

STOP FEMICIDE

SOCIAL AND INSTITUTIONAL RESPONSE TO FEMICIDE IN ALBANIA EXECUTIVE SUMMARY

MARCH 2023



Social and Institutional Response to Femicide in Albania

Executive summary

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Introduction

Femicide - killing of a woman on the grounds of her sex, gender, gender roles - is the most extreme manifestation of violence against women and it is characterized by a hate or contempt for women, the desire to dominate a woman and control her life.¹ Femicide in family-partner relations constitutes a substantial share of all homicides of women in the world² and most killings of women and girls are gender motivated. Globally, in 2021, around 45,000 women and girls were killed by their intimate partners or other family members. Women and girls are disproportionately affected by homicidal violence in the private sphere, namely 56% of all female homicides are committed by intimate partners or other family members.³

The comprehensive and inter-disciplinary analysis of femicide cases “Social and Institutional Response to Femicide in Montenegro” was implemented within the project *Replicating the Femicide Watch model developed in Serbia in Albania and Montenegro, and lay the foundations for the establishment of a Regional Femicide Watch*. The project is implemented by women’s rights organization FemPlatz and supported by UN Women’s regional programme “Ending violence against women in the Western Balkans and Turkey: Implementing Norms, Changing Minds,” funded by the European Union. The research, which was implemented by Center for Legal Civic Initiatives from Tirana and FemPlatz includes analysis of the court case files concluded between 2017 and 2020 on murder and attempted murder of women by men, in depth-analysis of court casefiles in a form of case studies, capacity assessment of institutions relevant for the prevention and protection from violence, and the interviews with the perpetrators of femicide, who are currently serving prison sentences.⁴ The overall objective is to identify phenomenology and aetiology of femicide, so that the process of improved data collection, analysis, and identification of gaps in the intervention systems will contribute to prevention and eradication femicide.

This summary presents the key research findings on judicial data and capacities of institutions and gives main recommendations at the systemic and institutional level to prevent, prosecute, and eradicate femicide in Albania.

General recommendations for the prevention of femicide in Albania

- Based on the criminogenic factors evidenced in the studied cases, we suggest that it is important to pay special attention to the creation of a culture of gender equality, prevention of gender discrimination, distancing from gender models and stereotypes throughout the country, mainly outside Tirana, in urban and rural areas.
- Promoting gender equality and combating gender stereotypes should be part of legal education programs at all levels of pre-university education, educating positive role models of men and women, boys, and girls.
- Information, education, and awareness about the rights of women and girls, about gender equality, about the roles of men and women in society and the prevention of gender-based violence, must be strengthened and extended to all the municipalities of the country.
- The patriarchal culture, the wrong mentality that exists regarding the family, women and their role in the family, the rights of family members, needs to be addressed, especially in small towns. Schools, local institutions, civil society organizations and community activists should be at the forefront of educational and awareness campaigns to create an environment that prevents discrimination against women and girls.

LEGISLATION AND FEMICIDE IN ALBANIA

Albania must further improve the institutional mechanisms for the protection of victims of domestic violence, the guarantee of gender equality and the provision of minimum health and social services, especially at the local government level. Special attention is also paid to empowering the civil judicial process to strengthen the prevention of domestic violence, violence against women, and femicide.

"Femicide" is not a term used in the Criminal Code (CC), nor in the Albanian legislation. The criminal legislation of the Republic of Albania does not contain any expressed provision that regulates gender-related murders. So, it is not considered as a specific type of criminal offense. However, the Criminal Code (CC) provides for certain criminal offenses which, under certain circumstances, might qualify as femicide.

This includes:

- murder (Article 76 of the Criminal Code),
- intentional murder in connection with another crime (Article 77),
- premeditated murder (Article 78),
- murder in other qualifying circumstances (Article 79),

- murder committed in a state of severe mental shock (Article 82), and
- intentional serious injury resulting in death (Article 88, paragraph 2).

