



**REPUBLIC OF ALBANIA
OFFICE OF THE PEOPLE'S ADVOCATE**

**THE KILLING OF WOMEN AND GIRLS – FEMICIDE IN
ALBANIA
(2021-2023)**

This report was prepared by the Office of the People's Advocate with the support of UN Women, Albania, in the framework of the United Nations Joint Programme "Ending Violence against Women", funded by the government of Sweden.

Authors: Ms. Lindita Cakoni and Ms. Agustela Nini-Pavli, experts, UN Women

Ms. Erinda Ballanca, Ms. Vilma Shurdha and Ms. Brunilda Dervishaj, Office of the People's Advocate

Ms. Alba Agolli and Ms. Majlinda Nesturi, UN Women

**Tirana
December 2024**

TABLE OF CONTENTS

List of Acronyms and Abbreviations	4
Executive Summary	5
Introduction	9
1. Definition of Femicide and Applicable International Legal Framework	10
2. Methodology and Data Collection	14
CHAPTER I - THE KILLING OF WOMEN AND GIRLS (FEMICIDE) IN ALBANIA	
1.1 The Need for Improvements in Institutional Mechanisms	18
1.2 Criminal Legislation on the Killing of Women and Girls in Albania and Law on Gender-Based Violence and Domestic Violence	18
1.3 Law on Domestic Violence	20
1.4 Some Statistical Data on the Killings of Women and Girls in Albania (2021-2023)	21
1.5 Femicide Rates in Albania and Comparisons with Other Countries	24
1.6 An Analysis of Cases of Killings of Women and Girls and Some Background Information on Victims and Perpetrators	26
1.7 Killings of Women and Girls in Albania by municipality/district	33
CHAPTER II – ROLE OF CRMs IN ADDRESSING CASES OF VIOLENCE AND PREVENTION OF FEMICIDE	
2.1 Interinstitutional Coordination for the Protection and Support of Victims of Violence	36
2.2 Role of the Police in Addressing Cases of Violence and Preventing Femicide	40
2.3 Role of the Prosecution and Courts as Part of the CRMs	43
2.4 Monitoring of Protection Orders	44
2.5 Role of Municipal Authorities/Local Coordinator on Domestic Violence	45
2.6 Role of Healthcare Centres	46
2.7 Role of Civil Society Organisations (CSOs)	47
2.8 Role of Families and the Community	48
CHAPTER III – CRIMINAL PROSECUTION AND ADJUDICATION OF CASES OF KILLINGS OF WOMEN AND GIRLS IN ALBANIA	
3.1 The Role of the Police and Prosecution in Investigating Killings of Women and Girls and Identifying Femicide Cases	48
3.2 An Analysis of Court Judgments in Cases Related to Gender-Related Killings of Women and Girls (2021-2023)	50
3.3 Sentencing of Perpetrators of Femicide	54
3.4 Monitoring of Court Hearings	57
3.5 Effects of Femicide on Victims’ Children and Other Family Members	58
CHAPTER IV- RECOMMENDATIONS	
4.1 General Recommendations	62
4.2 Specific Recommendations	63
ANNEXES	
Case Studies	67

Interviews with Victims' Family Members	77
Interviews with Perpetrators	80
Map of national centres and shelters for victims of gender-based and domestic violence	84
REFERENCES	85

DRAFT

List of Acronyms and Abbreviations

PA	The People's Advocate
EU	European Union
GDP	General Directorate of Prisons
GDSP	General Directorate of the State Police
GBV	Gender-Based Violence
DV	Domestic Violence
GREVIO	The Group of Experts on Action against Violence against Women and Domestic Violence
ECtHR	European Court of Human Rights
INSTAT	Institute of Statistics of the Republic of Albania
ECHR	European Convention on Human Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
HCJ	High Council of Justice
HPC	High Prosecutorial Council
CoM	Council of Ministers
CC	Criminal Code
CPC	Criminal Procedure Code
MoI	Ministry of the Interior
MD	Ministry of Justice
CRM	Coordinated Referral Mechanism
MHSP	Ministry of Health and Social Protection
CPU	Child Protection Unit
NJVV	Units of Local Self-Government
NPO	Non-Profit Organisations
UN	United Nations Organisation
CSO	Civil Society Organisations
CPO	Child Protection Official
GPO	General Prosecution Office
PO	Protection Order
IPO	Immediate Protection Order
IPPO	Immediate Preliminary Protection Order
UN WOMEN	United Nations Entity for Gender Equality and the Empowerment of Women
DCoM	Decision of the Council of Ministers

Executive Summary

This report was prepared by the Office of the People’s Advocate and is based on data collected in the course of 2021-2023 as part of the Femicides Observatory in Albania, which was established within the institution in March 2024.¹ The establishment of the Observatory, as a mechanism for monitoring cases of killings of women and girls because of their gender, is an important step towards institutionalising measures for preventing the phenomenon and raising awareness across the institutions responsible for addressing issues related to gender-based violence and domestic violence. Albania is the first country in the Balkans – and among few countries in Europe – that has in place a Femicides Observatory² and is undoubtedly a very important step towards the implementation of obligations deriving from international instruments on the protection of human rights and combating gender-based violence.

Purpose of the report – The aim of the report is to analyse and document femicide cases in Albania in the period 2021-2023 by identifying any issues and institutional gaps in addressing gender-based violence and femicide. The report also aims to provide concrete recommendations regarding the preventing the phenomenon, improving institutional response and providing support for victims and their relatives.

Scope of the report – The report covers the collection and analysis of data on femicide cases in Albania; it examines the role of relevant institutions (the police, prosecution, courts, municipal authorities, and health care institutions), and evaluates the effectiveness of protective measures, support services and rehabilitation programmes in addressing these issues.

Methodology and data collection – Primary and secondary data were used in preparing this report. The primary data were collected by the responsible institutions, as well as during the monitoring of court hearings. The secondary data, on the other hand, were obtained from past research studies on femicide and gender-based violence.

Structure: The report contains an *Introduction*, providing the context, definitions, and an overview of the international legal framework, as well as some information on the methodology used. *Chapter I* contains summarised descriptions of the femicide cases monitored, with information on the victims, perpetrators and circumstances in which the crimes were committed. *Chapter II* follows with a detailed analysis of measures the responsible institutions should have taken to prevent of such crimes. This was based on their obligations under the Albanian legislation, the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), the Istanbul Convention, and European Court of Human Rights jurisprudence on cases of this nature. *Chapter III* analyses the role of institutions, including prosecutorial bodies and courts, in criminal proceedings against perpetrators of femicide, and the impact of such crimes on the victims’ children. Finally, the report makes a number of general and specific *recommendations* addressed to all the relevant institutions. The Annex contains three case studies – extreme killing incidents which occurred in Albania, as a result of which five women

¹ The Femicides Observatory was established in fulfilment of the requirements set out in the CEDAW, the Istanbul Convention, etc., for the collection, publication and analysis of data on the killing of Women and girls at the national level. The Observatory was supported by the Joint UN-Albanian Government Programme “Ending violence against women”, funded by the Government of Sweden.

