work status, age grouping, and marital status. A 2007 study revealed that women with a university education were significantly less likely to suffer domestic violence compared to their less educated counterparts. Women living in rural areas were more likely to experience domestic violence than those living in urban areas. Some parts of Albania still adhere to principles stemming from the Kanun of Lek Dukagjini, in which a man's wife is regarded as his property. (see [Domestic violence](#)).

- 2.3.2 The onus is on the person to demonstrate that she would be personally at risk of gender based violence which reached a sufficiently high threshold to amount to a real risk of serious harm and that she would be unable to access effective state protection or take the option of internal relocation.
- 2.3.3 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Humanitarian Protection](#).

[Back to Contents](#)

2.4 Protection

- 2.4.1 In the country guidance case of [DM \(Sufficiency of Protection – PSG – Women – Domestic Violence\) Albania CG \[2004\] UKIAT 00059 \(1 April 2004\)](#) the Tribunal held that the state offers a sufficiency of protection against domestic violence (para 18).
- 2.4.2 Since then there have been a number of legislative measures undertaken to further improve the situation of women in Albania, including amendments to the criminal code to specifically protect against domestic violence and spousal rape. Although the appropriate legislation is now in place, its implementation is not fully effective. (see [Legal context](#))
- 2.4.3 Significant numbers of prosecutions and protection/restraining orders have been made by the courts (see [Domestic violence](#)). However, the law is not always effectively applied. Criminal proceedings are slow and courts violate procedural deadlines for reviewing protection orders and issuing decisions. Where protection orders are issued they are not always enforced. Reports state that the government is making greater efforts to address the problem but noted that police often did not have the training or capacity to deal effectively with domestic violence cases and the number of women victims who benefit from free legal aid is small compared with the need. (see [Police and judiciary attitudes and responses](#) and [Police training](#)).
- 2.4.4 There are a number of nongovernmental organisations in Albania who are active in domestic violence issues - including operating shelters - and can potentially assist the person to avail themselves of the protection of the state. (see [Assistance available to women](#) and [Non-government run shelters](#)).
- 2.4.5 There are legal remedies available for women fearing domestic violence, although perpetrators are not always properly prosecuted and punished by the courts. There were reports of police failing to respond to or investigate

complaints of domestic violence and some cases were identified where police officers tried to reconcile the victims with their perpetrators. However, in general, the authorities are willing and able to provide effective protection for women fearing sexual or gender-based violence.

- 2.4.6 See also the [Country Information and Guidance Albania: Background information, including actors of protection and internal relocation](#).
- 2.4.7 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.5 Internal relocation

- 2.5.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person. The onus is on the person to demonstrate why they believe they would be unable to relocate to a specific location to mitigate any risk.
- 2.5.2 There are no legal restrictions on women's freedom of movement in Albania, but in some cases women may have to seek permission from their husbands or family before travelling within Albania.
- 2.5.3 There are shelters available in Berat, Elbasan, Korca, Tirana and Vlora for victims of domestic violence (see [Assistance available to women](#)).
- 2.5.4 See also the [Country Information and Guidance on Albania: Background information, including actors of protection and internal relocation](#) and the [Country Information and Guidance on Albania: Trafficking](#).
- 2.5.5 For further guidance on considering internal relocation and factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.6 Certification

- 2.6.1 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Albania is listed as a designated state.
- 2.6.2 Where a claim falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002. This is because effective state protection is generally available.
- 2.6.3 For further information on certification, see the [Appeals Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

[Back to Contents](#)

3. Policy summary

- 3.1.1 Domestic violence in Albania remains a serious and widespread problem.
- 3.1.2 There are comprehensive legal provisions for dealing with gender based violence and appropriate sanctions are handed down by the courts. The authorities are in general willing and able to provide effective protection.

- 3.1.3 Internal relocation to avoid risk from domestic violence is likely to be possible, as long as it would not, on the particular facts of the case, be unduly harsh to expect the woman to do so.
- 3.1.4 Women who can demonstrate that there is a real risk of serious harm as a result of domestic violence and have no recourse to effective state protection or internal relocation should be granted Humanitarian Protection.
- 3.1.5 Where a claim falls to be refused, it must be considered for certification as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002 as Albanian is a designated state.

[Back to Contents](#)

Country Information

Updated 05 April 2016

4. Legal context

4.1 Overview

4.1.1 The USSD Human Rights report 2014 noted:

'The law provides equal rights for men and women under family law, property law, and in the judicial system. Women were not excluded from any occupation in either law or practice, but they were underrepresented at the highest levels of their fields. Although the law mandates equal pay for equal work, the government and private employers did not fully implement this provision. In many communities women were subjected to societal discrimination based on traditional social norms that depicted women as subordinate to men. In June the government instituted reforms to its social welfare program so that monthly social assistance payments to families were paid to women only rather than to the heads of household, who traditionally have been men.'¹

4.1.2 Freedom House reported that 'Women are underrepresented in politics and business, though the new cabinet appointed in 2013 included a record six women, including the first female defense minister.'²

4.2 Legislation

4.2.1 The Constitution provides:

'Article 18:

1. All are equal before the law.

2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage.'³

4.2.2 Sources cited in an April 2014 response to information request by the Immigration and Refugee Board of Canada, 'Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014)' reported that in March 2012 Albania amended the Criminal Code in order to criminalise domestic violence and prescribed a punishment of up to five years imprisonment. The amended Criminal Code states:

'[translation]

'Article 130/a - Domestic Violence

¹ US Department of State, Country Report on Human Rights Practices for 2014, Albania, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, (Section 6), Date accessed 27 October 2015.

² Freedom House, Freedom in the World 2015 - Albania, 2 June 2015, available at: <http://www.refworld.org/docid/556efe275e.html>, Date accessed 27 October 2015.

³ Constitution of the Republic of Albania <http://www.osce.org/albania/41888>, Date accessed 14 September 2015

'Beating and any other act of violence against the person who is spouse, former-spouse, or former cohabitant, next to kin or relatives by marriage with the author of the penal offense, with the consequence of attacking his physical, psycho-social and economical integrity, is sentenced up to two years imprisonment. Serious threat for murder or hard injury against the person who is spouse, former spouse, cohabitant or former cohabitant, next to kin or relatives by marriage with the author of the penal offense, of the consequence of attacking his psychical integrity, is sentenced up to three years imprisonment.