Article 88 of the Criminal Code provides for the criminal offense of intentional serious injury under aggravating circumstances when such criminal offense is committed against several persons, against a person who is the spouse, ex-spouse, cohabitant or ex-cohabitant, close relative, or in-law of the perpetrator, or when such injury has resulted in death. Murder due to family relationships is a criminal offense provided for by article 79/c of the Criminal Code. In this context, the Criminal Code introduced another provision with its 2013 amendments: Article 79/c “Murder due to family relations”, which provides that: Intentional murder of a person who is the spouse, ex-spouse, cohabitant, relative or relatively close to the perpetrator, shall be punished by imprisonment of not less than twenty years or life imprisonment. The Criminal Code, in its article 50, letter “j” provides also for acts of murder due to the gender of the person as an aggravating circumstance.

In the previous period, Albania has made efforts to fulfill its obligations based on international legal instruments such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention), the EC Convention on Action against Trafficking in Human Beings and the Convention on the Rights of the Child (CRC).

The analysis of the criminal law related to the crimes related to femicide shows that the criminal legislation has improved in this area. The Albanian Criminal Code was amended in its general and special part. The changes in the special part have brought new criminal offenses, as well as clarifications in the existing articles of the Criminal Code. Some changes were dictated by the increase in crime, others by the need to adapt the Albanian criminal law to international standards. The most important developments in this field that were carried out with the changes to the Criminal Code in 2012 and 2013 are summarized below:

- A new criminal offense was introduced: **premeditated murder due to family relations** (Article 79/c) and for which the provision provides imprisonment for not less than twenty years or life imprisonment. The criminal offense “very serious physical assault” is amended in order to provide for a harsher punishment for offenses committed against a person who is the spouse, ex-spouse, cohabitant or ex-cohabitant, relative of the perpetrator, or when it results in death (Article 88 & 2).
- A new criminal offense, namely **forced disappearance** (Article 109/c) was also introduced, providing for the disappearance of a child, a pregnant woman or a person who is unable to defend themselves.
- The criminal offense of **killing a newborn baby** is considered a crime and the punishment is increased.
- **Penalties were increased in cases of trafficking of women and girls** for various purposes, including exploitation of prostitution or other forms

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

- The new criminal offense **domestic violence** was added (Article 130/a). The new provision provides for beating and any other act of violence against persons in family relationships (paragraph 1); serious threat of murder or serious bodily injury in family relations (paragraph 2), intentional slight injury, intentional injury that has caused temporary incapacity for work for more than nine days is provided for in a special paragraph of Article 130/a, (paragraph 3). This provision was amended in 2013, providing for the protection of children who are present during domestic violence and in 2020 aiming to clarify all forms of domestic violence, as well as those who are considered family members in the case of domestic violence.
- **Stalking** was added as a new criminal offense (Article 121/a) in 2012. The criminal code provides for this offense under aggravating circumstances in cases where it is committed by the ex-husband, ex-cohabitant or the person who had an intimate relationship with the victim; against a minor, a pregnant woman or a person unable to defend themselves, and in case it is committed by a masked person or accompanied by the carrying or use of weapons.
- **Aggravating circumstances** have been added in cases where criminal offenses are committed: in violation of protection orders; taking advantage of family relationships; motivated by reasons related to gender, gender identity and/or sexual preference.

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

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

Data collection on gender-based violence and femicide

Recommendation: collect and process data on the implementation of aggravating motives for gender-based criminal offenses, as well as gender-disaggregated data for criminal offenses against persons, health, family, etc. The full implementation of the integrated case data system will enable better understanding of crime from a gender perspective and data on its victims according to demographic characteristics. It is recommended to populate the database together with the juvenile database from all institutions that collect and process data.