² In November 2017, Georgia was the first country in Europe to establish a Femicide Monitoring Mechanism.

and girls died – four were killed by individuals they were in a family or intimate relationship with. This section also contains notes from interviews with victims’ family members and a couple of perpetrators.

Femicide is not defined or expressly used as such in the Criminal Code of the Republic of Albania or any other relevant piece of legislation. In addition, there are as yet no legal provisions dedicated to expressly regulating crimes of homicide because of gender. This should not, however, prevent law enforcement bodies from paying due attention to gender motives behind the crime, in cases where a woman or a girl is killed.

Between 2021 and 2023, a total of 32 women and girls were killed in Albania, 27 of which by perpetrators with whom they were or in a family or intimate relationship. Of the 28 perpetrators, 26 were men and boys; only in two cases the crimes were committed by a woman and a girl. Six of the perpetrators died after committing the crime – five committed suicide and one lost his life trying to avoid arrest by the police. Two perpetrators died in pretrial detention, when investigations were still ongoing.

According to information available, of the 32 cases of killings of women and girls, 24 fulfil the criteria to qualify as femicides, or killings because of gender. The crimes in these cases were committed by 22 perpetrators.

In 2021, the rate of femicide in Albania stood at 0.85 per 100,000 population of women and girls. In 2022 this dropped to **0.50**, to then rise again in 2023, to **0.84**. A comparison with some of the countries in the region and in the European Union³ for 2021, 2022 and 2023 reveals that:

- In 2021, the rate of femicide in Albania **was higher** than in North Macedonia, Italy, Slovenia, Serbia, Malta, Croatia, Bosnia and Herzegovina, Czechia, Bulgaria, Romania, Greece, Hungary, and Montenegro.
- In 2022, the rate of femicide in Albania **was lower** than in some of the above-mentioned countries, but **higher** than in Slovenia, North Macedonia and Italy.⁴
- In 2023, the rate of femicide in Albania **was lower** compared to North Macedonia but **higher** vis-à-vis the rest of the countries chosen for the purpose of this comparison exercise.

Regarding motivation, in most of the cases the women and girls were killed for reasons such as jealousy, refusal to accept separation/divorce, refusal to accept the fact that the victim was in a new relationship after separation with the perpetrator, and/or out of revenge for reporting them to the police. In the majority of the cases, the killings were brutal and involved the use of firearms, sharp or blunt implements, and the exercise of physical force.

³ The countries selected for the purposes of this comparison are: North Macedonia, Montenegro, Serbia, Croatia, Bosnia and Herzegovina, Bulgaria, Romania, Malta, Hungary, Greece, Czechia, and Italy.

⁴ UNODC has published data on femicides by country until 2023, calculated per 100,000 female population. See: <https://dataunodc.un.org/dp-femicide>.

According to the collected data, in about 90 per cent of the cases the victims of femicide had suffered abuse in the hands of the perpetrators even prior to being killed but only six of them (25 per cent) had filed complaints with the police. Two women had been granted protective orders (IPO/POs) at the time they were killed. None of the women was in possession of an Immediate Preliminary Protection Order (IPPO) issued by the police.

With respect to crime prevention, issues identified in cases where there had been reporting of prior abuse to the police, relate mainly to a failure to properly assess risk factors and to take prompt measures to protect these women, lack of adequate coordination between the responsible structures, a failure to monitor already granted protective measures in line with the procedures set out in the legal provisions in force, and lack of effective support services for victims and rehabilitation services for perpetrators.

These same issues were also identified by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in its First Thematic Evaluation Report on Albania, published in September 2024.⁵ On the other hand, the high number of murdered women and girls who had not previously reported abuse to the police highlights the need to further raise awareness in the community and across the institutions.

Four of the women and girls were killed a few days after the perpetrators were released from prison after serving sentences on charges of domestic violence under Article 130/a of the Criminal Code. This fact highlights the need to have in place mechanisms that enable both a timely notification of the victim about the perpetrator's release from prison and their subsequent monitoring, irrespective of whether the victims have been granted immediate protection orders/protection orders (IPO/PO). In this context, the General Directorate of Prisons and the General Directorate of the State Police must review their standards of cooperation in relation to sending notification on perpetrators' release from prison and providing information on any progress made regarding the perpetrators' rehabilitation, in cases of the criminal offences of violence against women and domestic violence. Establishment of rehabilitation programmes and their implementation in all institutions for the execution of criminal decisions (IECD) and obligatory attendance of perpetrators of gender-based violence in such programmes, are other issues that must be duly addressed.

As a general observation, dealing with cases where the abusers have mental health issues remains a challenge which must receive due attention as soon as possible.

During the monitoring period, thirty-five children were affected by the killing of their mothers, twenty of whom were of minor age. What is worse, some of them were present at the time the crime occurred. In addition to psychological consequences, these children also suffer financial hardship as a result of the crime and of frequently long-drawn-out legal child custody proceedings. In general, the families that get custody or guardianship of these children face

⁵ The first thematic evaluation report on Albania issued by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "Building trust by delivering support, protection and justice", was published in September 2024. "GREVIO strongly encourages the Albanian authorities to ensure that risk assessment and management in cases concerning all forms of violence covered by the Istanbul Convention are conducted in a manner that involves and is co-ordinated with all relevant agencies and entities that provide services to the victim and her children". See: <https://rm.coe.int/grevio-s-first-thematic-evaluation-report-on-albania/1680b1a0ca>

difficulties in raising them both because of their financial situation, lack of services or insufficiency thereof.

Investigations in cases of femicide are generally conducted and completed within a short time. In the cases where the perpetrators themselves subsequently died, investigations were completed in the space of a few months; the rest took anywhere between three months and one year and 15 days. Where the perpetrator is not promptly apprehended after the crime, usually investigations take longer.

It is a matter of concern that investigations do not, as a matter of course, extend to include information that is held by structures that deal with domestic violence cases, in those cases where the murdered women and girls had suffered abuse previously, or were in possession of a protection order at the time when they were murdered. In addition, where an application is made for a stay or termination of proceedings due to the death of the perpetrator, the courts proceed more expeditiously and do not go into any lengthy analysis of the history of violence in the case. Prosecution applications to the court to commit the case for trial and judicial judgments do not address the gender-related motive behind the killing.

In line with recent amendments to the Criminal Code, the courts now issue harsher sentences where crimes occurring in a domestic setting are concerned; however, so far there have been no cases where the gender-related motivation behind the crime was established.

