



REPORT

“Findings from the monitoring of the decisions of the judicial district courts of Shkodra, Durres, Elbasan, Pogradec, Vlora, Korça, Dibra and Saranda on the issuance of IPO/PO”.

Monitoring period: May 2017 - February 2018

IMPLEMENTATION OF THE LAW “ON MEASURES AGAINST VIOLENCE IN FAMILY RELATIONS” (Law No. 9669, dated 18/12/2006), as amended

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This report was drafted in the framework of the project “Empowerment of vulnerable citizens in relation to access to justice”, implemented by the “Justice for all” Coalition, through its member organization AWEN - Albanian Women Empowerment Network. Tirana, March 2018.

Acknowledgement

A special acknowledgement goes to *Av. Adena Vangjeli*, from “Vatra” Psycho-Social Centre , Vlora, who monitored the decisions of the Vlora Judicial District Court, *Av. Rezarta Agolli*, from the Association for Women with Social Problems, Durres, who monitored the decisions of the Durres Judicial District Court, *Mrs. Ilda Boçi*, from “Jona” Association, Saranda, who monitored the decisions of the Saranda Judicial District Court, *lawyer Sindi Kola*, from the “Woman to Woman” Association, Shkodra, who monitored the decisions of the Shkodra Judicial District Court, *Mrs. Esmeralda Beçaj*, from “Agritra-Vizion”, Diber, who monitored the decisions of the Dibra Judicial District Court, *Av. Soela Kurti*, from the "Women Forum", Elbasan, who monitored the Elbasan Judicial District Court, *lawyer Olgerta Demelli*, from the “Me, the woman” Association, Pogradec, who monitored the decisions of the Pogradec Judicial District Court, and *Mrs. Krisula Koca*, who monitored the decisions of the Korça Judicial District Court.

This acknowledgement goes not only for carefully monitoring and completing the monitoring file, but also for sharing their achievements and issues with the author of the report, based on the support provided by the organizations: “Vatra” Psycho-Social Centre, Association for Women with Social Problems, “Jona” Association, “Woman to Woman” Association, "Agritra-Vizion", the "Women Forum" Elbasan and “Me, the woman” Association, to victims of violence in family relations.

Thank you!

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SCOPE AND METHODOLOGY OF THE REPORT

This report is based on the monitoring of the decisions of the Judicial District Courts of Vlora, Durres, Korça, Pogradec, Elbasan, Dibra, Shkodra and Saranda on the issuance of protection orders and immediate protection orders during the period May 2017 - February 2018. Through the monitoring of court decisions and judicial practices by lawyers of civil society organizations, members of the AWEN network, it aims to identify the access of victims to courts and other authorities referred to in the Law “On measures against violence in family relations”, for protection from domestic violence. Moreover, this report also points out several important aspects of law enforcement.

Under such circumstances, we deemed it useful to monitor the decisions of the first instance courts on the issuance of protection orders and immediate protection orders, with the purpose of reaching conclusions which may help to identify the role of responsible stakeholders in the identification and prevention of domestic violence cases, as well as to understand the dynamics of law enforcement against domestic violence from responsible stakeholders. This monitoring sheds light on several other important aspects. For instance, it allows a better understanding of how law enforcement helps protect family members; a better acquaintance of the various forms and methods of domestic violence and the causes of such violence; insights on the operation of the institutional network against domestic violence, etc.

The monitoring focused on the court decisions on the issuance of protection orders and immediate protection orders, taken by the Judicial District Courts of Vlora, Durres, Korça, Pogradec, Elbasan, Dibra, Shkoder and Saranda.

Meanwhile, given that civil society organizations participating in the monitoring provide free legal support for domestic violence victims, such aspect helped identify problems, reach conclusions and provide important recommendations.

Thus, the monitoring covered a total of 709 court decisions of the targeted judicial district courts regarding the issuance of Immediate Protection Orders and Protection Orders. The monitored decisions consisted of 89 decisions of the Shkodra Judicial District Court, 174 decisions of the Elbasan Judicial District Court, 51 decisions of the Pogradec Judicial District Court, 145 decisions of the Vlora Judicial District Court, 28 decisions of the Dibra Judicial District Court, 52 decisions of the Saranda Judicial District Court, 89 decisions of the Durres Judicial District Court and 81 decisions of the Korça Judicial District Court.

The monitoring of the judicial district courts of Shkodra, Durres, Elbasan, Pogradec, Vlora, Diber, Sarande and Korça has been conducted by the lawyers of the monitoring organizations, namely of the "Women Forum" in Elbasan, “Woman to Woman” Association in Shkodra, “Vatra” Psycho-Social Centre in Vlora, “Jona” Association in Saranda, Association for Women with Social Problems in Durres, “Argitra” in Peshkopi and “Me, the woman” Association in Pogradec. This element constitutes one of the main strengths of the monitoring, firstly due to the fact that civil society organizations which are part of the AWEN network have previous experience in the monitoring of court decisions regarding such object, and secondly due to the expertise of lawyers and their clear understanding of the relevant procedures, which ensures a high quality monitoring.

The monitoring is based on a monitoring file which combines two dimensions: the social and the technical-legal dimension. Throughout the monitoring, this enabled us to gather various data and conclusions on social issues and problems identified in the court decisions, as well as a series of findings on the law enforcement methods and techniques used by the courts for the protection of domestic violence victims through protection orders.

The monitoring file includes important issues such as: the bodies where the decision is referred to for enforcement, the forms of denunciation (directly or by phone), the “causes” of violence, the bodies where violence has been denounced to, the escort of the victim by the police during the trial, if violence has been denounced by the victim or the community, the facts on which the court is based for issuing an immediate

protection order or a protection order, the procedural time limits applicable to the issuance of the protection order, as well as whether the subjects legitimated for filing a request on the issuance of an immediate protection order or a protection order have exercised such right.

The monitoring report is drafted based on the data resulting from the monitoring files completed by the observers in various districts.

The practice of non-profit organizations conducting the monitoring in support of the victims of domestic violence has helped identify and analyse various problems in the report. A monitoring report has been drafted for each district subject to the monitoring, along with an integrated report.

The drafting of monitoring reports for each district has been considered as a means that can be used by non-profit organizations at the local level and other local stakeholders in order to lobby for the improvement of the enforcement of Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended, and to increase the efficiency of its enforcement in favour of the victims of domestic violence. The integrated monitoring report is of great interest for measuring the achievements, identifying the potential need for improvement, analysing trends and comparing the findings of different judicial districts, identifying the best practices and the challenges faced in the enforcement of Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended, etc.

The comparative method has helped us reach some highly important conclusions. The continuous monitoring of the enforcement of Law No. 9669, dated 18/12/2006, “On measures against violence in family relations” enables us to constantly review the effectiveness of the measures, perform progressive assessments and make amendments where necessary. By comparing the existing data and identifying some new data, we managed to reach conclusions and provide useful suggestions.

Finally, the continuous monitoring of the enforcement of the Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended, enables the constant review of the effectiveness of the legal remedies it provides, such as the immediate protection order and the protection order, the fulfilment of legal obligations by relevant stakeholders at the national and local level, and the identification of needs for intervention.

This report is also of interest in assessing the work carried out by members of the Coordination and Referral Mechanism for cases of domestic violence in the districts subject to monitoring. This report and its findings constitute a lobbying tool which may be used by non-profit organizations working in the field of human rights, and especially in the prevention and protection from domestic violence, as well as by other active and relevant stakeholders.

The problems identified during the monitoring also serve as a baseline for the work of monitoring organizations.

The performance of studies and monitoring on the effectiveness of the enforcement of the legislation against domestic violence is also one of the requirements arising from the international instruments ratified by the Republic of Albania. One of the most important instruments ratified by the Republic of Albania, which requires its State Parties to perform continuous studies and monitoring of the legislation on the prevention of violence against women and domestic violence, is the Council of Europe Convention “On preventing and combating violence against women and domestic violence”, ratified by Law No.104/2012.

Chapter I - Social profile of the victim and perpetrator

Various reports and studies point to an increasing number of requests for immediate protection orders or protection orders. Thus, in 2017, 2593 lawsuits were filed, with object “The issuance of the Immediate

Protection Order/Protection Order” at the national level. Meanwhile, in 2016, the number of such lawsuits was 2207. These figures indicate an increase by 386 cases in 2017, or by approximately 17.4%¹.

Monitored decisions

The monitored decisions consisted of 89 decisions of the Shkodra Judicial District Court, 174 decisions of the Elbasan Judicial District Court, 51 decisions of the Pogradec Judicial District Court, 145 decisions of the Vlora Judicial District Court, 28 decisions of the Dibra Judicial District Court, 52 decisions of the Saranda Judicial District Court, 89 decisions of the Durres Judicial District Court and 81 decisions of the Korça Judicial District Court.



1.1 THE GENDER OF PLAINTIFFS

Judicial District Courts	Number of court decisions	Plaintiff/Women	Plaintiff/Men
Shkodra	89	81%	17.58%
Elbasan	174	85.06%	14.94%
Pogradec	51	74.07%	25.93%
Vlora	145	88.28%	11.72%
Dibra	28	82%	17.86%
Saranda	52	69.23	30.77
Durres	89	73%	26.97%
Korça	81	77.77%	22.22%

¹ MHSP, REPORT ON THE MEASURES TAKEN TO PREVENT VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE 1 January - 31 December 2017 (DRAFT)

The monitoring has provided data regarding the gender of the plaintiffs. Thus, in 81% of the monitored decisions of the Shkodra Judicial District Court, 88.28% of the monitored decisions of the Vlora Judicial District Court, 85.06% of the monitored decisions of the Elbasan Judicial District Court, 82% of the monitored decisions of the Dibra Judicial District Court, 69.23% of the monitored decisions of the Saranda Judicial District Court, 73% of the monitored decisions of the Durres Judicial District Court, and 77.77% of the monitored decisions of the Korça Judicial District Court, the plaintiff is a woman.

In 14.94% of the monitored decisions of the Elbasan Judicial District Court, 25.93% of the monitored decisions of the Pogradec Judicial District Court, 30.77% of the monitored decisions of the Saranda Judicial District Court, 17.58% of the monitored decisions of the Shkodra Judicial District Court, 26.97% of the monitored decisions of the Durres Judicial District Court, 17.86% of the monitored decisions of the Dibra Judicial District Court, 11.72% of the monitored decisions of the Vlora Judicial District Court, and 22,22% of the monitored decisions of the Korça Judicial District Court, the plaintiff is a man.

These data indicate the importance of inclusion of the gender perspective in the concept of domestic violence, as one of the forms of gender-based violence.

This finding is also supported by the official data gathered from other sources, such as the data of the General Directorate of State Police, the REVALB system and the monitoring reports of various national and international non-profit organizations.

The following data have resulted from the REVALB system for 2017: Number of domestic violence cases: 758 cases; Total number of perpetrators: 1012 persons; Number of violated persons: 1038 persons; Males: 180; Females: 858²;

1.2 THE SOCIAL PROFILE OF VICTIMS OF VIOLENCE IN FAMILY RELATIONS

The monitoring of the decisions of judicial district courts subject to monitoring on the issuance of IPOs/POs has provided some preliminary findings regarding the social profile of the litigants (victims/perpetrators), the access of victims of violence in family relations to the justice system, and the effectiveness of such system in terms of support provided to the victims.

The social profile of a victim of violence in family relations appears to be generally as follows,

In the Vlora Judicial District Court, the majority of the victims of violence in family relations addressing the court with a request on the issuance of an IPO or PO appear to be mainly women or girls, born and residing in the city, of Albanian citizenship and nationality, married, with one or two children.

- Woman
- Residing in the city
- Born in the city
- Married
- With one or two children
- In a conjugal relationship with the perpetrator
- Confronted with physical and psychological violence
- Children affected by violence as third persons

² MHSP, REPORT ON THE MEASURES TAKEN TO PREVENT VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE 1 January - 31 December 2017 (DRAFT)

In the Elbasan Judicial District Court, the social profile of the victim of violence in family relations is as follows:

- Woman
- Born and residing in the city
- 31-40 years old;
- Of Albanian citizenship and nationality;
- With primary education;
- Unemployed;
- Married;
- With 2 (two) children;
- In a conjugal relationship with the perpetrator;
- Confronted with physical and psychological violence.