Gender-based criminal offense is an offense committed under aggravating circumstances, but the official crime statistics fail to provide specific data, disaggregated by gender, age, characteristics of the perpetrator and the victim for each offense. Fragmentary statistics on violence against women do not provide adequate guidance for an effective crime prevention policy. Law enforcement agencies and the judiciary collect and process data on crimes against women and girls. INSTAT conducts periodic surveys and publishes data on women, crime, and victims of crime. Despite the progress made regarding the collection, processing, and publication of crime data disaggregated by age and gender, perpetrators and victims, the statistics are still not standardized, harmonized, and do not provide public data on victims and perpetrators according to specifics and all types of crime. The statistical yearbooks of the Prosecutor's Office and the Ministry of Justice do not provide data on crimes and victims by gender.

The policy against criminal offenses of violence against women and domestic crime has changed and intensified in recent years. It is necessary to evaluate its impact on the prevention of violence against women in society. We find that there are no studies on the degree of punishment for all forms of violence against women.

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

enable more effective criminal and non-criminal policies in preventing criminal offenses against women and girls.

In addition to improving the legal framework that enables the prevention and combating of crimes against women, it is necessary to continue the capacity building of local and central mechanisms competent and responsible for the prevention and protection from violence against women. There is a need to build the capacities of professionals who are in contact with women and girls victims of crime and improve capacities of all types of support services for victims throughout the country.

It is of particular importance to inform the public and raise awareness about violence against women, as a serious violation of human rights and the need for a society based on inclusion and gender equality, not only in urban areas but also in rural areas, among youth, men, and women. The impact of criminal procedural legislation and other non-criminal laws dealing with violence against women is considered quite important. Based on the findings of our research, it is recommended to make the necessary improvements in the non-criminal legislation as well.

JUDICIAL RESEARCH ON FEMICIDE (2017-2020)

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

Within the project, Center for Legal Civic Initiatives conducted research on the court decisions related to femicide in Albania during the period 2017-2020, namely the study of cases of gender-related killings of women and girls, through monitoring, analyzing, and evaluating the decisions of the Albanian courts.

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

The request of the Center for Legal and Civic Initiatives for information was sent to 23 courts, 22 of which are district courts with general jurisdiction, while the remaining

one is the Special Court of First Instance for Corruption and Organized Crime, under which the archive of the Court for Serious Crimes is also found. In total, 19 courts responded to the request and eight of them provided references on judicial decisions on femicide, while 11 of them had not tried any criminal offenses for femicide during the period 2017-2020.

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

From the collected case law, **23 final decisions were analyzed as femicide and attempted femicide**. Most of the decisions during 2017-2020 were issued by the Court for serious crimes (70%), while the rest of the judgments were issued by District courts.⁵ Among the cases analyzed, there were **total of 33 criminal offences**,⁶ out of which 25 were main criminal offences,⁷ including one case of domestic violence. The vast majority of cases were qualified as **homicide due to family relations (75%)**, followed by homicide in other qualifying circumstances, premeditated homicide, and intentional serious injury, each represented by 8.3%.

Criminal offences related to femicide have been committed in urban areas (57%), mainly in smaller cities and in rural areas (43%). The majority of such offences were committed in the **joint home of the victim and of the perpetrator**. Different methods and weapons were used for the commission of the criminal offence, such as: sharp tools accessible in the dwelling (axes, sledgehammers, iron bars), automatic firearms (in one case equipped with a silencer), house knives and, in one case, Phostoxine (Aluminium phosphide).

Three fourths of perpetrators had no criminal history, while 21% had been previously convicted of different criminal offences, including 17% for domestic violence. One fourth of the perpetrators claimed mental and psychological conditions, but conducted psychiatric tests showed that the majority of perpetrators were legally capable and mentally sane at the moment of commission of the offence. **About one third plead not guilty**, and in some cases (21%) expressed remorse during the trial.

Women become more often victims of femicide by their husbands, but also by other family members, especially when they live together. The risk is higher for women who have received protection orders and continue to live with the perpetrator in the common house/apartment, or when the victim does not report the perpetrator and continues to live in the same home with them. Victims of femicide have also included women who had been issued protection orders by the court, or who had reported

5 The criminal offences of femicides (gender related killings of women) during 2017-2020 were judged by the First instance Court for serious crimes, but, following the legal changes, they were later processed by district courts.