The present report includes a number of general and specific recommendations addressed to the relevant institutions. The recommendations focus on two main areas, namely:

- Measures to be taken for the prevention of femicide by strengthening the coordinated inter-institutional response against domestic violence and other forms of violence against women and, specifically, by conducting effective risk assessments and implementing protection measures victims of violence.
- Measures to be taken during the investigation and trial stages of femicide cases, particularly by focusing more on the gender-related motivation for the killing, a more in-depth examination of past incidents of violence, which would also lead to increased awareness and help prevention efforts in this respect.

INTRODUCTION

Apart from being a widespread global phenomenon, gender-based violence is also one of the most serious violations of human rights which disproportionately affects women and girls. According to the Constitution of the Republic of Albania, human rights and fundamental freedoms are indivisible, inalienable, and inviolable and lie at the foundation of the entire legal order. The right to life and protection of life is one of the fundamental constitutional obligations, as a value from which all other values. In the fulfilment of their duties, public authority bodies must respect human rights and fundamental freedoms and contribute to their realisation.⁶

The gender-related killing of women, or femicide, constitutes the most extreme form of gender-based violence. According to a joint report of the United Nations Office on Drugs and Crime (UNODC) and UN Women, entitled “Femicides in 2023: Global estimates of intimate partner/family member femicides”, in 2023, 85,000 women and girls were intentionally killed worldwide, with an estimated 51,100 (or about 60 per cent) killed by intimate partners or other family members.⁷ Similarly, according to the 2022 Report, that year nearly 89,000 women and girls were killed globally, which was the highest yearly number recorded in the past twenty years.⁸

In exercising its functions as an independent constitutional institution, the People’s Advocate in Albania pays particular attention to gender equality and the prevention of violence against women and girls and particularly its most serious forms. The present report provides an in-depth analysis of instances of killings of women and girls in Albania in the period between January 2021 and December 2023, with a focus on femicide – or killing of women because of their gender. The report was prepared by the People’s Advocate based on the data collected as part of the Femicides Observatory in Albania, which was established within that institution in March 2024.⁹

The Observatory is a monitoring mechanism which was established to address cases of killings of women and girls, with a view to preventing the phenomenon and ensuring effective enforcement of the legislation against gender-based violence. Through this mechanism, country-wide data are collected and then comprehensively analysed with the aim of identifying any issues or gaps in the existing mechanisms for the protection of victims of violence. The findings of the analysis serve as a basis for formulating concrete recommendations to the National Mechanism for Combatting Gender-Based Violence and relevant institutions.

⁶ Constitution of the Republic of Albania, Articles 15 and 21.

⁷ UNODC and UN Women “Femicides in 2023: Global estimates of intimate partner/family member femicides”, <https://www.unwomen.org/sites/default/files/2024-11/femicides-in-2023-global-estimates-of-intimate-partner-family-member-femicides-en.pdf>

⁸ UNODC and UN Women “Gender-related killings of women and girls: Global estimates of female intimate partner/family related homicides in 2022”, See: <https://www.unwomen.org/sites/default/files/2023-11/gender-related-killings-of-women-and-girls-femicide-femicide-global-estimates-2022-en.pdf>

⁹ The Femicides Observatory was established in fulfilment of the requirements set out in the CEDAW, the Istanbul Convention, etc., regarding the collection, publication and analysis of data on the killing of Women and girls at the national level. The Observatory was supported by the Joint UN-Albanian Government Programme “Ending violence against women”, supported with funds by the Government of Sweden.

The information is entered into a dedicated data system on femicides¹⁰ in line with the UN statistical framework¹¹ and best European practices. Meanwhile the office of the People's Advocate is also engaged in monitoring court proceedings in homicide cases where the victims are women and girls. The purpose of this exercise is to conduct an analysis of judicial proceedings and decision-making.

A number of studies on femicide as well as the experience of countries that have incorporated a Femicides Observatory under an independent institution show that that this mechanism will produce the desired effect not only as regards the collection and analysis of data on femicide but, more importantly, the prevention of this phenomenon.

In addition, the present Report helps fulfil one of the GREVIO's recommendations in its 2024 report, in which GREVIO "*strongly encourages the Albanian authorities to introduce a system of retrospective review of cases of gender-based killings and gender-based violence-related suicides of women and to assess whether gaps in the institutional and/or judicial response contributed to the fatal outcome, with the aim of preventing them in the future and holding to account both the perpetrators and any institutions that may have failed in their duties to prevent such incidents*".¹²

1. Definition of Femicide and Applicable International Legal Framework

Protection from various forms of gender-based violence against women and girls is guaranteed under a number of international conventions. However, no universally accepted definition of femicide has been formulated so far.¹³ Femicide is generally recognised and described as the most extreme and brutal manifestation of violence against women; a phenomenon that affects all regions and countries throughout the world. In essence, femicide means the killing of women and girls for gender-related motivations.

Despite the fact that key international instruments on human rights guarantee women's right to gender equality, violence against women was only recognised as a human rights violation as late as the 1990s. In 1992, the Committee on the Elimination of Discrimination against Women (CEDAW Committee), with its general recommendation no. 19, opened a new chapter for addressing the issue of victims of gender-based violence. This type of violence was considered to be a form of discrimination which is prohibited under Article 1 of the CEDAW. Further, through its general recommendation 35, "On gender-based violence against women" launched in 2017 (updating General Recommendation No. 19 of 1992), the CEDAW Committee demands from member states to regularly collect, analyse and publish statistical data on violence against

¹⁰ The system for collecting and maintaining data on femicide cases is a database organised in a number of sections focusing on information about the victim, the perpetrator and the incident. A special section in the system is dedicated to cases that were assessed to be femicides on the basis of the UN Statistical Framework. Another section in the system contains court judgments and information gathered in the course of monitoring court hearings.

¹¹ The statistical framework for measuring the gender-related killing of women and girls (also referred to as femicide/femicide), prepared by the United Nations Office on Drugs and Crime and the United Nations Entity for Gender Equality and the Empowerment of Women. The document is available online at: https://www.unodc.org/documents/data-and-analysis/statistics/Statistical_framework_femicide_2022.pdf

¹² The first thematic evaluation report on Albania issued by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "Building trust by delivering support, protection and justice", September 2024.

¹³ For some background on the origin and definitions of the term femicide, see the Report of the Centre for Legal Civic Initiatives "Murders (Femicides) and Attempted Murders of Women and Girls in Albania 2017-2020", published in 2021. This report was prepared in the context of the UN Women Regional Programme "Ending Violence against Women and Girls in the Western Balkans and Turkey: Implementing Norms, Changing Minds", with the financial support of the European Union.

women, with a special focus on administrative data related to the killing of women and girls because of their gender (femicide/feminicide). In its November 2023 Concluding Observations addressed to Albania, the CEDAW Committee recommended amending the Criminal Code to specifically criminalise femicide as a criminal offence.¹⁴

United Nations Initiatives on Combatting Femicide

During the 2017 campaign “16 days of activism against violence against women”, the United Nations Special Rapporteur on violence against women and girls called on member states to create mechanisms for the collection and annual publication of data and analyses regarding femicide cases.