In the Saranda Judicial District Court, the social profile of the victim of violence in family relations is as follows:

- Residing in the city;
- Born in the city;
- 31-40 years old;
- Of Albanian citizenship and nationality;
- With primary education;
- Employed;
- Married;
- With two children.

In the Shkodra Judicial District Court, the social profile of the victim of violence in family relations is as follows:

- Woman
- 26-35 years old;
- Residing in the city;
- Born in the city;
- With primary education;
- With one child;
- In a conjugal relationship with the perpetrator;
- Confronted with physical and psychological violence.

In the Durres Judicial District Court, the social profile of the victim of violence in family relations is as follows:

- Woman
- 36-45 years old³;
- Born and residing in the city
- Married
- With two children
- In a conjugal relationship with the perpetrator
- Confronted with psychological violence

³ This data may be associated with a high risk of error, given the high percentage of cases with no available data identified during the monitoring of the decisions of the Durres Judicial District Court.

In the Dibra Judicial District Court, the social profile of the victim of violence in family relations is as follows:

- Woman
- 26-35 and 36-45 years old
- Residing in the city
- Born in the city
- With secondary education
- Married
- With two children
- In a conjugal relationship with the perpetrator
- Confronted with physical violence

In the Korça Judicial District Court, the social profile of the victim of violence in family relations is as follows:

- Woman
- 36-45 years old
- Residing in the city
- Born in the city
- With primary education
- Married
- With two children
- In a conjugal relationship with the perpetrator
- Confronted with physical and psychological violence

In the Pogradec Judicial District Court, the social profile of the victim of violence in family relations is as follows:

- Woman
- 26-35 years old
- Residing in a rural area
- Born in a rural area
- With primary education
- Married
- With two children
- In a conjugal relationship with the perpetrator
- Confronted with physical and psychological violence

Common findings on the social profile of victims.

Several common characteristics have been identified through the analysis of the social profiles of victims of violence in family relations, in the judicial districts courts subject to monitoring. In all judicial district courts, in the highest percentage of cases, the victim of violence in family relations is generally a woman, with no education and unemployed, born and residing in the city, with two children, in a conjugal relationship with the perpetrator. The victims of violence in family relations have been confronted with different forms of physical, psychological and combined violence. It appears that children and other family members are third persons affected by violence in family relations.

1.3 THE SOCIAL PROFILE OF THE PERPETRATOR

The analysis and study of the social profile of the perpetrator exerting violence against family members is also of high importance. In order to outline this profile, we are referring to the data resulting from the monitoring of the court decisions of judicial district courts subject to monitoring.

From the monitoring of the decisions of the Korça Judicial District Court, the perpetrator appears to be generally a man, 36-45 years old, born and residing in the city, married, with primary education, with two children.

A similar profile results from the monitoring of the decisions of the Saranda Judicial District Court: a man, 41-50 years old, born and residing in the city, of Albanian nationality and citizenship, with primary education, with two children.

The general profile resulting from the monitoring of the decisions of the Shkodra Judicial District Court is that of a man, 36-45 years old, married, with one child, born and residing in the city.

The same profile results from the monitoring of the decisions of the Vlora Judicial District Court.

From the monitoring of the decisions of the Pogradec Judicial District Court, the defendant appears to be generally a man, between 36 and 45 years old, born and residing in a rural area, with primary education, married, with 2 children.

The monitoring of the decisions of the Dibra Judicial District Court shows that the perpetrator is generally a man, 26-35 or 36-45 years old, born and residing in the city, with no formal education, married, with a child.

From the monitoring of the decisions of the Durres Judicial District Court, the perpetrator appears to be generally a man, 36-45 years old, married, with two children⁴.

1.4 THE PROTECTION OF CHILDREN FROM VIOLENCE IN FAMILY RELATIONS

Various forms of violence against children have been identified during the monitoring. Some of these forms consist in the exertion of physical and psychological violence in the presence of children. In some cases, the victims and their children have claimed to have slept outside due to the violence exerted upon them by the defendants. The perpetrators often use threats such as “I will burn you”, “I will strangle you”, etc. In most cases, the perpetrators do not provide any financial support for their children or their education, refusing to buy them books and other school supplies. ⁵In one case, the perpetrator has hit his daughter with a coffee gas burner⁶, and has carried out simulative actions in the presence of his children, pretending to hurt himself or try to commit suicide with sharp objects, putting the children in a disturbing and stressful situation.

The protection of children from violence in family relations is very important for ensuring the safety of the child and the observation of the principle of the child’s best interest.

This monitoring has shown that the protection of children from violence in family relations is required by their mothers through a request on the issuance of an immediate protection order or a protection order. Through such request, the mother may require protection not only for herself, but also for her children. Requests on the protection of children have been submitted in 16.55% of the monitored decisions of the Vlora Judicial District Court, 17.86% of the monitored decisions of the Dibra Judicial District Court, 14.60% of the monitored decisions of the Durres Judicial District Court, 33.33% of the monitored decisions of the Pogradec Judicial District Court, and 25.45% of the monitored decisions of the Saranda Judicial District Court.

The protection of children by denouncing cases of violence against them and issuing civil protection orders, in particular by strengthening the public lawsuit of the prosecutor and the police, and by ensuring that the child is represented by relevant centres or organizations, relatives, legally responsible persons (such as the school) etc., needs to be strengthened. The court may play an active role in this regard, by providing protective measures for children who have been subject to violence or have been present during the exertion

⁴ Due to the high percentage of cases submitted to this court with no available data on the residence and birthplace of the defendant, we are not disclosing such data herein.

⁵ Decision of the Shkodra Judicial District Court.

⁶ Decision of the Shkodra Judicial District Court.

of violence in their family. This role would be in accordance with the GREVIO recommendation for Albania, which requires authorities to review *at their own discretion* whether, in case of a request submitted by a victim of violence in family relations on the issuance of a protection order, there are any children affected by such violence, and whether a protection order shall be issued for them too⁷.

The adoption of the Law No. 18/2017 “On the rights and protection of the child” and its by-laws is expected to ensure better protection for children.

The monitoring has shown that there are also other affected family members. For instance, in 7 of the monitored decisions of the Elbasan Judicial District Court, family members appear to be affected as third parties.

1.5 THE VARIETY OF RELATIONSHIPS BETWEEN VICTIMS AND PERPETRATORS

Judicial District Courts	Spouses	Former spouses	Cohabitants	Former cohabitants	Parent/child	Child/parent	Son-in-law/mother-in-law or father-in-law Daughter-in-law/mother-in-law or father-in-law (Former)	Brother-in-law/sister-in-law	Mother or father-in-law/daughter-in-law (Former)
Shkodra	50.56%	3.37%	5.62%	-	13.48%	-	4.50%	1.12%	-
Elbasan	47.70%	10.34%	5.75%	0.57%	10.92%	2.30%	1.72%	5.75%	3.45%
Pogradec	48.10%	-	1.92%	-	9.62%	-	3.85%	-	1.92%
Vlora	40.41%	14.38%	3.42%	6.16%	10.27%	2.05%	6.85%	4.11%	2.05%
Dibra	44.83%	-	-	3.45%	13.79%	-	10.34%	3.45%	-
Saranda	21.15%	21.15%	11.54%	-	11.54%	5.77%	1.92%	3.85%	5.77%
Durres	43.82%	11.24%	-	4.49%	17.97%	1.12%	-	2.52%	4.49%
Korça	49.38%	3.70%	2.47%	-	24.69%	-	4.94%	3.70%	-

The monitoring has gathered some interesting data on the relationships between the victims and the perpetrators. In the highest percentage of cases, the relationship between the victim and its perpetrator is a conjugal relationship. Notwithstanding the high variety of relationships between victims and perpetrators, this kind of relationship appears to be the most common.

The same trend is being reflected in former conjugal relationships, which is a clear indicator that the relationship between former spouses is characterized by different kinds of conflicts and disputes, related to issues such as maintaining contact with the child, paying the alimony obligations, etc. For instance, in one of the monitored decisions of the Shkodra Judicial District Court, the exercise of the right of the perpetrator to maintain contact with the child has put the plaintiff in a violent situation.

A high variety of relationships among victims and perpetrators have resulted from the monitoring. Although domestic violence is much more present in the relationships between spouses, former spouses and cohabitants, this phenomenon is being increasingly encountered in the relationship parent/child, daughter-in-

⁷ The GREVIO report on Albania, p.121.

law/mother- or father-in-law (former or current), son-in-law/mother- or father-in law (former or current), brother-in-law/sister-in-law, child/parent and mother- or father-in-law/daughter-in-law (former or current).

In one of the monitored decisions of the Vlora Judicial District Court, the court has ruled that former spouses shall not fall under the definition of “family members”, in the sense of Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended. According to the presiding judge, the parties are former spouses, but they are not cohabitants. Under such circumstances, the court has not ruled on the lack of locus standi of the plaintiff and has dismissed the claim on the issuance of the Immediate Protection Order. In our opinion, this practice is not in accordance with the purpose of the law against domestic violence, which aims to expand the circle of family members subject to Article 3 “Definitions”, paragraph 2(a).

The monitoring has shown that the issuance of protection orders has also been required by persons who do not fall under the definition of “family members”. For instance, in one of the monitored decisions of Vlora Judicial District Court, it appears that the victim had been acquainted with the perpetrator, but they were not cohabitants. Acquaintances are not legitimated to submit a request on the issuance of IPOs/POs with the judicial district courts, as they do not fall under the definition of “family members”, as provided for in Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended. This has led the Vlora Judicial District Court to dismiss the claim on issuing protection orders and taking immediate measures for the protection against violence in cases where the victims are acquainted with the perpetrators, but they are not cohabitants.

In one of the monitored decisions of the Vlora Judicial District Court, the parties had been acquainted for many years, however they were not legitimated as persons entitled to benefit from the protection provided by Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended.

This data leads to two main reflections:

Firstly, despite the efforts made and initiatives taken for the recognition of the Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended, it is still necessary to work in this direction, with the purpose of recognizing the rights provided in this law and the subjects legitimated to require protection.

Secondly, this data raises the question on whether the Albanian legislation needs to be reviewed in order to also provide immediate protection measures in cases of other forms of violence, particularly in cases of gender-based violence. Does and should every individual have the right to obtain immediate protection from violence regardless of whether or not he is a family member?

Thirdly, is it necessary to draft a legal framework for addressing all types of gender-based violence in addition to domestic violence?

Taking protective measures for all forms of gender-based violence is also one of the recommendations of the GREVIO report on Albania, of November 2017⁸.

⁸ The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention “On preventing and combating violence against women and domestic violence”. <https://rrjetikunderdhunesgjimore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislativ-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje/p.4>.

1.6 THE FORMS OF VIOLENCE EXERTED IN FAMILY RELATIONS

Judicial District Courts	Physical and psychological violence	Physical violence	Psychological violence	Physical, psychological and financial violence	Psychological and sexual violence	Psychological and financial violence	No data
Shkodra	76.4%	3.37%	14.61%	1.12%			-
Elbasan	52.87%	4.60%	41.38%			0.57%	0.57%
Pogradec	31.37%	13.73%	27.45%				27.45%
Vlora	50.34%		34.48%		0.69%		14.48%
Dibra	28.57%	67.86%	3.57%				-
Saranda	30.77%	15.38%	53.85%				-
Durres	48.31%		51.69%				-
Korça	14.81%	4.94%	18.52%				61.73%

The monitoring has shown that in 76.4% of the monitored decisions of the Shkodra Judicial District Court, 52.87% of the decisions of the Elbasan Judicial District Court, 50.3% of the decisions of the Vlora Judicial District Court, 48.31% of the decisions of the Durres Judicial District Court, 31.37% of the decisions of the Pogradec Judicial District Court, 30.77% of the decisions of the Saranda Judicial District Court, 28.57% of the decisions of the Dibra Judicial District Court, and 14.81% of the decisions of the Korça Judicial District Court, the victims of violence in family relations have been confronted with physical and psychological violence.

A high percentage of cases of psychological violence have been identified in family relations. Thus, in 53.85% of the decisions of the Saranda Judicial District Court, 51.69% of the decisions of the Durres Judicial District Court, 41.38% of the decisions of the Elbasan Judicial District Court, 34.48% of the decisions of the Vlora Judicial District Court, 27.45% of the decisions of the Pogradec Judicial District Court, 18.52% of the decisions of the Korça Judicial District Court, 14.61% of the decisions of the Shkodra Judicial District Court, and 3.57% of the decisions of the Dibra Judicial District Court, the victims of violence in family relations have been confronted with psychological violence.