'The same offences which are committed repeatedly or in the presence of children, shall be punishable by one to five years of imprisonment.'⁴

- 4.2.3 Stalking was also introduced as a criminal offence as part of the amendments to the Criminal Code made in 2012. The amended Criminal Code states the following:

'[translation]

'Article 121/a - Victimization

'Threatening or provoking the person by repeated actions, aiming to cause him a hard and continuous state of anguish and fear for personal security, for the security of relatives or of a person with whom has spiritual relations, or to force him to change his mode of life, is sentenced by imprisonment from six months up to four years. When this offense is committed by the former husband, by the former cohabitant or by the person that has had spiritual relation with the convicted defendant, the punishment is increased with one third of the given sentence.

'When this offense is committed against minors, pregnant women or against a person unable to be defended, and also when it is carried out by a masked person or is accompanied with the bearing or use of arms, the sentence is increased up to one second (sic) [increases by half]⁵ of the given punishment.'⁶

- 4.2.4 The IRB report noted that further amended legislation to increase the punishment of other criminal offences, such as murder and causing injuries, when committed against a partner, spouse or family member have also been made. Article 79/c of the Criminal Code punishes "Homicide because of family relations" as follows:

'[translation]

'The intentional homicide of the person who is the spouse, former spouse, cohabitant, or former cohabitant, close kin or close kin of the spouse of the

⁴ Canada: Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014), 30 April 2014, ALB104859.E, <http://www.refworld.org/docid/537db1d64.html>, Date accessed 14 September 2015

⁵ National Institute of Statistics (INSTAT) Albania, Domestic Violence in Albania, National population-based Survey, November 2013, http://www.instat.gov.al/media/225815/domestic_violence_in_albania_2013.pdf, Date accessed 14 September 2015

⁶ Canada: Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014), 30 April 2014, ALB104859.E, <http://www.refworld.org/docid/537db1d64.html>, Date accessed 14 September 2015

offender, shall be punishable by not less than twenty years of imprisonment or with life imprisonment.

'Article 88 of the Criminal Code increases the range of punishment for "serious intentional injury" from 3-10 years imprisonment to 5-15 years imprisonment when committed against a "spouse, former spouse, cohabitant, or former cohabitant, close kin or close kin of the spouse of the offender".'⁷

4.2.5 And in 2013, an amendment to the Criminal Code introduced spousal rape and spousal sexual violence as criminal offences.'⁸

4.2.6 The US State Department, Country Reports on Human Rights for 2014: Albania, 25 June 2015, stated that:

'Rape, including spousal rape, is a crime, but the government did not enforce the law effectively. Victims rarely reported spousal abuse, and officials did not prosecute spousal rape. The concept of spousal rape was not well established, and authorities and the public often did not consider it a crime. Penalties for rape and assault depend on the age of the victim. For rape of an adult, the prison term is three to 10 years; for rape of an adolescent between the ages of 14 and 18, the term is five to 15 years; and for rape of a child under 14, the term is seven to 15 years. The criminal code includes provisions on sexual assault and sexual harassment and makes the criminalization of spousal rape explicit.'⁹

4.3 Restrictions

4.3.1 In a report, Domestic Violence against Women in Albania: A Legal and Socio-economic Perspective, 2013, it was noted that:

'The law On Measures against Violence in Family Relations (OMAVFR), as amended, has created new legal remedies for victims of domestic violence. It is now easier to present a petition to the court and no fees are required to the petitioner. As a practical matter the law creates two mechanisms for the protection of victims of domestic violence. The victim can request a 1) Protection Order or 2) an Emergency Protection Order. The first is the normal petition by the victim to the District Court (Family Section), to give him/her one or more of the protection measures directed towards the perpetrator of domestic violence. The second is the extraordinary petition that is more urgent in nature and is directed to the same court but is judged more rapidly.

'The standard of proof in cases of domestic violence is lower (preponderance of evidence) than other standard civil cases (clear and convincing evidence). The court must issue a protection order for the victim of domestic violence if

⁷ Canada: Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014), 30 April 2014, ALB104859.E, <http://www.refworld.org/docid/537db1d64.html>, Date accessed 14 September 2015

⁸ Canada: Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014), 30 April 2014, ALB104859.E, <http://www.refworld.org/docid/537db1d64.html>, Date accessed 14 September 2015

⁹ US State Department, Country Reports on Human Rights for 2014: Albania, (Section 6), 25 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492>, Date accessed 14 September 2015

(1) [t]here is sufficient basis to believe that the defendant (perpetrator) has committed or threatened to commit an act of family violence, (2) [t]he defendant (perpetrator) presents a direct and immediate threat to the security, health or wellbeing of the victim or of their family members and (3) the [i]ssuance of the emergency protection order is necessary to protect the security, health and welfare of the victim or their family members who are protected through this order.’¹⁰

4.3.2 The same report also observed that:

‘The main challenge in present Albania is not the absence of legal rules against domestic violence, but the lack of efficient application of them. In a 2010 report of a NonProfitable Organization it is stressed that there still lacks the coordination between the state institutions responsible for handling domestic violence cases. In the same report it is mentioned that the Ministry of Justice should take appropriate steps to provide free legal assistance to domestic violence victims. It noticed a weak role of the Prosecution Office and Local Authorities in the implementation of this law. There was no case referred to the court for protective measures by these authorities.’¹¹

4.3.3 The Amnesty International 2014-2015 Annual report, dated 25 February 2015, noted that:

‘In June the High Council of Justice published a review of domestic violence cases in 38 courts, and recommended changes to the law and court practice. They found that criminal proceedings were slow and that courts violated procedural deadlines for reviewing protection orders and issuing decisions. [...]