Examination and analysis of femicide cases in the context of the present report is underpinned by the definition provided by the United Nations (UN). In the UN Statistical Framework for the collection and analysis of statistical data, femicide is defined as:

“the intentional homicide of female victims committed by intimate partners, committed by other family members, or committed by other known or unknown perpetrators, with a certain modus operandi or in specific contexts indicative of gender motivations”.¹⁵

Indicators of femicide

In accordance with the UN Statistical Framework and pursuant to the criminal legislation of the Republic of Albania, in assessing whether a case of intentional killing of a woman or a girl is in fact femicide, the following elements must be considered:

- Whether the perpetrator of the murder had prior history of physical, sexual or psychological violence against the victim;
- Whether the perpetrator had previously been apprehended by law enforcement agencies;
- Whether the victim used to work in the sex industry or was subject to unlawful exploitation;
- Whether the victim had suffered sexual abuse before and/or after the killing;
- Whether the murder was committed with particular cruelty and accompanied by mutilation of the victim’s body;
- Whether the victim’s lifeless body was left in a public space;
- Whether the killing was motivated by misogyny or prejudice against women;
- Whether the victims had been abducted or unlawfully deprived of liberty before being killed.

Femicide differs from other types of homicide in that it refers to the killing of a woman because of her gender – only because she is a woman. The root causes of femicide relate to:

¹⁴ Report of the Committee on the Elimination of Discrimination against Women (the CEDAW Committee), “Concluding observations on the fifth periodic report of Albania”, 2023, See: <https://documents.un.org/doc/undoc/gen/n23/352/80/pdf/n2335280.pdf>

¹⁵ The statistical framework for measuring the gender-related killing of women and girls (also referred to as femicide/feminicide), prepared by the United Nations Office on Drugs and Crime and the United Nations Entity for Gender Equality and the Empowerment of Women, 2022, p. 10. See: https://www.unodc.org/documents/data-and-analysis/statistics/Statistical_framework_femicide_2022.pdf

- General status of women in society;
- Discrimination against women;
- Gender roles;
- Power imbalances between men and women;
- Prevailing gender stereotypes;
- Prejudice and violence against women.

The Role of the Istanbul Convention in Combatting Violence Against Women

The Council of Europe Convention on Preventing and Combating Violence Against women and domestic violence, also known as the Istanbul Convention, is the international treaty most specifically dedicated to combatting violence against women and domestic violence. It contains numerous provisions aimed at prevention and protection and sets out a number of obligations for member states with a view to ensuring an adequate criminal justice response to these grave human rights violations.

While the Istanbul Convention does not expressly mention femicide, the term is widely used in the reports of the Group of Experts for Action against Violence against Women and Domestic Violence (GREVIO). GREVIO commends those member states who report on femicides. GREVIO's thematic report on Albania, published in 2024, noted with appreciation that the Femicides' Observatory will help streamline data collection and analysis, by establishing a focal point of reference dedicated to this phenomenon in Albania. In addition, GREVIO strongly encouraged the Albanian authorities to introduce a system of retrospective review of cases of gender-based killings and gender-based violence-related suicides of women and to assess whether the gaps in the institutional and/or judicial response contributed to the fatal outcome, with the aim of preventing them in the future and holding to account both the perpetrators and any institutions that may have failed in their duties to prevent such incidents.¹⁶

The European Convention on Human Rights and the Jurisprudence of the European Court of Human Rights

Gender-based violence and domestic violence cases, particularly extreme ones that have led to loss of life, have been extensively addressed by the European Court of Human Rights (ECtHR), pursuant to Article 2 "Right to life" of the European Convention on Human Rights (ECHR). Some of the most prominent court cases with a direct bearing on this study include: *Opuz v. Turkey* (2009), regarding a perpetrator who killed his mother-in-law after first attempting to kill his wife. This was one of the first cases in which the ECtHR demanded the implementation of a system for the punishment of domestic violence and protection of victims, finding that "the violence suffered by the wife and her mother may be regarded as gender-based violence which is a form of discrimination against women." In addition, the Court found that Turkey was responsible for failing to pursue the criminal proceedings against the abuser before he committed

¹⁶ First thematic evaluation report on Albania of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "Building trust by delivering support, protection and justice", 2024, p. 16. See: <https://rm.coe.int/grevio-s-first-thematic-evaluation-report-on-albania/1680b1a0ca>

the murder, despite the fact that the complaint had been withdrawn.¹⁷ In other proceedings, the ECtHR found state authorities responsible for:

- Failure to provide psychological treatment for persons with mental health problems, in cases of individuals who murdered their wives/partners or other family members (for instance, *Branko Tomašić and others v. Croatia*, 2009);¹⁸
- Inadequate investigation of previous incidents of domestic violence, such the case of a family living in a situation of persistent violence, culminating in the killing of a child and wounding of the child's mother (*Talpis v. Italy*, 2019);¹⁹
- Failure to adequately investigate cases of attacks against women, when the attack had all the hallmarks of gender-based violence (*Tërshana v. Albania*, 2020).²⁰

Recent cases involving the obligation to prevent killings of women in domestic settings include: *Kurt v. Austria* (2021, Grand Chamber of the ECtHR);²¹ *Tkheldidze v. Georgia* (2021);²² and *Y and Others v. Bulgaria* (2022).²³ The Court noted the primary duty of the state to protect life, in accordance with Article 2 of the European Convention on Human Rights, as well as the responsibility of the authorities that, if they knew or ought to have known of the existence of a potential threat to life, they ought to have taken the adequate steps to prevent it. The ECtHR clarified this duty further, by defining the concrete responsibilities of the authorities regarding risk assessment in the context of domestic violence (see Chapter 1 below).

2. Methodology and Data Collection

For the purposes of this report, primary and secondary data have been used. The primary data was collected by the responsible institutions and additionally during the monitoring of related judicial proceedings. The secondary data was drawn from prior research on femicide and gender-based violence.

Primary data collection and analysis

Primary data was obtained through:

- Analysing material collected by competent bodies through official channels,
- Reviewing prosecution applications to commit cases for trial and court judgments on criminal offences related to the killing of women and girls;
- Monitoring court hearings held in these cases;
- interviews, and
- analysing media articles, etc.