As regards physical violence, the monitoring has shown that in 67.86% of the decisions of the Dibra Judicial District Court, 15.38% of the decisions of the Saranda Judicial District Court, 13.73% of the decisions of the Pogradec Judicial District Court, 4.94% of the decisions of the Korça Judicial District Court, 4.60% of the decisions of the Elbasan Judicial District Court, and 3.37% of the decisions of the Shkodra Judicial District Court, the victims of violence in family relations have been confronted with physical violence.

The monitoring has also shown other combined forms of violence in family relations, such as physical, psychological and financial violence in 1.12% of the monitored cases of the Shkodra Judicial District Court, psychological and sexual violence in 0.69% of the monitored cases of the Vlora Judicial District Court, and psychological and financial violence in 0.57% of the monitored cases of the Elbasan Judicial District Court.

The forms of violence in family relations identified through the monitoring

Some forms of violence identified in the decisions subject to monitoring are:

“Forced eviction from house”⁹, expressions such as “I will strangle you”, “I will kill you”, “I will put a bomb in the bar while you’re there”, “the father beats his daughter with a belt”, “I will wipe you out”, “you’ll see what I’m going to do”¹⁰, “he took the scissors to kill me”¹¹, “he grabbed me by my throat and slapped me”¹², “he started to punch me and kick me, then he pushed me up against the wall, pulling my hair and slamming me”¹³, “he spends his nights in bars and wastes all his money there, leaving no money for feeding his family”¹⁴, “he tried to stab me”¹⁵, “the plaintiff doesn’t follow his orders and this behaviour concerns him”¹⁶, “as soon as I get out of the house, he asks me not to turn my head”¹⁷, “he threatened to kill me if I didn’t withdraw my lawsuit against him”¹⁸, “he offends me and my family with the nasties words”¹⁹, “he threatened to kill me and my family if we tried to take his daughter from him” and “he threatened to kill me with electrical shock while in the bath and make it look like an accident”²⁰, “I was hospitalized due to the violence exerted upon me by my husband”²¹, “he threatened me with a gun he owned”²², “he threatened to kill himself”²³, “he punched me in the face for wanting to visit my parents”²⁴

The establishment of legal remedies for addressing all forms of violence against women is in accordance with the GREVIO recommendation on Albania, through which Albanian authorities are urged to further develop their measures on the prevention of violence against women, and to ensure that such measures address all forms of violence against women, in a comprehensive manner²⁵.

1.7 THE FACTORS CONTRIBUTING TO DOMESTIC VIOLENCE

The following factors appear to contribute to the exertion of violence in family relations:

Factors	The denunciation and criminal prosecution of violence	Quarrels and conflicts	Alcohol consumption	Drug addiction	Gambling	Divorce or termination of cohabitation	Violent nature and psychological disorders	Jealousy	Property disputes	Mental health problems
Shkodra Judicial District		13	13		2	2	5		2	2

⁹ Decision of the Vlora Judicial District Court;

¹⁰ Decision of the Vlora Judicial District Court;

¹¹ Decision of the Vlora Judicial District Court;

¹² Decision of the Vlora Judicial District Court;

¹³ Decision of the Vlora Judicial District Court;

¹⁴ Decision of the Vlora Judicial District Court;

¹⁵ Decision of the Vlora Judicial District Court;

¹⁶ Decision of the Vlora Judicial District Court;

¹⁷ Decision of the Vlora Judicial District Court;

¹⁸ Decision of the Vlora Judicial District Court;

¹⁹ Decision of the Vlora Judicial District Court;

²⁰ Decision of the Vlora Judicial District Court;

²¹ Decision of the Vlora Judicial District Court;

²² Decision of the Vlora Judicial District Court;

²³ Decision of the Vlora Judicial District Court;

²⁴ Decision of the Dibra Judicial District Court;

²⁵ The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention “On preventing and combating violence against women and domestic violence”, p.4. <https://rjetikunderdhunesgjinore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislativ-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje/>

Court										
Elbasan Judicial District Court		16	61	4				48		5
Pogradec Judicial District Court		7	4		2		5	3	7	
Vlora Judicial District Court	5	3	24	3	1	4	24	6	18	2
Dibra Judicial District Court		15						1	3	1
Saranda Judicial District Court									21	
Durres Judicial District Court		4	6	1		9		8	18	
Korça Judicial District Court		2	23		2	4		1		2
Total	5	60	131	8	7	19	34	67	69	12

Other factors contributing to violence in family relations are:

Factors	Refusal to acknowledge paternity of the child	Unemployment and financial reasons	Stalking	Abandonment from the wife and spouses living separately	Request for an intimate relationship from husband's relatives	Severe psychological condition of the perpetrator
Shkodra Judicial District Court		7				
Elbasan Judicial District Court		31				
Pogradec Judicial District Court		10		1		
Vlora Judicial District Court	1	2	1	2	1	
Dibra Judicial District						

Court						
Saranda Judicial District Court		8				1
Durres Judicial District Court		2				
Korça Judicial District Court		1				
Total	1	61	1	3	1	1

Other factors contributing to violence in family relations are:

Factors	Disputes concerning parental responsibility and child custody	Adultery	Excessive use of social media	Cohabitation following a spouse's return from immigration	Child exploitation	The influence of other people
Shkodra Judicial District Court	2	1			1	1
Elbasan Judicial District Court	16	2				
Pogradec Judicial District Court		2	2			
Vlora Judicial District Court						
Dibra Judicial District Court		1				
Saranda Judicial District Court	3					
Durres Judicial District Court	2					
Korça Judicial District Court		1		1		
Total	23	7	2	1	1	1

Factors contributing to acts of violence in family relations are:

- Alcohol dependence (131)
- Disputes over property issues (69)
- Jealousy (67)
- Unemployment and financial problems (61)
- Quarrels and conflicts (60)
- Violent nature and psychological disorders (34)
- Disputes concerning parental responsibility and child custody (23)
- Problems related to the dissolution of marriage or termination of cohabitation (19)
- Mental health problems of the perpetrator (12)
- Drug addiction (8)
- Adultery (7)
- Gambling (7)
- Denunciation and criminal prosecution of domestic violence (5)

Alcohol is a contributing factor to violence in family relations.

For instance, in one of the monitored decisions of the Vlora Judicial District Court regarding the issuance of the IPO, the plaintiff claims that due to alcohol abuse, the defendant has lost all the money gained through work and has failed to fulfil the needs of his family. Alcohol is a contributing factor to physical, psychological and financial violence.

Jealousy

In one of the monitored decisions of Vlora Judicial District Court, the plaintiff claims that her husband is excessively jealous and constantly asks her not to turn her head, not to look at other people, etc.

Dissolution of marriage or termination of cohabitation has often led to violence in family relations or among cohabitants.

This factor should be considered as a high-risk factor by the responsible employees working on the management of domestic violence cases. For instance, in one of the monitored decisions of the Vlora Judicial District Court, the plaintiff claims that following the dissolution of their marriage, her husband has kept harassing her almost every day, insisting to get back together. The termination of cohabitation may also be followed by acts of violence, due to a party's refusal to put an end to the relationship. For instance, in one of the monitored decisions of the Vlora Judicial District Court, the plaintiff claims that following the termination of their cohabitation, the defendant has harassed and threatened her by making threats such as "You won't leave this house alive!".

This is closely related to the problems arising from the dissolution of marriage or termination of cohabitation. In one of the monitored decisions, the plaintiff I.B. claims that even though she and her husband lived separately, she was physically and psychologically violated by him once she came close to his residence in order to pick up her son.

Courts play an important role in preventing domestic violence through their clear decisions. In cases where spouses have requested the dissolution of their marriage, through the decision on the dissolution of marriage, the court has also addressed other issues arising from such dissolution, such as the right to meet the child, alimony obligations, etc., which often lead to various conflicts and disputes. For instance, in one of the monitored decisions of the Vlora Judicial District Court, the spouses had decided to dissolve their marriage,

and the court held that the child shall remain with his mother, while the father shall retain the right to meet the child at certain times. According to this decision, the mother shall be present at all meetings of the child with his father. Following the request of the plaintiff on the issuance of an IPO, the Vlora Judicial District Court has issued such IPO, ruling inter alia that: **Throughout the duration of the IPO, the defendant shall be deprived of the right to meet his child, accorded to him through the decision on the dissolution of marriage.** According to such practice, the decision on the dissolution of marriage, along with its accompanying effects, shall enter into force upon termination of the IPO or PO. This practice contributes to the implementation of court decisions and prevents confusions during such implementation, particularly in cases where a decision on the dissolution of marriage and a decision on the issuance of a protection order have been issued at the same time by the judicial district courts.

In the case of cohabitation, problems related to children born during the cohabitation or to the property acquired during such time, may aggravate violent situations.

For instance, in one of the monitored decisions of the Vlora Judicial District Court, a former cohabitant had confronted the plaintiff with a knife in his hand, threatening to kill her and make it look like an accident, ordering her to leave the house and leave her daughter behind, and even claiming that he would kill her and her family if they tried to take his daughter away from him.

Meetings between former cohabitants and the children that may be born from such cohabitation may be used as an opportunity to exert violence against former cohabitants. In such case, protection orders may help protect the subjects from violence and ensure their right to meet their children. For instance, in one of the monitored decisions of the Vlora Judicial District Court, the court has issued an IPO providing a measure which allows the defendant to only meet his children outside the residence of his former cohabitant, in the presence of police officers or social services employees.

Denunciation of domestic violence and criminal prosecution of the perpetrator

Given the high percentage of cases where domestic violence is reported to the police by the victims themselves, they are often confronted with violence after the perpetrator has served his prison sentence.

In one of the monitored decisions of the Vlora Judicial District Court, the plaintiff claimed that she was traumatized due to the physical and psychological violence exerted upon her by her husband, who had just finished serving his prison sentence for committing the criminal offence of “Domestic violence”;

The plaintiff claimed that only a few days after completing his prison sentence, the defendant had come close to her house and threatened to kill her; the defendant had been found guilty and sentenced for committing the criminal offence of “Domestic violence”, referred to in Article 130(a)(1) of the Criminal Code, and immediately after leaving prison he has continued to harass the plaintiff by going to her house and using words such as “B...h”, “Give me back my son!”, “I’m going to kill you!”, etc.

The denunciation of domestic violence and the criminal prosecution of the perpetrator has led to various disputes and conflicts between the victims of domestic violence and the relatives of the perpetrator. For instance, in one of the monitored decisions of the Vlora Judicial District Court, the plaintiff claimed that while she was hospitalized, she was visited by her mother-in-law, who threatened her and asked her to withdraw the lawsuit against her son, who was arrested and being criminally prosecuted for exerting domestic violence.

The violent nature of the perpetrator associated with the patriarchal mindset

In one of the monitored decisions of the Vlora Judicial District Court, the defendant claimed that he slapped his wife following a quarrel among them, and that, in his opinion, this behaviour is something quite normal and common. According to the perpetrator, the plaintiff had offended him by filing a lawsuit against him, something which is not supposed to happen within a family.

Property disputes

The monitoring has shown several cases where property disputes or the filing of claims over properties subject to the legalization process have led to violent situations between family members, associated with threats and violent behaviour.

CHAPTER II - THE EFFECTIVENESS OF THE PROTECTION PROVIDED TO VICTIMS OF DOMESTIC VIOLENCE

2.1 THE OBJECT OF CLAIMS ON THE ISSUANCE OF IPOs/POs

Judicial District Court	PO	IPO	IPO certification	Additional measures on the IPO	Continuance of the effects of the IPO	Amendment of the PO
Shkodra	13.48%	71.91%	14.61%			
Elbasan	53.45%	31.03%	14.94%			0.57%
Pogradec	15.69%	31.37%	52.94%			
Vlora	10.34%	88.28%	0.6%	0.6%		
Dibra	21.43%	78.57%				
Saranda		100%				
Durres		23.60%	73.03%		3.37%	
Korça	16.05%	71.60%	12.35%			

The monitoring shows that in 100% of the monitored decisions of the Saranda Judicial District Court, 88.28% of the monitored decisions of the Vlora Judicial District Court, 78.57% of the monitored decisions of the Dibra Judicial District Court, 71.91% of the monitored decisions of the Shkodra Judicial District Court, 71.60% of the monitored decisions of the Korça Judicial District Court, 31.03% of the monitored decisions of the Elbasan Judicial District Court, 23.60% of the monitored decisions of the Durres Judicial District Court and 31.37% of the monitored decisions of the Pogradec Judicial District Court, the plaintiff has required the issuance of an Immediate Protection Order.