‘By the end of September, 1,882 women had sought protection orders in civil proceedings; however, in the Tirana District Court, for example, more than two-thirds of applications for protection orders were withdrawn or discontinued. Where protection orders were issued they were often not enforced.’¹²

[Back to Contents](#)

5. Domestic violence

5.1.1 The Albanian Ministry of Social Welfare and Youth, in a National Report on the Implementation of the Beijing + 20 Platform for Action, dated 05 May 2014, described the issue of domestic violence thus:

‘Violence against women is not a new phenomenon in Albania; such violence is rooted deeply in the patriarchal traditions and customs [...] which have long shaped the Albanian society. The lack of a functional and well-coordinated

¹⁰ Social and Natural Sciences Journal, Volume 7, Issue 2, Domestic Violence against Women in Albania: A Legal and Socioeconomic Perspective, 2013, <http://ojs.journals.cz/index.php/SNSJ/article/download/438/429>, Date accessed 14 September 2015

¹¹ Social and Natural Sciences Journal, Volume 7, Issue 2, Domestic Violence against Women in Albania: A Legal and Socioeconomic Perspective, 2013, <http://ojs.journals.cz/index.php/SNSJ/article/download/438/429>, Date accessed 14 September 2015

¹² Amnesty International Report 2014/2015: The State of the World's Human Rights: Albania, 25 February 2015, <https://www.amnesty.org/en/countries/europe-and-central-asia/albania/report-albania/>, Date accessed 14 September 2015

system for preventing, treating, and re-integrating victims of domestic violence has often led to inadequate solutions, adding to gender inequality. More than in a few cases, there is an obvious lack of trust among victims of domestic violence in state institutions, because domestic violence has been considered an “issue within closed doors” for years. A large number of women and young women are obliged to live in violent relationships, because they have no sufficient support in economic and social terms, and cannot leave their violent environments.

‘Regardless of the numerous (legislative, administrative, educational, etc.) measures taken in this regard, it will still take a considerable time for this missing trust to be gained, [...] Violence against women is also spread because of the continuous discriminating views.’¹³

5.1.2 The USSD Human Rights report 2014 noted:

‘Domestic violence against women, including spousal abuse, remained a serious problem. Through June police received 1,876 domestic violence-related complaints through their emergency hotline, compared with 3,020 during all of 2013. Police referred 649 cases to prosecutors through June, compared with 428 cases referred to prosecutors during all of 2013. Prosecutors sent 400 cases to court against 421 defendants through June, compared with 589 cases sent to court against 606 defendants during all of 2013. The courts issued 1,306 restraining orders as of October 2013, compared with 1,146 orders issued during the same period in 2012. Police often did not have the training or capacity to deal effectively with domestic violence cases.’¹⁴

5.1.3 In a 2013 study conducted by the Albania Institute of Statistics (INSTAT) and the UN Development Programme (UNDP), women between the ages of 18 and 55 in 3,589 households from all 12 prefectures of Albania were interviewed regarding their experiences with domestic violence by a spouse or intimate partner.¹⁵

5.1.4 The study revealed that 59.4 percent of women reported “ever” experiencing [i.e had experienced] domestic violence in their marriage/intimate relationship, and 53.0 percent of women were “currently” experiencing domestic violence (within the 12 months prior to the interview). Types of domestic violence included: psychological (verbal abuse, threats, controlling behaviours, economic abuse); physical (moderate – to be kicked, slapped, dragged, pushed; and severe – to be beaten, burnt, choked or have a weapon used against them); and sexual violence (including rape and being forced to

¹³ Albanian Ministry of Social Welfare and Youth, Albania, National Report on the Implementation of the Beijing + 20 Platform for Action, 05 May 2014, (page 28) http://www.unece.org/fileadmin/DAM/Gender/publication/Albanian_National_Report_Beijing_20_EN_GLISH_30_April_2014.pdf, Date accessed 14 September 2015

¹⁴ US Department of State, Country Report on Human Rights Practices for 2014, Albania, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, (Section 6) Date accessed 27 October 2015.

¹⁵ National Institute of Statistics (INSTAT) Albania, Domestic Violence in Albania, National population-based Survey, November 2013, (pages 9, 55 and 56) http://www.instat.gov.al/media/225815/domestic_violence_in_albania_2013.pdf, Date accessed 14 September 2015

perform degrading and humiliating sexual acts that they did not want to perform)¹⁶

5.1.5 By way of comparison, United Kingdom domestic violence statistics, placed in the House of Commons Library, last updated: 24 December 2013, noted that:

‘The most reliable estimates of the extent of domestic violence come from the Crime Survey for England and Wales (CSEW) formally the British Crime Survey (BCS). The CSEW estimates of domestic abuse are based on a relatively broad definition covering male and female victims of partner or family non-physical abuse, threats, force, sexual assault or stalking. The latest statistics show that:

- Some 7 percent of women and 5 percent of men were estimated to have experienced domestic abuse in the 2011/12, equivalent to an estimated 1.2 million female and 800,000 male victims.
- Overall, 31 percent of women and 18 percent of men had experienced any domestic abuse since the age of 16. These figures were equivalent to an estimated 5.0 million female victims of domestic abuse and 2.9 million male victims between the ages of 16 and 59.’¹⁷

5.1.6 A 2007 national population-based survey on domestic violence in Albania revealed that the perpetrators of domestic violence against women not only included current or former husbands/partners but also parents, brothers, sisters, in-laws, and other relatives. Domestic violence affected women differently depending on their level of education, work status, age grouping, and marital status. Women with a university education were significantly less likely to suffer domestic violence compared to their less educated counterparts. Women who did not work outside the home were more likely to experience domestic violence than those who did. Women living in rural areas were more likely to experience domestic violence than those living in urban areas.¹⁸

6. Attitudes and responses to women facing domestic violence

6.1 Societal attitudes

6.1.1 The INSTAT and UNDP report explained that domestic violence is deeply rooted in ‘patriarchal traditions and customs’, such as ‘strict gender identities and roles, patriarchal authority, adherence to an honour-and-shame system, and customs of hierarchal ordering with the family and intergenerational family

¹⁶ National Institute of Statistics (INSTAT) Albania, Domestic Violence in Albania, National population-based Survey, November 2013, (pages 33-38)

http://www.instat.gov.al/media/225815/domestic_violence_in_albania_2013.pdf, Date accessed 14 September 2015