¹⁷ ECtHR (2009), *Opuz v Turkey*, Judgment, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-92945>

¹⁸ <http://hudoc.echr.coe.int/sites/eng-press/pages/search.aspx?i=003-2602993-2833362>

¹⁹ <http://hudoc.echr.coe.int/eng-press?i=003-5644174-7145931>

²⁰ The case was placed under monitoring by the Committee of Ministers of the Council of Europe, in the context of which Albania was requested to keep the Committee informed on the measures taken for its enforcement. The Monitoring Network Against Gender-Based Violence submitted a report addressing the issues raised. Following that, the Albanian government submitted an Action Plan containing the general measures addressing the matters raised in the case. As regard individual measures, the prosecution was expected to respond with updated information on the progress of investigations in the relevant case (according to the most recent information regarding the enforcement of the decision).

[https://hudoc.exec.coe.int/#{%22fulltext%22:\[%22tershana%20v%20albania%22\],%22execidentifier%22:\[%22004-56331%22\]}](https://hudoc.exec.coe.int/#{%22fulltext%22:[%22tershana%20v%20albania%22],%22execidentifier%22:[%22004-56331%22]})

²¹ [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22002-13298%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22002-13298%22]})

²² <https://hudoc.echr.coe.int/fre#%7B%22tabview%22:%225B%22document%22%5D,%22itemid%22:%225B%22001-210854%22%5D%7D>

²³ <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%225B%22001-216360%22%5D%7D>

Data collection was made possible thanks to collaboration with key responsible institutions, including:

- State Police structures,
- Prosecution offices,
- District Courts,
- Local government authorities,
- Health care institutions, and
- Prisons.

The information sought from **police structures** consisted of available statistics and data on the victims, perpetrators and relevant incidents during the monitoring period. Regarding victims and perpetrators, the information sought included the following:

- Personal information (ID, first name, father's name, surname, date of birth, place of birth, place of residence, nationality, citizenship, education, marital status, number of children and their ages),
- Pregnancy status,
- Occupation and employment,
- Sexual orientation,
- Disability status,
- Drug or alcohol abuse,
- Previous reports of violence,
- Whether a protection order (IPO/PO) was granted or not,
- Any previous criminal record, and
- Motivation of the murder.

Regarding **the incidents**, the information sought included:

- Date and place of occurrence,
- Geographical location where the crime was committed,
- Type of premises where the killing occurred (private home, public space, state/private institution),
- Whether any children were present at the time of the incident,
- The manner in which the crime was committed, any weapons or implements used, and
- Whether the crime was committed alone or there were others involved.

The information sought from **the district prosecution offices** consisted of details on the following:

- number of murders referred to the prosecution offices where the victims were women or girls,
- number of cases for which the prosecution requested committal for trial,
- number of cases in which a stay/termination of proceedings was sought,
- number of cases where the investigation was still ongoing,
- number of suspended cases, and
- copies of final judicial judgments, executed by the prosecution in the relevant cases.

Where there was as yet no final judgment, we asked to be provided with copies of the applications to commit the case for trial or termination of proceedings.

The information sought from **the courts** included:

- statistical information on concluded cases,
- information on cases where the proceedings are still ongoing, and
- final judgments and materials that could help identify motives and causes, as well as any gaps in the institutional response to femicide.

Some of the ways in which the above information was collected include:

- **official written communication** with all the relevant responsible institutions;
- **monitoring of court hearings** in order to assess the status and progress of trials;
- **interviews with** family members of the victims and perpetrators of femicide.

In order to have a better and more comprehensive understanding of each case, information was also gleaned from print and electronic media articles containing reports on cases of killings of women and girls. Femicide-related data were collected on the basis of the components of a **pre-prepared questionnaire** and were recorded in a dedicated system for storing and analysing data.

Criminal offences monitored and analysed

This report focuses on criminal offences under Articles **76, 78, 79** and **79/c** of the Criminal Code, which can be classified as femicide when they fulfil one or more of the elements indicated earlier. After the 2021 changes to the courts' subject matter jurisdiction, these crimes are now investigated and adjudicated by **district prosecution offices** and **district courts** of general jurisdiction.

Time frame of the monitoring

The tracking and analysis of femicide cases covered the period **January 2021 – December 2023**, during which all the cases of homicides of women and girls were examined. As regards the monitoring of court hearings, this was carried out during 2024 and involved cases related to the killing of women and girls that were assessed as femicides and the proceedings for which were still ongoing in First Instance Courts of General Jurisdiction.

Limitations of the methodology

After conducting an analysis of the information and documentation received from the General Directorate of the State Police, prosecution offices and district courts, in relation to murders of women and girls in the period January 2021 - December 2023, the People's Advocate communicated officially with the local police departments and municipal authorities where the victims used to live. In addition, information was also sought from the Ministry of Health and Social Protection, regarding the role of health care institutions in the treatment of such cases. It is worth mentioning that the majority of the institutions contacted expressed their readiness to collaborate and provided information on femicide cases. However, some issues were encountered in the process of transmitting information, such as:

- delays in responding to requests for information,
- failure to provide the sought information as requested,
- perfunctory responses, not supported by detailed or complete information,

- discrepancies in the information provided,
- failure to timely assign contact persons,
- lack of standardised data.

In addition, the data collection process took some time because the information had to be obtained from different sources, analysed and, in case of discrepancies, additional information was sought to ensure accuracy and consistency in the collected data.

DRAFT

CHAPTER I: THE KILLING OF WOMEN AND GIRLS (FEMICIDE) IN ALBANIA

Gender-based violence, including femicide, remains a concerning phenomenon in Albania. The number of killings where victims are women and girls has remained constant over the past few years.²⁴ The first study on the killing of women and girls in Albania was conducted by the Centre for Legal and Civic Initiatives in the context of the UN Women regional programme “Ending violence against women in the Western Balkans and Turkey” and the programme “Implementing norms, changing minds”, with the financial support of the European Union. This report highlights a number of important factors related to violence against women and femicides in Albania, paying special attention to an analysis of the legal framework in force, an analysis of court judgments in femicide cases, and an assessment of the relevant capacities in the responsible institutions.²⁵

Generally, research studies on violence against women and girls have shown that the most frequent form of femicide is that committed by an intimate partner or other family member. These femicides are often foreseeable and preventable because they are invariably preceded by physical and psychological abuse against the victims.

An analysis of femicide cases falling within the monitoring period (2021-2023), shows that:

- out of **32 women and girls that were killed**, 27 were killed by perpetrators with whom they were in a family/intimate relationship.
- in **about 90 per cent of the cases**, the victims had suffered abuse in the hands of the perpetrators prior to being killed.²⁶

In some cases, femicide victims had reported earlier incidents of abuse to the police or other protection structures and were even granted protection orders (POs) by the court, which shows the gaps that exist in the implementation of the standards for the protection of women and girls in abusive situations and highlights the need for revising present practices and improving coordination among responsible institutions.

1.1 The Need for Improvements in Institutional Mechanisms

Every femicide case that occurs further highlights the need for a very strict application of procedures in dealing with cases of gender-based violence and particularly the need for:

1. improvements to victim risk assessment and management procedures, by accurately identifying the most critical cases;
2. a more effective coordination among institutions, including the police force, courts, health care institutions, and social services at central and local levels;

²⁴ Over the past five years, an average of ten women/girls were murdered annually. The year with the highest number of killings was 2018, with 15 killings, with 2022 the year with the lowest number, with seven women and girls killed.