In 53.45% of the monitored decisions of the Elbasan Judicial District Court, 21.43% of the monitored decisions of the Dibra Judicial District Court, 16.05% of the monitored decisions of the Korça Judicial District Court, 15.69% of the monitored decisions of the Pogradec Judicial District Court, 13.48% of the monitored decisions of the Shkodra Judicial District Court, and 10.34% of the monitored decisions of the Vlora Judicial District Court, the plaintiff has required the issuance of a PO.

In 73.03% of the monitored decisions of the Durres Judicial District Court, 52.94% of the monitored decisions of the Pogradec Judicial District Court, 14.94% of the monitored decisions of the Elbasan Judicial District Court, 14.61% of the monitored decisions of the Shkodra Judicial District Court, 12.35% of the

monitored decisions of the Korça Judicial District Court, and 0.6% of the monitored decisions of the Vlora Judicial District Court, the plaintiff has required certification of the IPO.

The amendment of the PO has been required in 0.57% of the monitored decisions of the Elbasan Judicial District Court.

In 0.6% of the monitored decisions of the Vlora Judicial District Court, the plaintiff has required additional measures to accompany the immediate protection order, in order to ensure better protection through the immediate measures referred to in Article 10 of Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended.

Several cases have been identified where the plaintiff has filed property claims during the review of the case with object the issuance of the PO. For instance, in one case, the plaintiff claimed that the defendant had broken the water faucet while she was at work. In conclusion, the court dismissed the claim, arguing that the plaintiff’s claims are of a property nature, and as such they can not be resolved through such trial.

2.2 THE RULINGS OF THE JUDICIAL DISTRICT COURTS SUBJECT TO MONITORING

Judicial District Court	Approval of the claim Issuance of an IPO/PO	Partial approval	Suspension of judgement	Return of acts	Dismissal	Refusal	Rejection	Suspension	Suspension of the effects of the IPO	Postponement of the effects of the PO	No data
Shkodra	51.68%		30.53%			6.74%	2.25%	2.25%			4.50%
Elbasan	40.23%		37.93%	0.57%	21.26%						
Pogradec	41.18%		43.14%		15.69%						
Vlora	69.66	0.69	14.48	1.38	13.79						
Dibra	46.43%	3.57%	21.43%		3.57%	10.71%					14.29%
Saranda	75%	1.92%	36.53 ²⁶ %		5.77%				3.85%		
Durres	26.97%		59.55%		10.11%		1.12%		2.25%		
Korça	24.69%		65.43%		7.41%	1.19%				1.19%	

As regards the court rulings, the monitoring shows that in 75% of the monitored decisions of the Saranda Judicial District Court, 69.6% (around 70%) of the monitored decisions of the Vlora Judicial District Court, 51.68% of the monitored decisions of the Shkodra Judicial District Court, 46.43% of the monitored decisions of the Dibra Judicial District Court, 41.18% of the monitored decisions of the Pogradec Judicial District Court, 26.97% of the monitored decisions of the Durres Judicial District Court, and 24.69% of the monitored decisions of the Korça Judicial District Court, the court has approved the claims on the issuance of the IPO/PO.

It is of interest to analyse the decisions of the judicial district courts which have ruled on the dismissal of claims on the issuance of the IPO/PO. Thus, in 21.26% of the monitored decisions of the Elbasan Judicial District Court, 15.69% of the monitored decisions of the the Pogradec Judicial District Court, 13.79% of the monitored decisions of the Vlora Judicial District Court, 10.11% of the monitored decisions of the Durres

²⁶ The data on the suspension of judgement also include the cases where the court has issued an IPO (therefore approving the request), but it has suspended the certification of the IPO.

Judicial District Court, 7.41% of the monitored decisions of the Korça Judicial District Court, 5.77% of the monitored decisions of the Saranda Judicial District Court, and 3.57% of the monitored decisions of the Dibra Judicial District Court, the court has dismissed the claims on issues subject to the monitoring.

As regards the causes of dismissal or rejection, it appears that some of them are as follows:

- a) The court considers that the protection order is not necessary, that no real danger has been proven; that it has been proven that no violence has been exerted and that protection has been required for other reasons;
- b) The lack of legal standing (*locus standi*) of the parties, or the fact that the litigants are not considered as subjects of domestic violence as referred to in Article 3 of the Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended.

2.3 SUSPENSION OF JUDGEMENT

The following table indicates the percentage²⁷ of cases of suspension of judgement in the judicial district courts subject to the monitoring.

Judicial District Court	Suspension of judgement	Monitored decisions
Shkodra	30.53%	89
Elbasan	37.93%	174
Pogradec	43.14%	51
Vlora	14.48	145
Dibra	21.43%	28
Saranda	36.53%	52
Durres	59.55%	89
Korça	65.43%	81

This number has significantly decreased as compared to the previous year, during the monitoring period. However, the number of suspensions of judgement remains high. Thus, the monitoring shows that the judgement has been suspended in 65.43% of the monitored decisions of the Korça Judicial District Court, 59.55% of the monitored decisions of the Durres Judicial District Court, 43.14% of the monitored decisions of the Pogradec Judicial District Court, 37.93% of the monitored decisions of the Elbasan Judicial District Court, 36.53% of the monitored decisions of the Sarande Judicial District Court, 30.53% of the monitored decisions of the Shkoder Judicial District Court, and 14.48% of the monitored decisions of the Vlora Judicial District Court.

In simpler terms, the suspension of judgement means that the judgement of the case is suspended, and that no final decision is rendered by the court. This means that no immediate measures provided by law will be taken for the protection of the victim, putting the victim’s life in serious risk.

2.4 REASONS FOR THE DISMISSAL OF A CASE

Judicial District Court	Suspension of judgement	Plaintiff’s failure to	Withdrawal	Same lawsuit filed	The defendant is	Lack of evidence	The subject of the	The parties are not	PO is unnecessary	There is an	No data
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²⁷ The rulings of the judicial district courts on the suspension of judgements should be read in relation to the number of decisions monitored in each court subject to monitoring.

	nt	appear		with another court	arrested		lawsuit is not pursuant to the law	subject to Art.3		IPO	
Shkodra	30.53%	12.36%	13.48%		1.12%	5.62%	1.12%	2.25%	1.12%		62.93%
Elbasan	37.93%	72.73%	25.76%								1.52%
Pogradec	43.14%	36.36%	63.63%								
Vlora	14.48	60%	35%	5%							
Dibra	21.43%	50%	16.67%								33.33%
Saranda	36.53%	63.16%	36.84%								
Durres	59.55%	26.97%	19.10%			20.22%				2.25%	31.46%
Korça	65.43%	50%	48.15%								1.85%

From the table it turns out that the court has given a decision to dismiss the case due to the plaintiff's failure to appear in 72.73% of the monitored decisions of Elbasan Judicial District Court, to 63.16% of the monitored decisions of Saranda Judicial District Court, to 60% of the monitored decisions of Vlora Judicial District Court, in 50% of the monitored decisions of Korça Judicial District Court, in 50% of the monitored decisions of Dibra Judicial District Court, in 36.36% of monitored decisions of Pogradec Judicial District Court, in 26.97% of monitored decisions of Durres Judicial District Court, and 12.36% of Shkodra Judicial District Court.

In 63.63% of the monitored decisions of Pogradec JDC, in 48.15% of the monitored decisions of Korça JDC, in 36.84% of the monitored decisions of Saranda JDC, in 35% of the monitored decisions of Vlora JDC, in 25.76% of the monitored decisions of Elbasan JDC, in 19.10% of the monitored decisions of Durres JDC, in 16.67% of the monitored decisions of Dibra JDC, and in 13.48% of the monitored decisions of Shkodra JDC, the courts have given a decision to dismiss the case because the plaintiff has withdrawn from the lawsuit that is subject to monitoring.

In the 20.22% of the monitored decisions of the Durres JDC, the court decided to dismiss the case for lack of evidence and in 2.25% of the monitored decisions the court decided to dismiss the case because there is already an IPO (Immediate Protection Order).

The Judicial District Court in Shkodra has decided to dismiss the case for 5.62% of the monitored decisions for lack of evidence, for 2.25% of the monitored decisions the parties are not covered by Article 3, for 1.12% of the monitored decisions because the subject of the lawsuit is not connected to the law, for 1.12% of the monitored decisions due to the arrest of the defendant, for 1.12% of the monitored decisions because the PO is unnecessary.

The Judicial District Court in Vlora, in 5% of the monitored decisions, has decided to dismiss the case as the same lawsuit has been filed with another court.

To summarize, the monitoring of the dismissal decisions has shown that the grounds for the dismissal of the cases are:

- a) The requesting party withdraws from the lawsuit;
- b) Plaintiff's failure to appear;

- c) PO is unnecessary, the relationship is normalised;
- d) The same lawsuit is filed with another court;
- e) The defendant is being criminally prosecuted;
- f) The litigation parties are not covered by the concept of family members, under Article 3 of Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended.

In one of the Vlora JDC decisions, subject to monitoring, the plaintiff has asked to withdraw the lawsuit filed with the police, arguing that the relations with the defendant were normalized and the IPO would lead to the deterioration of the relations between the co-habitants.

Gender of plaintiff in the decisions of dismissal.

The gender of plaintiff in the decisions of dismissal draws some attention. Thus, in 55 dismissal decisions of Durres JDC, in 76.36% of the cases, the plaintiff is a woman and in 23.64% the plaintiff is a man. In 66 dismissal decisions of Elbasan JDC, in 89.39% of the cases, the plaintiff is a woman and in 10.61% the plaintiff is a man. In 21 dismissal decisions in Vlora JDC, in 85.71% of the cases the plaintiff is a woman/girl and in 14.29% of the cases the plaintiff is a man. In 6 dismissal decisions in Dibra JDC, in 83.33% of the cases the plaintiff is a woman/girl and in 16.67% of the cases the plaintiff is a man. In 9 dismissal decisions in Saranda JDC (7 dismissal decisions and 2 decisions to issue a IPO and a dismissal decision in the IPO statement), in 66/67% of the cases the plaintiff is a woman and in 33.33% of the cases the plaintiff is a man. In 29 dismissal decisions in Shkodra JDC, in 82.76% of the cases the plaintiff is a woman/girl and in 17.24% of the cases the plaintiff is a man. In 22 dismissal decisions in Pogradec JDC, in 77.27% of the cases the plaintiff is a woman, in 4.55% of the cases the plaintiff is a woman and a man, and in 18.18% of the cases the plaintiff is a man. In 53 dismissal decisions in Korça JDC, in 83.02% of the cases the plaintiff is a woman and in 16.98% of the cases the plaintiff is a man.

The explanations of the plaintiff in the dismissal decisions show that the plaintiff withdraws from trial because: “She does not feel threatened by the defendant”, “the parties have settled their disagreements”, “they have found an agreement to solve the case”.

Special attention should be given to reconciliation situations, as often they are not real. In some cases, the case has been dismissed because the parties were reconciled. Law No. 9669, dated 18/12/2006, “On measures against violence in family relations”, as amended, has not, in any case, provided for reconciliation efforts between the parties as a remedy to be used by the judge. In the experience of different countries, the tendency of reconciliation is criticized , as reconciliation may force the wife to return to abusive relationships and face an even greater risk after having used legal remedies.

Repeated reports of violence in family relationships are a clear indicator that often these reconciliation situations are not real. Thus, in 29.21% of the monitored decisions of Durres JDC it results that the defendant was reported more than once.

The monitoring brings to attention that in some cases when the request for the issuance of the IPO was filed by the plaintiff through the Vlora Police Station, the court did not take into account the withdrawal of the lawsuit with the reasoning that the lawsuit for the trial was submitted to the court by Vlora Police Station, and thus, the victim’s withdrawal from the lawsuit does not result in a dismissal²⁸.