¹⁷ House of Commons Library, Domestic violence statistics, Standard Note: SN/SG/950, Last updated: 24 December 2013,

<http://researchbriefings.files.parliament.uk/documents/SN00950/SN00950.pdf>, Date accessed 14 September 2015

¹⁸ National Institute of Statistics (INSTAT) Albania, Domestic Violence in Albania, National population-based Survey, November 2013, (page 14)

http://www.instat.gov.al/media/225815/domestic_violence_in_albania_2013.pdf, Date accessed 14 September 2015

control'. The report added that Albanians '[...] tend to consider domestic violence to be a private, family matter and a normal part of married and family life. Because domestic violence often happens behind closed doors and is not openly discussed, acknowledged, or addressed in Albanian society, victims typically suffer in silence. The same source noted that some parts of Albania still adhere to principles stemming from the Kanun of Lek Dukagjini, in which a man's wife is regarded as his property.¹⁹

6.1.2 Sources cited in an April 2014 response to information request by the Immigration and Refugee Board of Canada, 'Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014)', noted:

'In a special report about violence against women [of July 2012], the People's Advocate (Ombudsman, Avokati i Popullit) stated that sexual violence against women is often perceived as something shameful for the woman, particularly in rural areas, and that it sometimes leads to a forced marriage with the perpetrator as a way to "protect the honour" of the woman.'²⁰

6.1.3 Of the women surveyed by INSTAT who had ever been battered, only 8.4 percent said they sought help. The majority of those that sought help turned to their own family (92 percent), their husband's/partner's family (61 percent), and/or friends (29 percent). In addition, of those that sought help from one or more sources, 17 percent sought help from the police, 15 percent from a doctor or medical professional, 15 percent from a lawyer, 11 percent from a judge, and 11 percent from social services.²¹

6.1.4 The Data Centrum Institute report of October 2012, 'Baseline Study Report on Domestic Violence and Albanian State Police', noted: 'Of the 254 domestic violence victims who were surveyed by Data Centrum, 21 percent sought help from relatives, colleagues or friends and 2 percent reported the incident to the police.'²²

6.1.5 In the 2015 report on the implementation of the CEDAW convention ahead of the review of Albania scheduled for July 2016, the People's Advocate stated: 'Sexual abuse by people misusing their power or duty remains often unreported, and this leads to the need for amending the Criminal Code and the Labor Code.'²³

¹⁹ National Institute of Statistics (INSTAT) Albania, Domestic Violence in Albania, National population-based Survey, November 2013, (pages 9, 55 and 56)

http://www.instat.gov.al/media/225815/domestic_violence_in_albania_2013.pdf, Date accessed 14 September 2015

²⁰ Canada: Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014), 30 April 2014, ALB104859.E, <http://www.refworld.org/docid/537db1d64.html>, Date accessed 14 September 2015

²¹ National Institute of Statistics (INSTAT) Albania, Domestic Violence in Albania, National population-based Survey, November 2013, (pages 9, 55 and 56)

http://www.instat.gov.al/media/225815/domestic_violence_in_albania_2013.pdf, Date accessed 14 September 2015

²² Data Centrum Research Institute, Baseline Study Report on Domestic Violence and Albanian state police, October 2012, (page 53) <http://www.cp-project.al/first/en/publications/>, Date accessed 14 September 2015

²³ Report On The Implementation Of CEDAW Convention In Albania Prepared by the People's Advocate 2015

6.2 Police and judiciary attitudes and responses

- 6.2.1 For additional information on Albania's response to violence against women see also paragraphs 8.2.13 – 8.2.15 of the [Country Information and Guidance Albania: Background information including actors of protection and internal relocation](#).
- 6.2.2 For additional information on Albania's response to violence against women In regard to the Security apparatus: Police. see paragraphs 8.2.2 et seq. of the [Country Information and Guidance Albania: Background information including actors of protection and internal relocation](#).
- 6.2.3 Amnesty International report 2014/15, released 25 February 2015, noted:
'Some 3,094 incidents of domestic violence were reported to the police by the end of September, with women accounting for the majority of the victims. Just over a third (1,292) of these reports resulted in criminal proceedings.'²⁴
- 6.2.4 The Data Centrum Institute report of October 2012, 'Baseline Study Report on Domestic Violence and Albanian State Police', noted:
'Based on the interviews with police officers, it was clear that there is a well-structured and functional vertical organization and reporting line regarding domestic violence within the Albanian State Police.
'At the central level, there is a Child Protection and Domestic Violence Sector (which consists of 1 head of sector and 2 experts) and at the regional level, there are Child Protection and Domestic Violence Sections. Different staffing standards are in place in these sections of various regions, taking into consideration the number of reported domestic violence incidents. In the section of Tirana RPD, there are four employees: 1 head of section and 3 experts; in Fieri RPD, there are two employees: 1 head of section and 1 expert; while in the remaining 10 RPDs (Shkodra, Dibra, Kukës, Lezha, Vlora, Gjirokastra, Korça, Berat, Durrës and Elbasan), there is only one employee within this section.
'In total, the country counts 43 police commissariats covering 482 zones. Each zone is covered by one Zone Inspector, therefore, in total, there are 482 Zone Inspectors who are the frontline staff responding to domestic violence cases, among other areas of responsibilities they have.'²⁵
- 6.2.5 The same Data Centrum report noted that, according to its own survey of 733 individuals of whom 23 were victims of domestic violence, based on respondents' own personal experience or the experience of friends or family, 74 percent said that the police were effective in immediate reaction to domestic violence incidents, 64 percent said the police were effective in

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fIFN%2fALB%2f21837&Lang=en (para. 27) Date accessed 29 January 2016

²⁴ Amnesty International Report 2014/2015: The State of the World's Human Rights: Albania, 25 February 2015, <https://www.amnesty.org/en/countries/europe-and-central-asia/albania/report-albania/> Date accessed 14 September 2015

²⁵ Data Centrum Research Institute, Baseline Study Report on Domestic Violence and Albanian state police, October 2012, (pages 60, 67, 68, 69, 72 and 73) <http://www.cp-project.al/first/en/publications/> Date accessed 14 September 2015

support/assistance given to victims of domestic violence, 56 percent said the police were effective in prevention of domestic violence.²⁶