²⁵ The Report “Murders (Femicides) and Attempted Murders of Women and Girls in Albania 2017-2020”, published in 2021, prepared by the Centre for Legal Civic Initiatives in collaboration with UN Women Albania.

²⁶ This statistic is derived from an analysis of court proceedings, where several witnesses testified that the victims had suffered abuse in the hands of the perpetrators before.

3. ongoing case monitoring and analysis, from the moment the abuse is reported up to the rehabilitation of victims and perpetrators.

1.2 Albanian Criminal Legislation on the Killing of Women and Girls and Laws on Gender-Based Violence and Violence Against Women

In the recent years, the Albanian criminal legislation has been the subject of constant amending processes, aimed at ensuring its alignment with international standards and a more effective coverage of issues related to human rights violations caused by unlawful acts and/or failures to act. The criminal legislation has its foundations in the constitutional principles of the rule of law, equality before the law, fairness in determining guilt and imposing punishment, protection of the best interests of children, and humanism.²⁷ Women, girls and children enjoy special protection under the legislation in force –a key aspect of the reform in the Albanian justice system.

At present, **femicide** is not a term used as such in the Criminal Code or other laws in Albania, and there are no specific provisions addressing killings because of gender. Even though only a small number of countries have included femicide as a discrete criminal offence in their law, research is already showing that there are numerous benefits to be had from this approach.²⁸

The classification of femicide as a discrete criminal offence is necessary because it would be instrumental in effectuating prompt institutional response for the prevention of femicide, effective investigation, and the prosecution and punishment of perpetrators. It would also facilitate the monitoring and examination of femicide cases and identification of appropriate measures for its prevention.

Criminal Legislation

Chapter II of the Criminal Code of the Republic of Albania,²⁹ contains provisions on crimes against the person. Part 1 of this chapter deals with crimes against life committed with intent, including the criminal offences under Articles **76, 77, 78, 79, and 79/c**. The offences covered by these provisions were taken into account for the purposes of this report, with a focus on cases where the victims were women and girls.

- **Article 76:** “*Murder with intent*” – punishable by **ten to twenty years’ imprisonment**.
- **Article 77:** “*Murder with intent connected to another crime*” – punishable by **at least twenty years’ imprisonment**.
- **Article 78:** “*Premeditated homicide*” – punishable by **fifteen to twenty-five years’ imprisonment**.
- **Article 79:** “*Qualified homicide*” – punishable by **a term of at least twenty years’ or life imprisonment**.
- **Article 79/c:** “*Homicide within a domestic setting,*” was added as a discrete offence pursuant to Law No. 144/2013 and is punishable by **a at least twenty years’ imprisonment or life imprisonment**.

²⁷ Article 1/c of the Criminal Code, as amended.

²⁸ Currently Malta, Cyprus, Belgium, Northern Macedonia and Croatia are the five European countries that have included femicide as a discrete criminal offence in their domestic legislation.

²⁹ Law No. 7905, dated 21 March 1995, Criminal Procedure Code of the Republic of Albania, as amended.

The legal relationships that **Article 79/c: “Homicide within a domestic setting”** sets out to protect are those guaranteeing **the right to life** of persons who are in a family, kinship or in-law relationship with the perpetrator of the criminal offence. From the wording of this provision, it results that for this criminal offence it is required that:

- the homicide is committed *with intent*, and
- the victim is a person in a **close family, kinship, or in-law relationship** with the perpetrator.

In this provision, the legislator does not look to any specific law to establish the individuals who are considered to be in a family, kinship or in-law relationship with the perpetrator of the offence. In the cases where the victims are women or girls in any of the above relationships and there are elements indicating the existence of a link between the crime and gender of the victim, such cases may be classified as **femicide**.

It is clear from the statistical data collected that homicides within domestic settings form the overwhelming majority of cases of killings of women and girls in Albania. During the monitoring period, over 84 per cent of killings of women and girls were committed by perpetrators with whom the victims were in a family relationship of some sort, mostly spouses, former spouses, partners, brother-sister, brother-in-law - sister-in-law, etc.

Article 50 of the Criminal Code³⁰ contains provisions on the aggravating circumstances to be taken into account when imposing sentences on the perpetrators of criminal offences. This article has been amended several times over the years, mainly to add to the list of factors aggravating the position of the perpetrator of a criminal offence. Pursuant to this provision, some of the aggravating factors in sentencing perpetrators of criminal offences are:

- Whether the act was committed with **cruelty and brutality**,
- Whether the act was committed during or after the issuance of a **protection order** by the court,
- Whether there was exploitation of **family relationships**, and
- Whether the act was motivated by factors relating to the **gender**, gender identity, or sexual identity of the victim.

All the above are in line with the elements listed in the UN Statistical Framework for defining the killings of women and girls as gender-based homicides. In some of the court judgments that were examined in the preparation of this report, the court did cite the aggravating circumstances of “commission of a crime with cruelty and brutality” and “commission during or after issuance of a protection order”; however, the gender-related motivation of the commission of such crimes is not mentioned anywhere as an aggravating circumstance.

The amendments to the 2017 Criminal Procedure Code³¹ affected, among others, the provisions regulating summary trials proceedings.³² Pursuant to Article 403(2), “applications for summary

³⁰ Amended pursuant to Law No. 8733, dated 24.1.2001; Law No. 9275, dated 16 September 2004; Law No. 9686, dated 26.2.2007; Law No. 144, dated 2.5.2013 and Law No. 44/2019, dated 18 July 2019.

³¹ As amended pursuant to Law No. 35/2017, dated 30 March 2017.

³² A summary trial is a procedure that recognises the defendant the procedural right to opt for an alternative trial form, on condition that he or she accepts the findings of the preliminary investigation at that stage and which results in the shortening of the judicial process, by avoiding the need for litigation on evidence and enabling a more expeditious conclusion of the legal proceedings. Legally and procedurally, a summary trial

trials in cases of criminal offences punishable by life imprisonment shall not be allowed”. Consequently, summary trials in cases of criminal offences under Articles 79 and 79/c – which provide for the possibility of a sentence of life imprisonment for the perpetrator – are therefore not allowed. An application for summary trial was granted only in one of the cases that qualified as femicide; this case was heard at the First Instance Court of General Jurisdiction at Durrës.