²⁸ Decision of Vlora JDC:

2.5 References to the Council of Europe Convention “On Preventing and Combating Violence against Women and Domestic Violence”²⁹ in the legal reasoning of the decision

The monitoring has showed increasing references to international acts that address all forms of violence against women. So, a reference to Istanbul Convention is noticed in Decision dated 28/01/2018 of Shkodra JDC, Decision dated 6/10/2017 of Shkodra JDC, Decision dated 18/12/2017, of Shkodra JDC, Decision dated 17/10/2017 of Shkodra JDC, Decision dated 6/5/2017, Decision dated 17/5/2017 of Shkodra JDC, Decision dated 4/6/2017, Decision dated 5/7/2017, Decision dated 5/7/2017 of Shkodra JDC, etc. This is a positive practice for using international standards as a remedy to protect victims of domestic violence.

2.6 OBSERVING PROCEDURAL DEADLINES FOR ISSUANCE OF IPO/PO

Judicial District Court	Observed	Not observed	No data	The validity of IPO/statement has expired	Total
Shkodra	89.89%	3.37%	6.74%		
Elbasan	100%				
Pogradec	92.16%	3.92%	3.92%		
Vlora	91.03%	6.21%	2.07%	0.69%	100
Dibra	67.86%		32.14%		
Saranda	86.54%	5.77%	3.85%		
Durres	96.63%	3.37%			
Korça	97.53%		2.47%		

This finding is also in line with the report of the High Council of Justice³⁰, which highlights that the legal deadlines, during the monitored period, were rigorously observed by all judges of the Judicial District Courts of Durres, Dibra, Elbasan, Pogradec, Saranda and Korça.

In connection with the foregoing, we would like to emphasize that the speed and observation of deadlines constitute an essential element of the trial for the protective orders, the disregard of which results in the loss of its meaning. In particular, the adjournment of a court hearing for an immediate protection Order is completely unnecessary, as the judge may decide based on the plaintiff’s declaration, since the confirmation of the protection Order will necessarily take place within 20 days of the issuance of the IPO. Also, in all cases when a PO and IPO is issued, the adjudication may be finalised in one single session instead of multi-session trial, which would not realize the purpose of the law³¹

2.7 Bodies where domestic violence is denounced

Judicial District	Police	Police & Vatra/	The court	Police and	Lawyer	Municipal Social	Office for promotin	Emergency Centre	No data
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²⁹ This Convention has been ratified by Albania through Law No 104/2012.

³⁰ <http://www.kld.al/component/k2/raport-mbi-situaten-e-ceshtjeve-gjyqesore-per-dhunen-ne-familje> f.2

This report is based on domestic violence data collected from judicial district courts for the period January 2016 - April 2017.

³¹ www.qag-al.org

Court		Jona/ Women Forum Elbasan		court		Service Office	g gender equality and fighting against violence		
Shkodra	71.91%		17.98%	1.12%					8.99%
Elbasan	97.70%	1.72%	0.57%						
Pogradec	53%		47%						
Vlora	95.17%	2.07 %	1.38%						1.38%
Dibra									
Saranda	92.31%	1.92%	1.92%		1.92%				1.92%
Durres	100%								
Korça	55.95%					1.19%	1.19%	1.19%	40.48 %

The monitoring of judicial decisions related to the issuance of IPO/PO in the monitored courts shows an increase and diversification of the number of bodies where the victims have denounced violence in family relations. So, in 100% of the monitored decisions of Durres JDC, 97.70% of the monitored decisions of Elbasan JDC, 95.17% of the monitored decisions of Vlora JDC, 92.31% of the monitored decisions of Saranda JDC, 71.91% of the monitored decisions of Shkodra JDC, 55.95% of the monitored decisions of Korça JDC, and 15.69% of the monitored decisions of Pogradec JDC, the victims of violence have denounced violence to the police bodies.

The monitoring of decisions in Elbasan JDC shows that 97.70% of the denouncements with the police bodies are divided as follows: 57.47% with Elbasan Police Station, 5.75% with Cerrik Police Station, 10.92 with Gramsh Police Station, 2.87% with Peqin Police Station and 20.69% with Librazhd Police Station.

It is obvious that the victims trust the police and continue to report the incurred violence mainly to the police, as a body responsible for providing safety for their life.

In 84.31% of the monitored decisions of Pogradec JDC, 17.98% of the monitored decisions of Shkodra JDC, 1.92% of the monitored decisions of Saranda JDC, 1.38% of the monitored decisions of Vlora JDC, and 0.57% of the monitored decisions of Elbasan JDC, the victims of violence have denounced violence directly to the court.

The simultaneous reporting of domestic violence with Vatra Psycho-social Centre (2.07%), “Jona” Association (1.92%) and Women Forum in Elbasan (1.72%) is a very important indicator as it provides the victim with the opportunity to benefit very important services since the start, which include psychological services, free of charge legal service, etc.

Positive practice of denouncing violence in family relations

There is an increasing trend of reporting violence in family relations to the Social Service Office in Korça Municipality (1.19%), in the Centre of Gender Equality and Fight Against Domestic Violence in Korça Municipality (1.19%) and Emergency Shelter managed by Korça Municipality (1.19%). This trend is in compliance with the purpose of Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, as amended, and by-laws that provide that the Referral Mechanism of domestic violence cases shall be chaired by the Mayor and municipal structures, including the local coordinator against domestic

violence, which play an important role in identifying and managing cases of domestic violence. We believe that this constitutes a good practice to be followed and set up in different municipalities.

2.8 ACCOMPANYING OF VICTIMS OF DOMESTIC VIOLENCE BY THE POLICE DURING THE TRIAL

The monitoring has showed only one case in Saranda JDC when the victim was accompanied by the police to go to the court.

There is no data related to the accompanying of the victims of domestic violence by the police to attend the trial session on the issuance of a IPO/PO in other courts subject to monitoring.

Accompanying a victim of violence in family relations to the court or other institutions is highly important as it guarantees the safety of the victim. This requires the police bodies to assess the risk for each case, and when it deems reasonable, to take this measure to safeguard the life of the victim.

2.9 Public lawsuit

There is no public lawsuit during the period subject to monitoring.

This finding requires the organisation of “on the job” trainings for police employees in order to enhance their knowledge on the concept of public lawsuit, the identification of the cases for which this is necessary due to the high risk to the life so that they can be assisted by the police body through a public lawsuit, as well as to share these practices with different police stations in the country in order to share good experience.

In the monitored courts, no case was observed when the protection Order was asked by the prosecutor. This is related to the fact that the denouncement of the violence is primarily done with the police, which makes the request to the court. However, it should be monitored during the investigation of a criminal offence of domestic violence, whether it is necessary for a prosecutor to request a defence order at the same time. In such cases, the prosecutor should not hesitate to submit the request and the court cannot refuse it, due to the fact that the case is being criminally prosecuted (Article 17 (2) of the Law)³².

The monitoring has shown no public lawsuits submitted by the police as public lawsuits. The monitoring of the decisions of Vlora JDC has shown that, although the plaintiff has declared in the trial session that the relationship with the defendant has normalised and she wishes to withdraw the lawsuit, the court has rejected this request and continued with the case, as the lawsuit under consideration was submitted to the court by Vlora Police Station. But, if we pay attention to the parties to a lawsuit, the defendant is the victim that pretends to have been violated by her husband. The judge of this case has reasoned that the withdrawal of the victim from the lawsuit does not result in a non-trial. The public lawsuit, in the meaning of Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, as amended, is a lawsuit where the plaintiff is the policy and the defendant is the violator. The monitoring has not shown any lawsuit where the plaintiff was either the police or the prosecution office.

For this reason, GREVIO has urged the Albanian authorities to strengthen the law enforcers and enable them to use, as necessary, their rights to request an immediate protection order or a protection order³³.

³² http://www.qag-al.org/ĖEB/deklarata/2010_raport%20monitorimi.pdf

<http://www.qag-al.org/ĖEB/deklarata/Raporti%20Monitorues%20i%20ligjit%209669.pdf>

³³The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention “On preventing and combating violence against women and domestic violence”. <https://rjetikunderdhunesgjinore-monitorime.al/2018/03/23/raporti-i-grevio-s-per->

However, this practice is in line with³⁴ GREVIO's recommendation for Albania, according to which, the authorities should take the necessary measures, including amending the respective legislation, to explicitly exclude reconciliation during the process for the issuance of a protection order.

2.10 WHAT ARE THE GROUNDS FOR THE DECISIONS OF THE JUDICIAL DISTRICT COURTS?

Court decision and adjudication of the judge based on an internal conviction, facts, evidence, testimonies.

Data related to the reliance of the judges on internal conviction, facts, evidence, testimonies in taking a decision are represented in the following table:

Judicial District Court	Internal conviction	Facts, evidence, witnesses	Evidence and internal conviction	Declarations and internal conviction	Evidence, facts, circumstances	Facts, evidence, witnesses, circumstances and internal conviction	Testimonies and facts	Facts and evidence	Testimonies
Shkodra	8.97%				51.68%	1.12%			
Elbasan									
Pogradec	7.84%	92.16%							
Vlora	68.97 %	7.59 %							
Dibra	30.77%	53.85%							
Saranda							38.64%	2.27 %	59.09%
Durres	3.37%	48.31%		14.61%					
Korça	1.23%	33.33%	1.23%						

Monitoring has shown that in 68.97% of the monitored decisions of Vlora JDC, 30.77% of the monitored decisions of Dibra JDC, 8.97% of the monitored decisions of Shkodra JDC, 7.84% of the monitored decisions of Pogradec JDC, 3.37% of the monitored decisions of Durres JDC, 1.23% of the monitored decisions of Korça JDC, the court has decided to issue a protection order only on the grounds of circumstances and facts related to domestic violence, relying on its own conviction, as provided by Article 15 "Evidence during a trial process", paragraph 3 of Law No 9669, dated 18/12/2006, "On measures against violence in family relations", as amended.

But the monitoring has also revealed cases when the case judges have decided to dismiss the lawsuit because of lack of evidence. So, in one of the monitored decisions of Durres JDC, the case judge reasons that the plaintiff asked for a Protection Order with a one year duration, pretending that she was stalked over the telephone, but did not provide any evidence to the court to verify this fact.

2.11 THE DIVERSITY OF PROTECTIVE MEASURES: POSITIVE PRACTICES

[masat-legjislativ-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje/](#) (p.43/a)

³⁴ The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention "On preventing and combating violence against women and domestic violence". <https://rrjetikunderdhunesgjimore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislativ-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje/> (p.42/a)

The monitoring has shown a diversity of protective measures, including combinations of all protective provided by Article 10 of Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, as amended. The court has considered the lawsuit as one for the issuance of protection orders, and not just for taking certain protective measures. We have identified decisions including measures deemed by the court to enhance the protection of the victim. So, in some monitored decisions of Vlora JDC, the court has decided to order an employee of the police to accompany the plaintiff to her domicile and workplace and to supervise her.

This prudential attitude of Vlora Judicial District court is in compliance with GREVIO’s recommendation³⁵ for the Albanian authorities, which, without prejudice to the immediate safety of the victim, recommends to integrate, in the procedure for the issuance of the immediate protection order and protection order, the risk assessment.

A combination of the protective measures is also noted in the monitored decisions of Shkodra JDC. To safeguard the life of victims of domestic violence, the court ordered the Police Station to keep the defendant under uninterrupted supervision by ordering the defendant to appear daily at the Police Station. The court combined this measure with the obligation of the perpetrator to attend the rehabilitation program at the Office for Boys and Men in Shkodra by clearly defining, in the decision, the location of the office, and ordered the office supervisors to report weekly on the attendance of the perpetrator.

The selection of protective measures and their alternation in the most efficient way to provide protection from violence is a judicial discretion, regardless of whether the plaintiff may have specifically requested the measures in the respective lawsuit. Therefore, when we found out during the monitoring that, within the protection order, the judge had also provided other measures to alternate the measures required by the victim, we did not consider it as a violation of the Code of Civil Procedure because of the expansion of the object of lawsuit. In the case of a lawsuit to get a PO/IPO, we need to make a clear distinction between the object of a lawsuit and the required protection measures. We believe that the object of the lawsuit in these cases includes the request for a PO (Article 16 of the law) or IPO (Article 18 of the law) or to change, interrupt or extend the protection order (Article 22 of the law). **The protection measures required in the lawsuit should be treated by the court as an opinion of the plaintiff rather than as the object of the lawsuit, in order for the case judge to have the necessary discretion of selecting and alternating the most efficient protection measures for the victims, by taking other measures in addition to those required by the plaintiff³⁶.** So, in the monitored decisions of Dibra JDC we notice that the judges clearly express in the legal reasoning of the court decisions the role of the judge in taking effective protection measures to defend the victims of domestic violence.