- 6.2.6 Of the 23 respondents who had personally experienced domestic violence, most were satisfied with the quick response of the police, but some were not satisfied with the behaviour of the police, claiming that they were not supportive and polite, or did not provide information about services or rights. Data Centrum's study notes that weaknesses of the police in addressing domestic violence, as reported by the police and other stakeholders, include the following: understaffing; high number of staff transfers; low number of female officers; lack of psychologists and social workers at the commissariat level of the police; lack of private interviewing space at commissariat level; limited resources, such as computers, other technology and vehicles; lack of emergency funds for victims.²⁷

6.3 Police training

6.3.1 According to the OSCE:

'Forty police officers, who completed a training programme on Diversity, Hate Crimes and Domestic Violence, collected their certificates in a ceremony on 23 March 2015 in Tirana. The event, hosted by the OSCE Presence in Albania and the Dutch Embassy, was attended by the Head of the Presence, Ambassador Florian Raunig, Dutch Ambassador Dewi van de Weerd, and General Director of the Albanian Police Artan Didi. "Security and law-enforcement agencies must be professional, accountable and fully respectful of human rights," said Raunig as he presented the certificates. "They should reflect the diversity of society and be designed to meet the needs of all segments of the population, including minorities."²⁸

- 6.3.2 Raunig noted that the training aimed to provide the police with the appropriate tools to act professionally when dealing with these matters. "This is what makes a good police officer who gains the trust of the community." Dutch Ambassador Dewi van de Weerd said "Dealing with gender-based crimes requires a certain level of gender sensitivity, knowledge and skills. It is crucial that the police is adequately trained and in possession of the necessary skills to respond, investigate and properly manage cases of gender violence and trafficking."²⁹

- 6.3.3 This is the third year that the Presence in Albania has delivered a training course in this field. According to the General Police Director, Artan Didi, results have started to show with an increase of people filing police reports and of those who are being put under police protection. Didi said that the police officers' education and training were necessary so that the police are

²⁶ Data Centrum Research Institute, Baseline Study Report on Domestic Violence and Albanian state police, October 2012, (pages 60, 67, 68, 69, 72 and 73) <http://www.cp-project.al/first/en/publications/> Date accessed 14 September 2015

²⁷ Data Centrum Research Institute, Baseline Study Report on Domestic Violence and Albanian state police, October 2012, (pages 60, 67, 68, 69, 72 and 73) <http://www.cp-project.al/first/en/publications/> Date accessed 14 September 2015

²⁸ OSCE Presence trains Albanian Police on Diversity, Hate Crimes, Domestic Violence 23 March 2015 <http://www.osce.org/albania/146076> Date accessed 23 October 2015

²⁹ OSCE Presence trains Albanian Police on Diversity, Hate Crimes, Domestic Violence 23 March 2015 <http://www.osce.org/albania/146076> Date accessed 23 October 2015

more professional and gain the trust and support of citizens. He considered the OSCE Presence to be a strategic partner for the Albanian police. The training course was financially supported by the Dutch Government. The OSCE Presence will continue delivering the same training course in different regions of Albania in 2015, with a total of 120 police officers taking part.³⁰

[Back to Contents](#)

7. Assistance available to women

7.1.1 United Nations – Albania has stated that:

‘Albania has many challenges ahead when it comes to offering supporting services to women and girls, victims of violence. Although a state party of European Council Convention for the Prevention and Combating Violence against Women and Domestic Violence (Istanbul Convention), Albania still faces challenges in meeting the series of obligations deriving from it. This initiative is part of a multi-country study undertaken by UN Women and Council of Europe in Albania, Macedonia, Bosnia and Herzegovina, Georgia and Turkey.’³¹

7.1.2 The findings of the national study “Perspective For The Offering Support Services That are Necessary and Accessible, in Response to Violence Towards Women and Girls” were presented during a round table discussion bringing together representatives from the Ministry of Social Welfare and Youth and service providers (from the government and civil society organisations), organised with the support of UN Women. The Deputy Minister of Social Welfare and Youth, Ms Bardhylka Kospiri, attending the event, highlighted the importance of the study which will serve as a guide for measures that the government structures will undertake to address the needs of the survivors of violence.³²

7.1.3 The Representative of UN Women in Albania, Mr David Saunders, emphasized that the study is not just a simple report but a call for action, based on concrete statistics. “Through these findings, we can measure the success of our joint efforts which aim to improve the services in support of the victims of violence” said Saunders. The study is based on the assessment of the existing capacities to provide services and their effectiveness in line with the standards of Istanbul Convention.³³

7.1.4 The findings show that despite some good practices in place to provide services to women and girls victims/survivors of violence, still a lot of work needs to be done. Harmonized policies with the international standards and

³⁰ OSCE Presence trains Albanian Police on Diversity, Hate Crimes, Domestic Violence 23 March 2015 <http://www.osce.org/albania/146076> Date accessed 23 October 2015

³¹ United Nations in Albania – Response Needed Towards Violence Against Women and Girls 21 April 2015 <http://www.un.org.al/subindex.php?page=news&newsid=565> Date accessed 23 October 2015

³² United Nations in Albania – Response Needed Towards Violence Against Women and Girls 21 April 2015 <http://www.un.org.al/subindex.php?page=news&newsid=565> Date accessed 23 October 2015

³³ United Nations in Albania – Response Needed Towards Violence Against Women and Girls 21 April 2015 <http://www.un.org.al/subindex.php?page=news&newsid=565> Date accessed 23 October 2015

compatible resources are required in order to boost the provision of services to such a group. This requires co-ordinated actions among government structures, civil society organisation and international partners.³⁴

7.1.5 EU Commission's October 2014 progress report on Albania stated: '[A]n online system to report and monitor cases of gender violence was launched in July [2014] and made operational in 29 out of 61 municipalities. The number of reported serious offences and cases of domestic violence against women increased...A free 24-hour national helpline for victims of domestic violence is yet to be established. The referral mechanism for domestic violence has been established in just 24 municipalities and is operational in very few of those. Coordination between local and central government needs to be significantly improved and structures that are lacking need to be set up. Further work is needed to remove the remaining gender-discriminatory provisions in legislative acts, and to tackle gender bias in court decisions and law enforcement institutions.'³⁵