6 For example, criminal offense of Illegal production and possession of arms, explosives, and ammunition which were consumed by the more serious criminal offense of murder.

7 Due to the fact that in two cases there were main criminal offenses against more than one person.

violence to the police.

The majority of victims had experienced physical and psychological violence prior to the femicide; some of them had experienced physical and psychological violence for a long period (44%); had experienced psychological violence (11%), and only few victims had not experienced prior violence (15%). Some of the victims had a protection order or had one before (19%).

The court decisions of the First instance Court for serious crimes represent a better practice as compared to court decisions of district courts, but there is still much to be done in order to provide justice to the victims. The analyzed **case law did not contain comprehensive data about the profiles of victims and the perpetrator-victim relationship before, during, and in cases of attempted femicides, after the commission of the offence.** The same refers to the mitigation and aggravating circumstances. Investigation and adjudication are focused on the analysis of the elements of the offence and strictly on proving perpetrator's guilt.

Along with the uneven understanding and implementation of the law, perpetrators have benefited considerable reduction of sentences due to the admission of requests for abbreviated trial.⁸ In general, **the courts have imposed long-term imprisonment or life imprisonment in most cases.** More specifically, in three cases the sentence was life imprisonment, in seven cases the sentence was 35 years of imprisonment, in four cases the sentences were between 25 and 32 years of imprisonment, while the rest of the sentencing are less than 25 years of imprisonment. In the cases where the court has accepted the request for abbreviated summary trial,⁹ the sentencing of imprisonment has been reduced from 35 years to 23 years and 4 months (two cases) and the sentence of life imprisonment has been reduced to 35 years (2 cases).

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

Regardless of the legal improvements, justice for victims is still far from reality. The case law about the treatment of victims and the analysis of perpetrator-victim relationships is not yet standardized. **Punishments for femicides are different from court to court, even though the cases represent the same level of social danger. There is no unique understanding of gender related killings of women in practice.** The findings of the research showed that prosecutors and judges have

8 According to article 403 of CPC, the request for abbreviated trial could be submitted during the preliminary hearing, including for the most serious crimes. As a result, the sentences imposed for femicide varied depending on the procedure followed.

9 It should be noted that as of August 2017, it is no longer possible to grant request for abbreviated trial in cases in which life imprisonment could be imposed.

held different positions in qualifying the main offence, as well as in proposal for the type and duration of conviction.

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

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

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

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

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

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

SPECIFIC RECOMMENDATIONS FOR COMBATING FEMICIDE IN ALBANIA

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

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

Local self-government bodies must identify every vulnerable family, women and girls who are at risk of becoming victims of domestic violence or who are already victims, the existing factors that might incite or that might have already incited violence, and address them by providing concrete solutions, based on the particularities of each case.

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

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

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

JUSTICE FOR VICTIMS

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

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

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

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

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

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

The position of the victims and their heirs in the criminal process

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

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

Within the new judicial map approved, it is recommended to create friendly

environments for all victims, including surviving victims of femicide and their heirs.

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

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

Criminal procedure and criminal policy

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

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

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

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

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

It is recommended that the courts, in evaluating requests for shorter adjudication, should consider preventing obstacles to proportional punishments and reviewing civil claims in the criminal process. During decision-making, a fair balance must be maintained between the interests of the defendant, the civil plaintiff, and the victim.

The need for scientific studies on femicide and other forms of violence against women and girls

The study highlighted a number of problems related to material and procedural aspects of the investigation and judicial review, as well as the place that should be

occupied by the victim and the perpetrator-victim relations in the judicial decisions for criminal offenses of femicide.

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

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

The collection and processing of statistics on femicide does not require legal changes, but a revision of the developed guidelines and their unification/standardization by the responsible structures of the police, the General Prosecutor’s Office and the High Judicial Council (HJC), together with the Ministry of Justice, in order to determine the statistics and elements that must be recorded, collected, processed and published, based on the provisions of the legislation in force for the right to information and the protection of personal data.