The measure provided under article 10 “Protection measures against domestic violence”, point “c”, related to the immediate eviction of the plaintiff from the domicile for a specific period of time, has been given by Vlora JDC in 6 cases, from Pogradec JDC in 16 cases, from Saranda JDC in 8 cases, and from Elbasan JDC in 8 cases. This measure has not been taken by Dibra JDC and Durres JDC.

³⁵ The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention “On preventing and combating violence against women and domestic violence”: <https://rrjetikunderdhunesgjimore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislativ-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje/> (p.188/b)

³⁶ http://www.qag-al.org/EEB/deklarata/2010_raport%20monitorimi.pdf
<http://www.qag-al.org/EEB/deklarata/Raporti%20Monitorues%20i%20ligjit%209669.pdf>

The monitoring has shown that the court has accompanied the order of the defendant to leave the domicile with an order for the state police to evict immediately the defendant from the common domicile and to ensure the enforcement of the decision³⁷.

The protection measures taken by the court have not always resulted in well-studied solutions to safeguard the safety of the victim. So, there are decisions where the court has ordered the defendant not to enter and not to stay in the same room with the plaintiff, although they may stay in the same apartment.

In cases where through a request for protection order, the protection of children is also requested, the court should pay special attention in selecting protection measures and their alternation in order to provide effective protection of children from violence. So, in one of the monitored decisions of Vlora JDC, the court has issued the immediate protection order only for the plaintiff, although the lawsuit requested the protection of children as well, and has ordered the perpetrator to allow the mother to see the children in the presence of a police officer or a social worker. Though there are no circumstances or facts to show that the defendant has violated the children, it should still be assessed whether it is to the highest interest of the children to stay with a parent proven, through a court decision, to be a violent husband.

During the monitoring, decisions were identified, where although the plaintiff requested a IPO for herself and the children, despite being proved that the defendant works, but does not provide income for the family, he is violent against his wife and argues with her in the presence of the children, the Court has decided to dismiss the lawsuit requiring a protection order for the children.

This practice is not in line with GREVIO's recommendation for Albania, which strongly urges the Albanian authorities to raise awareness on the damage caused to children witnesses of domestic violence³⁸.

The wording of the measures by the court requires special attention. In one of the monitored decisions of Vlora JDC the court has incorporated in the IPO the measure to allow the defendant to meet his children without constraint, outside the domicile of the plaintiff, in the presence of police officers or social workers. In the way it is worded, this measure looks more like a permission rather than a constraint. Whereas, it includes two very important constraints, firstly related to the venue of the meeting and secondly related to the supervision of the meeting by the defined institutions. On the other hand, some very good practices have been established. In some cases, Vlora JDC has decided that the parent-child meeting should take place under the supervision of the staff of Vatra Centre³⁹.

In one of the monitored decisions of Dibra JDC, the court has decided for the father to meet his children for 1 (one) hour in his domicile, and this meeting should be supervised by police officers. The court has also accompanied this measure with an order prohibiting the perpetrator to show up at the school that his children attend.

The Court Decision requiring supervised meetings with the child is in compliance with GREVIO's recommendation⁴⁰, which requires the responsible Albanian authorities to ensure that the enforcement of orders to maintain contacts does not expose the victims and their children to a further risk.

³⁷ Decision of the Shkodra Judicial District Court.

³⁸The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention "On preventing and combating violence against women and domestic violence". <https://rrjetikunderdhunesgjinore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislativ-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje> (p.14/a)

³⁹ Decision of Vlora JDC.

⁴⁰ The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention "On preventing and combating violence against women and domestic violence". <https://rrjetikunderdhunesgjinore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislativ-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje> (p.32/d and 121/d)

Additionally, it is suggested that the judicial district courts correctly determine in the enacting clause the structure or official that will supervise the meeting of the perpetrator with his children.

The judicial practice of Elbasan JDC has shown that in many decisions on cases where the children were present in violent scenes, the court has acted upon its discretion regarding the children and it has not called upon a psychologist to assess the impact of violence on the children⁴¹.

A lack of information on the existing services from the part of responsible bodies such as the police, NGOs or lawyers, when preparing the lawsuit for the issuance of protection orders, and from the part of the court when deciding to issue protection orders. Thus, even though Vlora Judicial District Court has identified the perpetrator's addiction to alcohol as one of the factors contributing to violent situations in the family, they have taken no urgent measures to order the perpetrator to take rehabilitation programs.

As regards the rehabilitation of perpetrators, the cases when the court takes this measure in POs have increased.

In cases of perpetrators with mental health problems, Vlora Judicial District Court has taken decisions to issue PO where it has included the measure to order the defendant to submit to obligatory treatment in the Vlora Psychiatric Hospital.⁴²

Another trend is when the court issues an IPO for both parties, when each of them is a plaintiff in two different cases. So Elbasan JDC through one of its decisions has issued an IPO in favour of K.K, to protect him/her from V.K for a 6 months period. For the same violent situation, between the same parties, Elbasan JDC issued an IPO for V.K to protect him/her against K.K for a 5 months period, with the same protection measures. Such situations require special care and the taking of clear protection measures by the judicial district courts in order not to create confusion regarding protection from domestic violence.

Positive practice related to rehabilitation programs for perpetrators

In one of its monitored decisions, Shkodra JDC: 1. Ordered the perpetrator to attend a rehabilitation program of "Woman to Woman" Association, the office for men and boys, once a week. Moreover 2. Ordered the employee of the association to submit weekly information to Shkodra JDC regarding the progress of the perpetrator in this program.

Shkodra JDC⁴³ has ordered for the victim to be accommodated in the emergency centre, with "Woman to Woman" Association, Shkodra. The victim stayed in the emergency centre from 48 hours to two weeks, until she was accommodated in the National Centre for the Victims of Domestic Violence. The court has combined this indispensable measure for the safety of the victim with an order for the perpetrator to attend the rehabilitation program in the Office for Boys and Men, in Shkodra.

Decisions of Elbasan JDC have also ordered measures to accommodate the victims of domestic violence in the emergency centre, with Women Forum in Elbasan.

Positive practice related to the cooperation between judicial district courts and the prosecution office

⁴¹ The decision on the case between the plaintiff E.C. and the defendant L.C., of Elbasan JDC; decision on the case between the plaintiff L.L and the defendant B.L., with the object the issuance of an IPO.

⁴² Decision of Vlora JDC:

⁴³ Decision of Shkodra JDC

In one of the monitored decisions of Shkodra JDC⁴⁴, the court has decided that a copy of the IPO should be sent to the Judicial District Prosecution Office in Shkodra to verify whether the conditions are in place to start the criminal prosecution of the defendant on the criminal offence of “domestic violence”, provided by Article 130/a of the Criminal Code.

Positive practice related to electronic supervision

Pursuant to Law No 10494, dated 22/11/2011 “On electronic supervision of persons with constrained movement under a court decision” and Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, Shkodra JDC⁴⁵ has ordered the state police and the competent Probation Service Office in Shkodra to start immediately the electronic supervision of the order issued by the court, under paragraph 6 of the enacting clause of this decision. Specifically, the Probation Service Office and the judicial police were ordered to put on the body of the plaintiff, the defendant and on the domicile where the plaintiff lives, the respective electronic equipment that will enable the effective enforcement of paragraph 6 of the enacting clause of this decision.

2.12 THE ROLE OF THE REFERRAL MECHANISM IN CASES OF DOMESTIC VIOLENCE

The support and services that the victim of violence in family relations has benefited from the institutions and NGOs

Judicial District Court	Police and court	Police, court, Vatra centre/ SHGPS	Court	Police, court, “Vatra”, Social service	Police	NGO “Me, the woman”	Municipal Social Service Office	AU & NGO	Police and NGO “Me, the woman”, GTG & Hapatë Lehtë, JONA	Administrative Unit	Police SSO	Lawyer	No data
Shkodra	1.12%		17.98%		66.30%				3.37%		1.12%		10.11%
Elbasan ⁴⁶													
Pogradec					7.84%	17.65%			9.80%				
Vlora	84.14	12.41	2.07	0.69									
Dibra						25%	3.57%	3.57%	3.57%	14.29%			14.29%
Saranda			1.92%		92.31%				1.92%			1.92%	1.92%
Durres	98.88%	1.12%											
Korça ⁴⁷													

⁴⁴ Decision of Shkodra JDC, Decision of Shkodra JDC.

⁴⁵ Decision of the Shkodra Judicial District Court. Paragraph 6 of the enacting clause orders the defendant F.F not to approach the plaintiff P.S, minor children, the parents of the plaintiff, including their domicile, closer than a specified distance. Decision of Shkodra JDC, etc.

⁴⁶ The data on Elbasan JDC is presented in detail below:

⁴⁷ The data on Korça JDC is presented in detail below:

This is one of the most important tables of the report. It reflects the way the Coordination and Referral Mechanism for cases of violence in family relations proceeds and operates in the municipalities of Shkodra, Vlora, Dibra, Saranda, Durres and Korça.

What does the table highlight:

Firstly: Civil society associations, members of AWEN network, the association “Me, the woman” in Pogradec, the psycho-social centre “Vatra” in Vlora, The association “Jona” in Saranda, the Association of Women with Social Problems in Durres, the association “Woman to Woman” in Shkodra have provided different services to support victims of domestic violence; These associations play a very important role in the operation of Referral Mechanisms. The strengthening of this role requires a greater support for civil society organisations that work to prevent and provide protection from domestic violence.

Secondly, the number of institutions, that in cooperation with responsible institutions, have provided support for the victims of domestic violence has increased; So, the victims have been supported by the police, the court and different organisations; by the police, courts, organisations and social service offices in the municipalities, administrative units and civil society organisations, etc. The increasing number of the institutions and civil society organisations that support victims of domestic violence is one of the indicators that shows the increased coordination of the Referral Mechanism members at a local level.

The support and services the victim of violence in family relations has benefited resulting from the monitoring of Elbasan JDC decisions

We are presenting in detail the support and services provided to victims of domestic violence, based on the monitoring of Elbasan JDC decisions This is a case study of the cooperation between responsible institutions and civil society organisations in cases of victims coming from municipalities that do not have a judicial district court. This requires the timely cooperation between police stations, the respective municipalities and Elbasan Judicial District Court.

Support from RM actors	No	%
Cërrik Police Station & Elbasan Court	5	2.87
Cërrik Police Station & Elbasan Court & Cërrik Municipality	3	1.72
Cërrik Police Station & Elbasan Court and Municipality	2	1.15
Elbasan Police Station and Court	58	33.33
Elbasan Police Station, Court and Municipality	37	21.26
Elbasan Police Station and Court & Gramsh Municipality	1	0.57
Elbasan JDC	1	0.57
Gramsh Police Station & Elbasan Municipality	14	8.05
Gramsh Police Station & Municipality & Elbasan Court	4	2.30
Librazhd Police Station & Elbasan Court	31	17.82
Librazhd Police Station and Municipality & Elbasan Court	5	2.87
Elbasan Police Station and Court & Cërrik Municipality	1	0.57
Police Station, Court, Municipality, Forum in Elbasan	6	3.45

Peqin Police Station & Elbasan Court	4	2.30
Police Station, Court, Women Forum Elbasan	1	0.57
Peqin Police Station & Municipality & Elbasan Court	1	0.57

This table reflects the way the Coordination and Referral Mechanism for cases of violence in family relations proceeds and operates in the municipality of Elbasan, what is the number of the involved institutions and NGOs, etc.

The monitored decisions show that in 33.33% of the monitored decisions, the victims of violence in family relations were supported by Elbasan Police Station, Elbasan Judicial District Court, in 21.26% of the cases, the victims were supported by Elbasan Police Station, Elbasan Judicial District court and Elbasan Municipality and in 17.82% of the cases, the victims were supported by Librazhd Police Station and Elbasan Judicial District Court, in 8.05% of the cases, the victims were supported by Gramsh Police Station and Elbasan Judicial District Court.