7.1.6 UNICEF reported:

'The Family Code, Criminal Code, the law on Measures Towards Violence on Family Relations (2008) and Child Rights Protection (2010) all provide for protection of children from abuse, when it involves violence. A special unit within the State Police responds to child protection and cases of domestic violence. Yet, Albania is a country with a very high incidence of domestic and gender based violence. In 2011, 19 women, and in 2012, 27 women were murdered, mainly by partners or by other male family members. Thousands of girls, women, children and older people are victims of systematic domestic violence. The 2006 Domestic Violence law established a mechanism to provide victims of family violence with a protection order, which may be granted by a civil court on the victim's petition. If the abuser poses a "direct and immediate threat to the security, health or well-being" of the victim, emergency protection orders have to be issued within 48 hours by a court. In the case of children, the petitions are issued by the police or prosecution services and emergency protection should be issued within 24 hours. Following amendments to the 2012 Criminal Code, domestic violence is now classified as a Criminal Act (Article 130/A), as is the violation of a protection or emergency protection order (320/321).'

See also [Legal context](#)

7.1.7 The UNICEF report continued:

'Shelter is provided to a mother and her children on receipt of a protection order. Sometimes the husband's removal from the home is required.

³⁴ United Nations in Albania – Response Needed Towards Violence Against Women and Girls 21 April 2015 <http://www.un.org.al/subindex.php?page=news&newsid=565> Date accessed 23 October 2015

³⁵ EU Commission: Albania Progress Report, October 2014 http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf, (para.46) Date accessed 29 January 2016

³⁶ UNICEF – Child Notice – Albania 2015 [http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=55b0dda14&skip=0&query=shelter for domestic violence&coi=ALB](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=55b0dda14&skip=0&query=shelter+for+domestic+violence&coi=ALB) (pages 73-74), Date accessed 22 October 2015

However, the mother and children may then often have to live in the husband's family home, putting them at risk again. There are very few family relationship advice programmes, with those that do exist organised by civil society. As a direct result of these problems mothers and children frequently abandon home with nowhere to go. BKTF (United for Child Care and Protection) coalition members have observed that, despite the Domestic Violence law and the efforts made to accommodate mothers and children victims, the service level response is still not functional and efficient. Quite often, shelters refuse to host children in emergencies: because verification and evaluation procedures that take several days must be followed, or because they do not have space.³⁷

'The Human Rights Committee (of the UN International Covenant on Civil and Political Rights (UNCCPR) was also concerned about ineffective police investigations into domestic violence complaints, meaning effective impunity for the perpetrators; about the rarity of any convictions; that the lack of follow-up after protection orders were granted made them largely ineffective, and about the insufficient number and resourcing of shelters for domestic violence victims.³⁸

- 7.1.8 In his April 2013 report to the Human Rights Council on Albania, the Special Rapporteur on extrajudicial, summary or arbitrary executions stated: '[...] the Organization for Security and Cooperation in Europe (OSCE) Presence in Albania reported that the number of women who have been victims of violence by their husbands, partners or other family members has increased in the period under review, with at least 23 women murdered in 2012. Moreover, the killings of the majority of them occurred in a brutal manner. At least two pregnant women were killed in 2012.'³⁹ The same report stated: '[A] change in attitude is still needed among prosecutors and judges, who apparently tend to consider domestic violence as a private family matter, and therefore may impose lighter penalties for the crimes perpetrated in this field. In this regard, the OSCE Presence in Albania informed the Special Rapporteur that perpetrators in cases of domestic violence are often not properly prosecuted and punished by the courts.'⁴⁰
- 7.1.9 In its December 2014 report the Albanian Human Rights Committee stated 'Domestic violence also appears at high levels, while there is more awareness to protect against it and report the violator. During the period January –

³⁷ UNICEF – Child Notice – Albania 2015 [http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=55b0dda14&skip=0&query=shelter for domestic violence&coi=ALB](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=55b0dda14&skip=0&query=shelter+for+domestic+violence&coi=ALB) (pages 73-74), Date Accessed 22 October 2015

³⁸ UNICEF – Child Notice – Albania 2015 [http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=55b0dda14&skip=0&query=shelter for domestic violence&coi=ALB](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=55b0dda14&skip=0&query=shelter+for+domestic+violence&coi=ALB) (page 75), Date accessed 22 October 2015

³⁹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyn to the Human Rights Council 23 April 2013 http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.4_EN.pdf (page 9) Date accessed 22 October 2015

⁴⁰ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyn to the Human Rights Council 23 April 2013 http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.4_EN.pdf (page 11) Date accessed 22 October 2015

October 2014 in Tirana, there were 700 requests to courts to issue protection orders, or 30% more than the same period the previous year, while cases of loss of life due to such violence are yet to see a decline.’⁴¹

7.1.10 In the 2015 report on the implementation of the CEDAW convention ahead of the review of Albania scheduled for July 2016, the People’s Advocate stated: ‘Although the legislation regarding policies and practices that address domestic violence is in place, their implementation is not sufficiently effective. Coordinated response in managing cases of domestic violence remains a challenge for the members of the Coordination and Referral Mechanism at the local level. The court fast proceedings for issuing Protection Orders and Immediate Protection Orders in favor of women and increased number of the court decisions with this object are not followed by the same fast response from the structures responsible for executing such orders, including the Bailiff Office, Police, and local government units. Social services need to be improved and meet the agreed standards, and be relevant, easily accessible, sufficient and well distributed in geographic terms, so that they provide victims, especially women and children, with safe accommodation. The number of women victims of domestic violence and other types of gender-based violence like trafficking and discrimination, who have benefited free legal aid, is small compared with the real need for such service.’⁴²

7.1.11 In the 2015 report to CEDAW the People’s Advocate stated: ‘It should be noted that Law No. 9669, dated 18.12.2006, "On measures against domestic violence", as amended, obliges the National Chamber of Lawyers and the State Commission for Legal Aid to provide courts with a list of the lawyers authorized to offer free legal aid. However, such list has not been provided to all district courts, causing negative impact, especially on women who are disproportionately affected by domestic violence.’⁴³