1.3 Law on Domestic Violence

Risk assessment and management, as required under the Istanbul Convention, are among the most important processes in preventing the commission and escalation of further violence, which could lead to victims of violence losing their lives. Law No. 9669, dated 18 December 2006, “On measures against violence in family relations”³³ went through four rounds of amendments aimed at addressing the issues identified during its implementation on the ground, as well as to enable effective protection of victims in accordance with the Istanbul Convention. The 2018 amendments introduced for the first time the obligation to have in place standard risk assessment and risk management procedures/protocols, intervention plans and plans for monitoring their implementation, as well as in relation to the issuance Immediate Preliminary Protection Orders (IPPO) by the police. These procedures enable the police to take immediate measures to protect victims from immediate danger. In addition, and with a view to advancing fulfilment of legal obligations, a joint ministerial instruction was adopted, namely Joint Instruction No. 866, dated 20 December 2018, “On the adoption of risk assessment templates and procedures in cases of domestic violence”,³⁴ laying down the procedures to be applied by State Police structures in conducting risk assessments of domestic violence cases, as well as the template forms for such assessment.

1.4 Some Statistical Data on Killings of Women and Girls in Albania

Between **January 2021** and **December 2023**, a total of **32 women and girls were killed by 28 perpetrators**: one of the cases involved the perpetrator killing a woman and a girl, while in two cases the perpetrators were not apprehended. Out of this number, **27 women and girls (or 84.4 per cent)** were killed in a domestic relationship setting. More specifically:

- in **2021** a total of **12 women and girls victims** were recorded;
- in **2022** a total of **7 women and girls victims** were recorded; and
- in **2023** a total of **13 women and girls victims** were recorded.

According to the INSTAT Report “Men and women 2023”, of the **42 murders with intent** recorded in 2022, **26.2 per cent (eleven cases)** occurred in a domestic setting (Article 79/c of the Criminal Code). Of these, **54.5 per cent of domestic murder victims (six cases)** were women and girls.³⁵ According to the General Prosecution Office, the specific percentages of criminal

involves the avoidance of the usual course of criminal proceedings as a result of submitting a request for this special trial form, which involves the application of rules other than the ones ordinarily applied, in certain procedural conditions and situations.

³³ Amended with Law No. 9914, dated 12 May 2008; Law No. 10 329, dated 30 September 2010; Law No. 47/2018, dated 23 July 2018; and Law No. 125/2020, dated 15 October 2020.

³⁴ Joint Instruction of the Minister of the Interior and the Minister of Health and Social Protection.

³⁵ INSTAT Report, “Men and women 2023”, p. 90.

offences occurring in a domestic setting under “Crimes against life committed intentionally” were: 4.6 per cent in 2021, 4.4 per cent in 2022, and 4.14 per cent in 2023.³⁶

Beyond the statistics pertaining to direct victims, the number of people suffering the consequences of these crimes is far higher if one takes into account the orphaned children, parents, and siblings of the killed women, which are rarely considered to be direct victims of femicide, although they suffer from immense trauma and severe emotional, social and financial consequences. As a result, their pain remains invisible, and their needs are invariably not properly addressed.

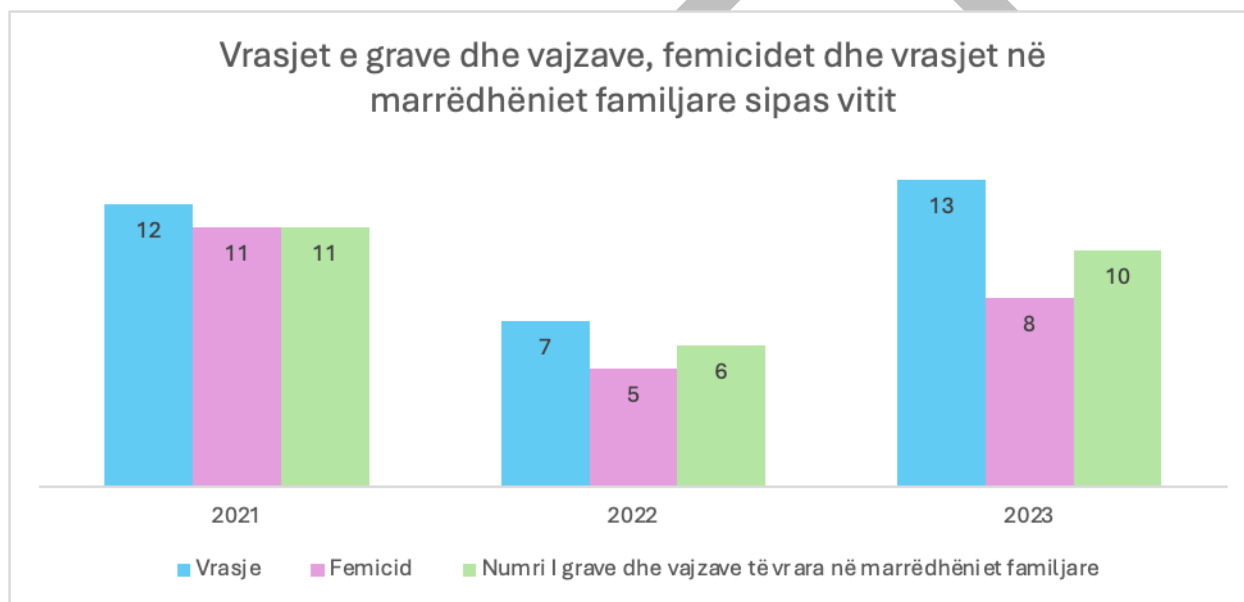
Chart No.1

Killings of women and girls, femicides and homicides within a domestic setting by year

Homicides

Femicides

Number of women and girls killed in a domestic setting



Compared to the period **2018-2020**,³⁷ during which a total of **37 women and girls were killed**, of which **29 in a domestic setting**, **2021-2023** shows a **slight reduction** in the number of killed women and girls. However, the statistics confirm that killings as a result of violence in a domestic setting remain a **serious problem** requiring immediate attention and a multi-dimensional commitment.

³⁶ Reports of the General Prosecution Office of 2021, 2022 and 2023, See:

https://www.pp.gov.al/Dokumente/RAPORTE_T_PROKURORIT_T_P_RGJITHSH_M/

³⁷ The Report “Murders (Femicides) and Attempted Murders of Women and Girls in Albania 2017-2020”, published in 2021, prepared by the Centre for Legal Civic Initiatives in collaboration with UN Women Albania. According to this Report, 15 women and girls were killed in 2018, 13 women and girls were killed in 2019, and nine women and girls were killed in 2020.

Out of the **32 women and girls** victims that were killed during the monitoring period, **24 cases** contained indicators of femicide (killing because of gender).

Cases assessed not to be femicides included:

- one case where the homicide was found to be “*killing due to negligence*” (Article 85 of the Criminal Code);
- one case where it was established that the death was a “*homicide committed in excess of what is necessary for self-defence*” (Article 83 of the Criminal Code);
- one case where daughter-in-law killed her mother-in-law following a conflict between the two;
- one case where the victim and her husband were killed by the woman’s brother-in-law (the husband’s brother) following a property dispute;
- one case where the husband killed his wife and his own brother due to jealousy (the perpetrator suffered from mental health problems);
- one case where the victim was killed by her brother-in-law who suffered from mental health problems;
- one case where the victim was killed due to recklessness, as other people were the target;
- one case where the victim was killed by her own son, who suffered from mental health problems.