The support the victims of violence in family relations have been provided by the Association of Women Forum Elbasan is also of interest for the monitoring. So, in 3.45% of the monitored decisions, the victim of violence in family relations has benefited services and support from Elbasan Police Station, Elbasan Judicial District court, Elbasan Municipality and Women Forum Elbasan. In 0.57% of the monitored decisions, the victim of violence in family relations was supported by Elbasan Police Station, Elbasan Judicial District Court, and Women Forum Elbasan.

The monitoring shows that the number of responsible institutions and civil society organisations providing support is increasing. The monitoring has identified cases of victims of domestic violence supported by four actors such as Elbasan Police Station, Elbasan Judicial District Court, Elbasan Municipality and Women Forum Elbasan.

The protection and services that the victims of violence in family relations have benefited in Korça

Institutions providing services to the victim	Emergency Shelter	Office against violence and for gender equality	Police	no data	Municipal social office	Total
No	1	1	16	62	1	81
%	1.23%	1.23%	19.75%	76.56%	1.23%	100.00%

What draws the attention in the table is the support of victims of domestic violence by the municipality, in the Office for Gender Equality and against Domestic Violence in the Municipality of Korça, within the Social Service Directorate of Korça Municipality, an emergency shelter close to this municipality and the police.

2.13 REPRESENTATION BY A LAWYER AND SUPPORT OF VICTIMS OF VIOLENCE IN FAMILY RELATIONS

Judicial District Court	Yes, Vatra/ NGO/ Me, the woman/ GTG/ FGE	Mainly lawyers and NGOs	Private lawyer	No lawyer	With a legal representative	Mainly lawyer	No data
Shkodra ⁴⁸	12.3%		3.37%	93.26%	2.25%		
Elbasan ⁴⁹	9.20 %		2.30%	93.68%			
Pogradec ⁵⁰	19.6%		1.96%	1.96%			
Vlora	11.72%		5.52%	68.28%	0.69%		14.48 %
Dibra	21.43%		17.85%			35.71 ⁵¹ %	25%
Saranda ⁵²			3.85%	96.15%			
Durres ⁵³			7.87%	92.13%			
Korça			20.99%	45.68%			33.33 %

The Law “On measures against violence in family relations” is the first law in the civil field to provide for the state obligation to provide free of charge legal representation for victims of violence. However, even this law has entered into force, we still do not have a list of the lawyers who shall provide this assistance. This has resulted in a failure of the victims to be represented by a lawyer during court proceedings.⁵⁴

The monitoring has showed that in 21.43% of the monitored decisions of Dibra JDC, 11.72% of the monitored decisions of Vlora JDC, 4.02% of the monitored decisions of Elbasan JDC, 1.96% of the monitored decisions of Pogradec JDC and 1.12% of the monitored decisions of Shkodra JDC, the victim was supported with free of charge legal service by the NGOs.

The table shows that the percentage of the legal service support for the victims is not high. So, in 96.15% of the monitored decisions of Saranda, JDC, 93.68% of the monitored decisions of Elbasan JDC, 93.26% of the monitored decisions of Shkodra JDC, 92.13% of the monitored decisions of Durres JDC, 68.28% of the monitored decisions of Vlora JDC, and 45.68% of the monitored decisions of Korça JDC, the victims of violence in family relations were not supported with a lawyer.

There are no cases that have received free of charge legal aid from lawyers contracted by the State Commission for Legal Aid. The number of victims of domestic violence supported by this Commission continues to be low. So, for 2017, 30 individuals have applied for a Protection Order, and 19 for cases of domestic violence, were assisted by this Commission⁵⁵

Positive practice, Dibra JDC

⁴⁸ 11 victims in the monitored cases have benefited services from the Association “Woman to Woman” Shkodra. The cases have benefited primary and secondary legal aid.

⁴⁹ 16 victims in the monitored cases have benefited services from Women Forum Elbasan. The cases have benefited primary and secondary legal aid and for some of them the legal expenses shall be covered.

⁵⁰ In 10 of the monitored cases, the victims were supported with different legal and psycho-social services from “Me, the woman” Association, Pogradec.

⁵¹ In 6 cases represented mainly by a lawyer, the information on this legal right was provided by ARGITRA-VIZION.

⁵² Jona Association, Saranda, has represented a victim of domestic violence in Saranda JDC and has provided legal counselling in three cases of victims having a PO (IPO). During 2017, “Jona” Association has provided psycho-social support to assist 15 women, girls having a IPO and their families. The victims were supported with psychologists from the association, in the police station and in court.

⁵³ The Association of Women with Social Problems Durres has supported 16 cases with free of charge legal aid during the monitoring period. The cases have benefited primary and secondary legal aid.

⁵⁴ http://www.qag-al.org/EEB/deklarata/2010_raport%20monitorimi.pdf
<http://www.qag-al.org/EEB/deklarata/Raporti%20Monitorues%20i%20ligjit%209669.pdf>

⁵⁵ MHSP, REPORT ON THE MEASURES TAKEN TO PREVENT VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE 1 January - 31 December 2017 (DRAFT)

In 35.71% of the monitored decisions of Dibra Judicial District court the victims of violence in family relations were supported with free of charge legal aid mainly from lawyers.

The willingness of the court to appoint as representatives lawyers from the list of lawyers, mainly in criminal proceedings, is very reasonable to directly observe the provisions of Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, as amended. The lack of free of charge legal aid constitutes one of the main barriers for holding an effective judicial process for victims of violence, who are left alone and without legal defence. Defence with a free of charge lawyer is also important because it would have a significant impact on reducing court dismissal cases, taking effective measures, and observing the speedy deadlines of this trial. Currently, non-profit organizations, AWEN network members and other organizations offering free of charge legal services to victims of violence in family relations have played an important role.

Law No 111/2017 “On legal aid provided by the state”, enters into force on 1 June 2018 and requires the adoption of by-laws. Hoping that this law will establish an effective legal aid system, inter alia, based on the involvement of regularly trained lawyers for victims of violence in family relations, the Albanian authorities should take the necessary measures to ensure that the victims are regularly informed about their right to legal aid, and get to know, support and promote the work of NGOs specialised in providing legal assistance to victims. It is expected that lawyers who have applied to the National Chamber of Advocacy (DHKA) and are included in the list; have entered into annual service contracts with the DNJF; are assigned to provide legal aid by the proceeding body or local chamber of advocacy; are specialized in representation of minors, victims, etc.; will provide secondary legal aid to victims of domestic violence.

The primary legal aid shall be provided by a) specially trained officials; b) authorised NGOs; and c) the legal clinic at the higher education institutions;

Taking legal and other measures by the Albanian Government would be in compliance with GREVIO’s recommendation⁵⁶ for Albania.

2.14 Referring the IPO/PO decision for execution

The monitoring shows that the judicial district courts refer the decision on the issuance of IPO/PO to police stations, municipal social service offices and Bailiff’s Offices for execution. It is highly important for the court to observe the deadline for sending copies of the decision on the IPO and PO. The fulfilment of this legal obligation would help the plaintiff to fulfil his obligation to ensure the effective execution of immediate protection orders and protection orders⁵⁷.

The monitoring of the decisions of Elbasan JDC shows that in 38.29% of the cases, pursuant to DCM No 787, dated 14/12/2005 “On setting the criteria, procedures and measure of economic

⁵⁶ The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention “On preventing and combating violence against women and domestic violence”. <https://rrjetikunderdhunesgjimore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislativ-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje/> (p.50/a,b,c)

⁵⁷ The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention “On preventing and combating violence against women and domestic violence”. <https://rrjetikunderdhunesgjimore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislativ-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje/>

assistance”, the plaintiff has benefited economic assistance as a victim of violence in family relations.

2.15 Duration of the IPO/PO

The court has assessed the danger incurred by the victim of domestic violence, by providing for a prolongation of the PO as per the relevant danger. The following table presents data on the duration of protection orders for the monitored period and decisions.

Judicial District Court	1 year	9 months	10 months	6 months	3 months	2 months	1 months	20 days	24 days	12-15 days	4 months	5 months	18 days	10 days	1 week	8 months	16 days	no data
Shkodra	7.87 %			3.37 %	2.25 %	1.12 %	2.25 %	1.12 %		12.35 %	2.25 %	2.25 %	3.37 %	2.25 %	2.25 %		10.14 %	56.18 %
Elbasan	17.39 %			42.03 %	4.35 %			2.90 %		8.70 %			2.90 %	1.45 %	2.90 %			
Pogradec	29.41 %			9.80 %														60.78 %
Vlora	4.90 %		0.98 %	3.92 %	0.98 %	2.90 %	4.90 %	56.86 %	0.98 %	21.57 %								1.96 %
Dibra	35.71 %	3.57 %		3.57 %	3.57 %													53.58 %
Saranda	21.15 %			5.77 %		9.62 %	7.69 %	1.92 %			1.92 %							
Durres	1.12 %			3.37 %	2.25 %	4.49 %	13.48 %	1.12 %		1.12 %								73.03 %
Korça	6.17 %			7.40 %							2.47 %					2.47 %		81.48 %

The monitoring showed that, in 35.71% of the monitored decisions of Dibra JDC, 29.41% of the monitored decisions of Pogradec JDC, 21.15% of the monitored decisions of Saranda JDC, 17.39% of the monitored decisions of Elbasan JDC, 7.87% of the monitored decisions of Shkodra JDC, 6.17% of the monitored decisions of Korça JDC, and 4.90% of the monitored decisions of Vlora JDC, the courts have decided to issue a protection order for 1 year. The table presents detailed information related to the PO and IPO duration.

Decisions have been identified whereby Vlora Judicial District court has decided to issue an Immediate Protection Order for a period of 2 months, whereas, the IPO verification session was set within the 20 days deadline provided by the law⁵⁸

Victims of violence in family relations, when requesting a protection order and the duration of the PO, refer to specific situations that generate violence. So, in one of the monitored decisions of Vlora JDC, the plaintiff Q.H. has requested a long term protection order until the ownership conflicts between the parties to the lawsuit are settled.

2.16 The way domestic violence is denounced

Domestic violence is a private issue or has the role the community and other actors play in its reporting increased?

⁵⁸ Decision of Vlora JDC:

Who denounces cases of domestic violence?

Judicial District Court	Victim	Community	Village head person	Institutions Police	Grandparents	Lawyer	No data
Shkodra	86.52%	2.25%		1.12%	1.12%		9%
Elbasan	100%						
Pogradec	90.20%	-	-	7.84%		1.96%	
Vlora	95.17		0.69%				4.14
Dibra	58.62%	21.43%					18%
Saranda	100%						
Durres	100%						
Korça	100%						

These findings show the need to increase the number of cases of violence in family relations reported by the community. On the other hand, the findings reflect the need to respect the anonymity of the reporter of violence in family relations.

A positive practice in reporting cases of domestic violence, Dibra JDC

The monitoring of Dibra JDC decisions shows that in 21.43% of the monitored decisions the cases of domestic violence were reported by the community. This data show the increasing active role of citizens in reporting cases of domestic violence. However, the community may play a more active role in denouncing domestic violence to the respective bodies.

The victims of domestic violence have directly denounced violence by appearing in front of police bodies or the court. There is only one judicial decision that shows that it was the village head woman who called the police⁵⁹.

The monitoring shows that the main reporting way was directly through the phone.

2.17 DATA ON OTHER CASES BEING FOLLOWED BY THE PARTIES

Judicial District Court	Dissolution of marriage	Assets, dividing the marital assets	Criminal proceedings for violence	Paternity denial
Shkodra	No data	No data	No data	
Elbasan	11.49%		0.57%	0.57%
Pogradec	17.3%		1.69%	
Vlora	4.83	3.45	2.76	
Dibra	7.14%			
Saranda	No data	No data	No data	No data
Durres	No data	No data	No data	No data
Korça	No data	No data	No data	No data

⁵⁹ Decision of Vlora JDC.

The monitoring has shown that the parties to the lawsuit, are simultaneously parties to a marriage dissolution process, judicial proceedings on dividing marital assets or other ownership issues, in cases of paternity denial and criminal proceedings for domestic violence.