7.1.12 The same report: Despite the increasing number of immediate protection orders or protection orders, the high percentage of IPO/PO court case dismissals continues to raise the issue of the effectiveness of the implementation of this law. [...] Article 13 of Law No. 9669, dated 18.12.2006, "On Measures against domestic violence", as amended, on the authorities eligible to file public charges, has not been implemented accordingly by the Police and the Prosecutor’s Office. Were the police or the prosecutor’s office to exercise the right to file public charges, it would lead to reduced number of dismissed cases and would enable courts to continue proceedings even if victims withdraw from the process [...]’⁴⁴

⁴¹ Albanian Human Rights Committee On The Situation Of Respect For Human Rights In Albania During 2014 http://www.ahc.org.al/web/images/publikime/en/Humane_Rights_Report_2014.pdf (page 20) Date accessed 29 January 2016

⁴² Report On The Implementation of CEDAW Convention In Albania Prepared by the People’s Advocate 2015 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fIFN%2fALB%2f21837&Lang=en (para.26) Date accessed 29 January 2016

⁴³ Report On The Implementation of CEDAW Convention In Albania Prepared by the People’s Advocate 2015 (para.73) Date accessed 29 January 2016

⁴⁴ Report On The Implementation of CEDAW Convention In Albania Prepared by the People’s Advocate 2015 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2f

- 7.1.13 The report continued ‘lack of [national referral mechanisms] NRMs in all municipalities of the country exposes women victims of domestic violence to a higher level of risk due to lack of an inter-disciplinary approach for the management of cases [...] the number of victims of domestic violence in rural areas is increasing and services for victims of violence are not easily accessible to rural women [...]’⁴⁵
- 7.1.14 The People’s Advocate also expressed concern ‘about the number of women murdered by family members [...] the Fourth National Periodical Report on the implementation of CEDAW Convention [...] referred to 17 such cases for 2013.’⁴⁶
- 7.1.15 The report continues ‘Police have sometimes failed to fulfill their legal obligations in responding to reports about domestic violence, taking measures for enabling forensic expertise for the victims, etc. The PA has also identified cases of Police officers and other actors trying to reconcile the victims with their perpetrators, which is in contradiction with the logic of the law on preventing and combating domestic violence.’⁴⁷

[Back to Contents](#)

7.2 Government run shelters

- 7.2.1 The U.S Department of State, Country Report into Human Rights Practices, Albania 2014 stated that:

‘The Ministry of Youth and Social Welfare oversees women’s issues, including domestic violence. The government shelter for domestic violence victims in Tirana assisted 21 women and 36 children through August but could not accept victims without a court order. Non-governmental organisations (NGOs) operated four shelters to protect victims from domestic violence. There is two in Tirana and two outside the capital.’⁴⁸

- 7.2.2 At the time of writing, Albania did not meet the Council of Europe Taskforce Recommendations for national women’s helpline and women’s shelter provision. There are five women’s centres in Albania but no women’s centres for survivors of sexual violence. Another service available in Albania is a local women’s helpline, which was established in March 2013 by the Tirana Municipality and the Network of Community Centres. This helpline does not

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fIFN%2fALB%2f21837&Lang=en (para. 281-283) Date accessed 29 January 2016

⁴⁵ Report On The Implementation Of CEDAW Convention In Albania Prepared by the People’s Advocate 2015

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fIFN%2fALB%2f21837&Lang=en (para.292-3) Date accessed 29 January 2016

⁴⁶ Report On The Implementation Of CEDAW Convention In Albania Prepared by the People’s Advocate 2015

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fIFN%2fALB%2f21837&Lang=en (para.329) Date accessed 29 January 2016

⁴⁷ Report On The Implementation Of CEDAW Convention In Albania Prepared by the People’s Advocate 2015

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fIFN%2fALB%2f21837&Lang=en (para. 331) Date accessed 29 January 2016

⁴⁸ United States Department of State, Country Report into Human Right Practices Albania 2014, 26 June 2015, (Section 6)

<http://www.state.gov/documents/organization/236704.pdf> Date accessed 22 October 2015

operate 24/7, but is free of charge and offers assistance for cases of domestic violence.⁴⁹

7.2.3 According to Women Against Violence in Europe (WAVE) Report 2014:

'There is one national women's helpline in Albania that is free of charge, but it does not operate 24/7. In 2012, the helpline provided 1,800 phone counselling sessions and 756 face-to-face sessions. Furthermore, there are eight women's shelters in Albania, with approximately 200 shelter places available. Currently, 29% of recommended shelter places are missing.'⁵⁰

7.2.4 According to sources cited by the Research Directorate of the Immigration and Refugee Board of Canada (IRB), reporting on domestic violence in Albania between 2011 and April 2014:

'Several sources indicate that there is not a sufficient number of shelters for victims of domestic violence and according to Data Centrum, the current shelters have a limited capacity, and there is a particular lack of emergency and long-term shelters in the North.

'Sources indicate that there is a national government-run shelter for victims of domestic violence located in Tirana, which opened in 2011. A report by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions indicates that the shelter can accommodate up to 30 people. Country Reports 2013 states that 27 women and 27 children were assisted at the government-run shelter in Tirana between January and November 2013. According to the Researcher, women are referred to the shelter by the police, social services or hospitals, and the shelter offers "integrated services" to victims. She said that, once admitted, the duration that women stay at the shelter depends on the court orders and/or the treatment plan prescribed by the social worker.

'Sources indicate that victims of domestic violence are required to have a protection order to stay at the national shelter. The Centre for Legal Civic Initiatives (CLCI) attorney noted that the 48 hour period required to obtain an emergency protection order it is often a "dangerous time" for the woman. According to an assessment made by the European Commission, the national shelter "applies unnecessarily restrictive criteria for admission and provides few facilities for emergency needs." According to the UN Special Rapporteur, many staff involved with domestic violence victims are not properly trained or specialized and the budget for the national shelter is very low compared to the need.