ASSESSMENT OF THE CAPACITIES OF THE RESPONSIBLE INSTITUTIONS AND THE NEEDS FOR THEIR STRENGTHENING

This assessment of the capacities of institutions competent for prevention and protection from violence was conducted by analyzing responses to the questionnaire by the professionals competent for the prevention and protection from violence (135 in total) and by analyzing responses to the questionnaire by the lead managers of these institutions (63).

Overall, it could be concluded that representatives of institutions responsible for addressing domestic violence and violence against women are aware of the prevalence of domestic violence and the seriousness of this phenomenon in their respective countries.

In Albania, the vast majority of younger professionals (18-39) strongly disagree with the statement that domestic violence is not as widespread as it is said to be. In all three countries, women are more sensitive in this regard, expressing stronger disagreement with mentioned statement compared to men. Higher level of understanding of domestic violence from the perspective of women employed in institutions is probably an indicator of a greater “encounter” of women with the phenomenon of domestic violence, as well as an increased sensitivity of women to the presence and consequences of domestic violence.

One third of professionals point out that current national legislation does not

adequately protect women from violence. As main barriers to prevention of violence, professionals highlighted: workload, the complicated procedures, insufficient trainings on risk assessment, inadequate legislation, the lack of institutional cooperation and communication between institutions, the lack of awareness among professionals. Those answers are not corresponding to the assessment of the level of knowledge among professionals, which was assessed (on average) as very good, as well as with the assessment on mutual cooperation with other institutions, which was also assessed as good or very good.

Professionals see as “bottlenecks” in their work: the lack of material and technical resources, insufficient number of professionals who work on cases of violence against women, work overload with other tasks and a large volume of work in cases of violence against women.

In Albania, about 18% of the professionals generally disagreed that removing the perpetrator from the apartment and temporarily prohibiting contact with the victim and approaching the victim has a preventive effect on preventing the femicide. On the other hand, more than 65% of professionals think that measures taken against the perpetrator, such as eviction or a restraining order, are not effective in practice and can be a ‘trigger’ for the murder of a woman.

More than 75% of professionals stated that many femicides would not have happened if the actions of the relevant institutions had been timely and effective. Almost 75% of Albanian professionals agreed that femicide should be incriminated as a separate criminal act or as a special (aggravated) form of murder.

Recommendations for improving the capacities of institutions

- Organize trainings for police officers, other institutions or members of the National Referral Mechanism in cases of domestic violence should address issues related to the understanding of domestic violence, its causes, consequences, human rights, women’s rights and their guarantee.
- The competent institutions should set up a joint working group to identify gaps in the effective protection of women victims of violence and steps to address them. Responsible institutions should organize joint discussions on gaps in institutional coordination and steps to be taken to strengthen cooperation between them.
- Law enforcement institutions should develop an in-depth analysis and open discussion fora to understand what the police do not do well in the risk assessment process and what effects this brings to their work, as well as to the prosecution and courts, guaranteeing the safety of the victims of domestic violence.
- The responsible institutions, in cooperation with other relevant stakeholders, should assess the need for training for prosecutors in relation to the effective criminal prosecution of acts of domestic violence. Also, the changes in civil and criminal legislation on domestic violence make it necessary to continue

organizing activities to strengthen the capacities of judges. Trainings should also be organized with health care professionals on the causes and consequences of violence against women and domestic violence.

- The responsible institutions must develop an in-depth analysis of the reasons for the lack of effectiveness of protection orders and the measures needed to increase their effectiveness.
- The responsible institutions, in cooperation with other relevant actors, should organize trainings in relation to risk assessment, analysis of risk factors both in relation to the victim and in relation to the perpetrators, as well as the importance of risk assessment by victims themselves. It is also important to include topics aimed at eradicating gender stereotypes in the training for the institutions responsible against domestic violence.

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