Chapter III - Conclusions and Recommendations

Conclusions: The victim of violence in family relations is typically a woman, uneducated and unemployed, born and residing in the city, with two kids, in marital relationship with the perpetrator. The victims of domestic violence face different forms of physical, psychological and combined violence, and an improvement has been observed in identifying violence situations, its forms, and the contributing factors, that constitute a good premise for obtaining a fair decision. It appears that children and other family members are third persons affected by violence in family relations.

Suggestions: This profile requires local actors to take measures in order to strengthen women through employment programs, providing free of charge services for victims of violence in family relations, increasing the guarantees for the protection of minor children from domestic violence. Analysis of factors contributing to domestic violence such as alcohol addiction, property disputes, jealousy, unemployment and economic problems, conflicts and disputes, violent nature and psychological disorders, disagreements over the exercise of parental responsibility and custody of children, problems related to marriage dissolution or interruption of cohabitation, mental health problems of the perpetrator, drug addiction, adultery, addiction to gambling, the denunciation of domestic violence and prosecution, gives a clear message on the need to the establishment of rehabilitation programs for the perpetrators which would contribute not only to the non-repetition of domestic violence cases but also to increase the safety of the victims. Policies and effective services for persons having problems with drugs and alcohol consumption and persons with mental health problems are recommended. The careful treatment of these persons the measures taken to prevent violence in family relations, when it is exercised by persons with mental health problems, are an immediate need. Surveys on the cost of domestic violence in general, and particularly, when it is exercised by persons with mental health problems, drugs, alcohol and gambling addiction need to be promoted.

Conclusions: Although there is a clear improvement in respecting the timing of applications for the issuance of IPO/PO, the judicial hearings for the IPO verification and the PO issuance are unnecessarily delayed.

Suggestions: Strengthen the role of HJC to make liable the judges who do not observe the legal deadlines. The speed and timing constitutes a crucial element for the judgement of protection order, and failure to observe them would lead to the nullification of the law on domestic violence and might endanger the victims. We suggest the HJC analysis on the implementation of Law 9669, dated 18/12/2006 “On measures against violence in family relations” and the performance of the judges under this law to be continuous.

Conclusion: Despite some models created in relation to public lawsuit in different police stations, the monitoring showed that this instrument has not been used to protect victims of domestic violence facing high danger, and particularly minor victims of violence in family relations.

Suggestions: Special attention should be paid to protecting children from domestic violence. The judges may include in the protection order also the children incurring assisted violence. There is a need to strengthen the active role of the court through ex officio protection measures, public lawsuit and requests for protection orders for children, in cases of direct violence exercised by any of the family members, or cases of assisted violence. To this regard, we believe that Law No 10329, dated 30/09/2010 “On some additions and amendments to Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, as amended, which provides that the police and the prosecution office are the institutions eligible to present a

protection order for minors, provides greater opportunities. Additionally, the draft law under preparation on some additions and amendments to Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, as amended, is expected to focus on this aspect.

Conclusions: The monitoring has identified some positive practices. Some of them are, reference to the international acts ratified by the Albanian Government, observing the legal deadlines, expanding the actors where the victim of domestic violence may denounce violence, expanding the network of actors providing services to victims of domestic violence, observing legal deadlines, diversifying the protection measures and carefully combining them, supporting victims of domestic violence with legal aid mainly from lawyers, etc.

Suggestions: We suggest that the positive practices identified in the framework of this monitoring should be made public through the media, including social media, in order to replicate them in as many courts and municipalities as possible.

Conclusion: We have noticed that the protection measures required in the lawsuit are treated by the judge as an opinion of the plaintiff rather than as the object of the lawsuit, in order for the case judge to have the necessary discretion of selecting and alternating the most effective protection measures to protect the victims. The monitoring has showed a diversity of protection measures that the courts have used creatively in order to provide the most effective protection for victims of domestic violence.

Suggestion: We suggest that this finding should be shared as a positive practice with all the monitored judicial district courts.

Conclusions: We have noticed that in the majority of the cases the courts have considered that the issue of failure to prove the claims before the court, aiming “The issuance of the immediate protection order”, represents some features different from the adjudication of other disputes.

It was noticed that when the judicial district courts were not provided with all the evidence provided under Article 15 (2) of Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, as amended”, they have decided on the issuance of the protection order, based only on the description of the circumstances and facts pertaining to the exercise of domestic violence, based on a personal conviction.

Suggestion: The Judicial District Courts may also issue the protection order based only on the description of circumstances and facts pertaining to the exercise of domestic violence, based on a personal conviction made on the explanations of the parties to the lawsuit (Article 15(3) of the Law).

Conclusion: We have noticed positive practices in Dibra JDC related to the civil court decision to provide the representation of victims of violence during a court proceeding on the issuance of protection orders, mainly by lawyers. This practice constitutes an efficient enforcement of the Law “On measures against violence in family relations”, as amended.

Suggestions: We suggest for the speedy approval of by-laws implementing Law No 111/2017 “On legal aid provided by the state”, in order to ensure free of charge legal aid to victims of violence in family relations.

Conclusions: We have noticed an increased number of court decisions that stipulate that the right of the parent to meet the children should be exercised under the supervision of psychologists, or police officers or other specialists, in order to ensure the safety of minor and adult victims. The measure of evicting the perpetrator out of the marital domicile has not been noticed in all the monitored courts.

Suggestion: We suggest the strengthening of this practice in order to enhance the safety of victims of domestic violence who face extreme forms of domestic violence while one of the parents exercises the right

to meet the children. In cases where the perpetrating parent has the right to a meeting/visit, the decision should be accompanied by a security plan that would provide protection for the victim and children and would not make them subject to a more extreme form of violence. We suggest to take the measure provided under Article 10 (c) of the Law Against Domestic Violence, as a measure that enhances the safety of victims of domestic violence.

Conclusion: Very positive steps have been noticed in terms of the observation of legal deadlines for the assessment of IPOs and POs.

Suggestion: We recommend analysing the causes of failure to observe the legal deadlines by the court proceedings and making the judges liable for the cases where they have infringed the legal deadlines without reasonable causes.

Conclusion: No adequate cross-sectoral cooperation between judicial district courts, subject to monitoring, and the local chambers of advocacy is noticed in order to establish the list of lawyers who will provide legal aid for victims of domestic violence.

Suggestion: The strengthening of cross-sectoral cooperation between the judicial district courts and local chambers of advocacy is suggested in order to establish the lists of special lawyers to provide legal aid to victims of domestic violence.

Conclusion: A positive practice is noticed in Shkodra JDC, where the perpetrator is ordered to attend the rehabilitation program of “Woman to Woman” Association, the Office for Boys and Men, Shkodra, and an employee of this association is charged to inform Shkodra JDC on the progress of the perpetrator in the rehabilitation program. This constitutes an important practice, as it implements measure (m) of Article 10 “Protection measures against domestic violence”, of Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, as amended, and provides the court, where the perpetrator does not attend the rehabilitation program, with the opportunity to implement the provisions of the Criminal Code on the prevention of the execution of the court decision on the issuance of IPO/PO.

Suggestion: In order to improve the work of judicial district courts, we suggest that the organisations that have conducted the monitoring, should organise activities for sharing the best practices and the practices that need to be improved. This would contribute to the improvement of working procedures in the courts and other locally responsible institutions.

Conclusion: An increasing number of the actors that provide support to victims of domestic violence is noticed. Police, courts, civil society organizations members to AWEN in the monitored districts, Municipal Social Service Offices, Administrative Units are some of the most active actors that have supported victims of domestic violence and have made the work of Referral Mechanism dynamic and effective.

Suggestion: We suggest to expand the responsible institutions active in the management and support of domestic violence cases; The establishment of RM in all municipalities of the country is a priority set by GREVIO and many other organizations. The role of NGOs, in particular AWEN member organizations, within the mechanism is very important. The attention of the state and donors / partners should be focused on a sustainable funding for women’s NGOs working to support victims and prevent violence, thus making them capable of fully meeting the needs of all victims (paragraph 32) ⁶⁰.

⁶⁰The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention “On preventing and combating violence against women and domestic violence”. <https://rjetikunderdhunesgjimore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat->

Moreover, the establishment of new local NGOs would contribute to increase the effectiveness of the work of this mechanism.

Conclusion: The monitoring of court decisions has showed that the different Municipal Social Service Offices have supported victims to benefit economic assistance during the period the PO is in force.

Suggestion: Since a lot remains to be done to inform the victims and the community in general, it is suggested that the victims of domestic violence may benefit economic assistance from the moment when the court issues the protection order until their validation period expires.

Conclusion: Access to justice for the victims of domestic violence needs to be strengthened. The number of cases where victims of domestic violence are supported with free of charge legal aid remains limited.

Suggestion: It is suggested to augment the efforts for the implementation of Law No 111/2017, the approval of by-laws, the recognition and organisation of trainings related to this law, etc.

Conclusion: There is an increasing trend of Albanian courts reference to international standards of CEDAW Convention and Istanbul Convention. So, a reference to the Istanbul Convention has been noticed in the decisions of Shkodra JDC and Durres JDC, etc. The monitoring has not showed any reference to the Istanbul Convention in the decisions of Elbasan JDC and Vlora JDC.

It is suggested to include this indicator in the assessment log as these standards may be used as a strong instrument for reaching gender equality and combating gender based violence. It is also suggested to increase, by judicial district courts, the use of the international standards of Istanbul Convention, CEDAW Convention and UPR.

Conclusion: The monitoring showed a strong need to increase the number of trainings for professionals responsible for the management of domestic violence cases, such as courts, police, lawyers, etc., in order to enhance their knowledge on international standards and their capacities to integrate these standards in the decision-making process.

Suggestion: It is suggested to organise trainings with The School of Magistrates for judges and prosecutors, in order to raise the awareness of professionals on the role these standards may play in litigation and strategic litigation. Further, the Advocacy School should integrate in its curricula the standards of CEDAW and Istanbul Conventions, focusing on the specific use of standards. There is a need to strengthen the cooperation between the National Advocacy Chamber and Local Advocacy Chambers.

Bibliography

Conventions ratified by the Albanian Government

Council of Europe Convention “On preventing and combating violence against women and domestic violence”, ratified through Law No104/2012.

Convention on the Elimination of all Forms of Discrimination against Women, CEDAW, Law No 1769, dated 9/11/1993.

Laws:

1. Law No 9669, dated 18/12/2006 “On measures against violence in family relations”, as amended;
2. Law 111/2017 “On legal aid guaranteed by the state”
3. Law no. 18/2017 “On the rights and protection of the child”

Reports:

1. The GREVIO report on the legislative and other measures implementing the provisions of the Council of Europe Convention “On preventing and combating violence against women and domestic violence”. <https://rrjetikunderdhunesgjinore-monitorime.al/2018/03/23/raporti-i-grevio-s-per-masat-legjislative-dhe-te-tjera-qe-zbatojne-dispozitat-e-konventes-se-keshillit-te-evropes-per-parandalimin-dhe-luftimin-e-dhunes-ndaj-grave-dhe-dhunes-ne-familje/>
2. MHSP, REPORT ON MEASURES TAKEN TO PREVENT VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE 1 January - 31 December 2017 (DRAFT submitted in the meeting of the National Gender Equality Council, 2018)
3. <http://AWENetëork.org/ëp-content/uploads/2017/01/Raporti-i-integrUAR-09-korrik-2015-AWEN.pdf>
4. <http://AWENetëork.org/ëp-content/uploads/2017/01/Raporti-i-integrUAR-Monitorimi-i-UM-UMM-ve-ne-7-rrethe-Janar-Tetor-2013.pdf>
5. Report The implementation of the Law "On measures against violence in family relations" (monitored period: 01.06.2007-31.04.2008, prepared by the Centre for Legal Civic Initiatives, Tirana, 2008. <http://www.qag-al.org/ËEB/deklarata/Raporti%20Monitorues%20i%20ligjit%209669.pdf>
6. Report The implementation of the Law “On measures against violence in family relations”, prepared by the Centre for Legal Civic Initiatives, Tirana, 2009. (published on: <http://www.qag-al.org>). http://www.qag-al.org/WEB/deklarata/2010_raport%20_monitorimi.pdf
7. <http://www.kld.al/component/k2/raport-mbi-situaten-e-ceshtjeve-gjyqesore-per-dhunen-ne-familje>