'In 2011 and 2012, victims of domestic violence reported that they were mistreated and verbally abused by the Director of the national shelter. There was also a case in which a victim at the shelter was attacked by her former husband and seriously injured. According to the UN Special Rapporteur, the victim was not given a security escort and was attacked while walking her children to school. According to the People's Advocate, the victim lost her eye

⁴⁹ Women Against Violence in Europe (WAVE) Report 2014
http://www.wave-network.org/sites/default/files/01%20WAVEREPORT_2014.pdf (page 54) Date accessed 22 October 2015

⁵⁰ Women Against Violence in Europe (WAVE) Report 2014
http://www.wave-network.org/sites/default/files/01%20WAVEREPORT_2014.pdf (page 54) Date accessed 22 October 2015

as a result of the attack and after receiving complaints, the People's Advocate inspected the shelter in April 2012 and called for the Director's dismissal. The People's Advocate also confirmed illegal disciplinary measures taken against the women, such as denying them meals, denying them visits to see their children, restricting communication with their families, and banning cell phone use. The Director was subsequently dismissed although sanctions were not taken against her, and she was appointed to another official management position.

'According to the CLCI attorney, there is a need for regional shelters, as it is often a "difficult solution" for women from other areas of Albania to travel to Tirana. The same source indicated that there is also a need for victims to receive services even if they do not have a protection order, as some women are afraid to get a protection order.

'Data Centrum indicates that the municipalities of Korça and Durrës offer shelter to victims of domestic violence in rented apartments but further information about accommodations in rented apartments could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.'⁵¹

- 7.2.5 The Special Rapporteur in his 2013 report to the Human Rights Council noted: 'an insufficient level of professional preparation of the staff from the system of assistance, including shelters, who are not sufficiently specialized and are frequently unaware of the policies conducted by the central authorities.'⁵²
- 7.2.6 The EU Commission's Albania Progress Report of October 2014 stated: 'The national shelter for victims of domestic violence has treated 132 cases of domestic violence since September. It improved its cooperation with the employment office and provided training to victims. However, the shelter continues to apply unnecessarily restrictive criteria for admission.'⁵³
- 7.2.7 In its 2015 Albania Report the European Commission highlighted the: 'poor functioning of mechanisms to address gender equality and gender-based violence... The number of shelters and reintegration services needs to be increased, and existing volunteer-run shelters have yet to be supported by the authorities. Due to poor administrative and financial resources, the national referral mechanism for domestic violence is operational in very few municipalities, and it applies unnecessarily restrictive admission criteria for victims.'⁵⁴

⁵¹ Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014), 30 April 2014, ALB104859.E, available at: <http://www.refworld.org/docid/537db1d64.html>, Date accessed 27 October 2015

⁵² Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyn to the Human Rights Council 23 April 2013
http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.4_EN.pdf (page 12) Date accessed 29 January 2016

⁵³ EU Commission: Albania Progress Report, October 2014
http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf , (para.46) Date accessed 29 January 2016

⁵⁴ European Commission Brussels, 10.11.2015 SWD(2015) 213 Albania 2015 Report

7.2.8 In the 2015 report to CEDAW the People's Advocate stated about the National Centre for the Treatment of Victims of Domestic Violence 'until September 2014 the number of people benefiting from its services reached to 174 of who 69 are women and 105 are children [...]. Domestic violence victims may benefit accommodation or other services in the Centre only if equipped with a PO/IPO. Services should not be provided only to victims, who are willing to report the case or testify against a perpetrator. Non offering of accommodation for victims during the period of 48 hours in which the court decide on issuing IPO, face them with a high risk for life.'⁵⁵

7.3 Non-government run shelters

7.3.1 The IRB Research Directorate response reported that:

'Sources indicate that there are some NGOs that operate shelters for victims of domestic violence and that provide shelter for victims of domestic violence located in Berat, Korca, Elbasan, Vlora and two in Tirana. The UN Special Rapporteur also mentioned a shelter run by an NGO in Gjirokastra. The attorney from CLCI stated that an additional shelter in Elbasan operated by the NGO "Women's Forum" provides temporary emergency service. According to the CLCI attorney, the shelter in Vlora is operated by the NGO "Vatra," the one in Elbasan by the NGO "Other Vision," and the ones in Tirana are operated by "Different but Equal" and "Shelter for Women and Girls." The UN Special Rapporteur has stated that these NGOs have "very limited hosting capacity." He indicated that the Elbasan shelter has a capacity to accommodate 21 people and the Vlora shelter has a capacity of 20 people. According to the Researcher, there are four NGO shelters with a total capacity of 60 beds, whereas Albania would need approximately 300 beds to meet European standards.

'The European Commission indicates that NGO-run shelters do not receive state funding and according to the UN Special Rapporteur, public funding of shelters is "very limited." According to the CLCI attorney, the NGO shelters work in co-operation with the municipalities but generally do not receive funding from the municipalities. She said that the NGO shelters are a bit more flexible than the national shelter and can accommodate victims without a protection order if the victim "denounces" the domestic violence and starts the process of obtaining a protection order. A police officer interviewed by Data Centrum also indicated that NGOs can accommodate victims before the protection order is secured. The CLCI attorney said that many of the NGO shelters offer counselling or psychological support to victims, or refer the women to other organisations that can offer psychological support.

'The European Commission describes reintegration services for domestic violence victims as "minimal." The attorney at CLCI stated that she was not aware of any long-term housing programs for victims of domestic violence

http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf (para 56)
Date accessed 29 January 2016

⁵⁵ Report On The Implementation Of CEDAW Convention In Albania Prepared by the People's Advocate 2015

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fIFN%2fALB%2f21837&Lang=en (para.303-305) Date accessed 29 January 2016

and, while there may be some opportunities for women to participate in employment training, there are few “concrete results” in terms of finding employment. The Data Centrum report also states that there are “insufficient employment and vocational services for victims of domestic violence,” as well as insufficient and delayed economic assistance for victims, and a lack of rehabilitative and psycho-social services for perpetrators.⁵⁶

[Back to Contents](#)

⁵⁶ Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014), 30 April 2014, ALB104859.E, available at: <http://www.refworld.org/docid/537db1d64.html>, Date accessed 27 October 2015

Version Control and Contacts

Contacts

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Clearance

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[Back to Contents](#)