Previous reports of violence

Regarding previous violence before the killings occurred, **two female victims** had been granted **protection orders** and four had reported acts of violence to the police, with mixed results as to the manner in which the cases were dealt with. The victims who had been granted POs were dealt with by police stations in Fier and Korçë. One of the victims had reported incidents of domestic abuse to the police station in Elbasan and criminal proceedings had started against the perpetrator who was given bail. In spite of this, the police did apply for an IPO/PO to protect the woman. In another case, a woman who was killed had filed a complaint with the police station in Gjirokastra, and similarly, no IPO/PO had been issued; the reason provided was that the conflict between the parties had been addressed and resolved. Another woman was killed after she reported abuse to the police station in Elbasan, while still waiting for the hearing to take place, in which the IPO application would be decided on. Similarly, one victim had reported domestic violence to the police station No. 6 in Tirana about a year prior to when she was killed but she had later withdrawn her complaint.

Table No.1: Killings of women and girls and femicides by status of prior reporting

Prior reporting to authorities	Homicides	Femicides
Yes	6	6
No	26	18
IPO/PO	2	2

An analysis of the information on femicide cases shows that in **90 per cent of the cases, the victims had suffered abuse in the hands of the perpetrator prior to being killed.**

Of the **28 perpetrators** identified, **26 were men and boys** and in **two cases**, the perpetrators were a woman and a girl. Two of the perpetrators have not been apprehended by the authorities and the cases are still under investigation.

In the cases that were assessed to be femicides, the 22 perpetrators were all men. In 16 of the cases, the criminal proceedings against the perpetrators have been concluded, in six of these the judgment was appealed and there was a judgment by the Court of Appeals of General Jurisdiction. Criminal investigations against two perpetrators and criminal proceedings against four perpetrators are still ongoing.

The number of perpetrators convicted and sentenced was: six individuals in 2022, four in 2023, and six in 2024.

Regarding mental health issues of perpetrators: in **four cases the perpetrators had mental health problems**, as proven by the relevant documentation, while in one case the perpetrator was found not to be responsible following his psychiatric examination carried out after the murder.

1.5 Femicide Rates in Albania and Comparisons with Other Countries ³⁸

In 2021, **the rate of femicide** in Albania was **0.85 per 100,000 population of women and girls**, while in 2022 this rate dropped to **0.50**. A comparison with other countries in the region and in the European Union for 2021 and 2022 shows that:

- In 2021, the femicide rate in Albania was **higher than in** North Macedonia, Italy, Slovenia, Serbia, Malta, Croatia, Bosnia and Herzegovina, Czechia, Bulgaria, Romania, Greece, Hungary and Montenegro.
- In 2022, the femicide rate in Albania was **lower** than in some of these countries, but higher than in Slovenia, North Macedonia and Italy.
- In 2023 the femicide rate in Albania was **lower** than in North Macedonia, but **higher** than in all other countries selected for the purposes of this comparison.
-

UNODC data	2021	2022	2023
North Macedonia	0.28	0.29	0.96
Italy	0.39	0.42	
Slovenia	0.57	0.47	0.28
Albania	0.85	0.50	0.84
Serbia	0.71	0.53	0.65
Malta	0.62	0.62	0.78
Croatia	0.67	0.68	0.69
Bosnia and Herzegovina	0.42	0.73	0.78
Czechia	0.47	0.75	0.82
Bulgaria	0.79	0.83	0.82

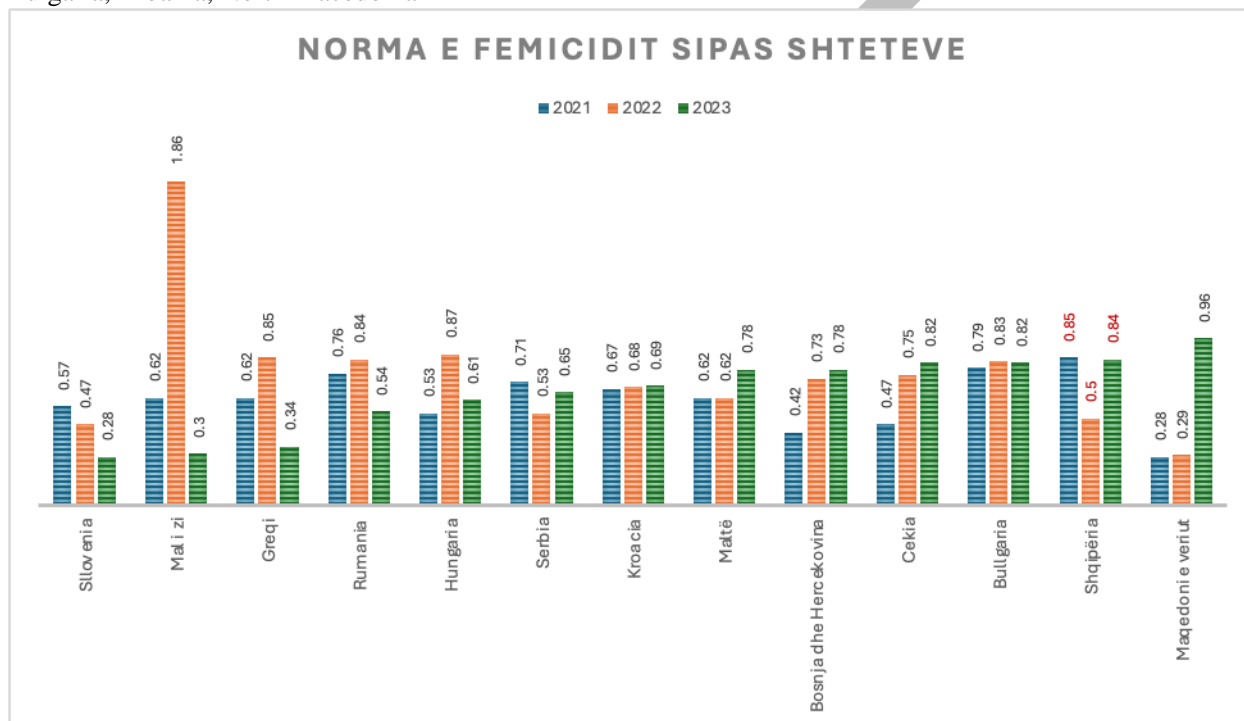
³⁸ UNODC s published data on femicides by country until 2023, calculated per 100,000 female population. See: <https://dataunodc.un.org/dp-femicide>;

Romania	0.76	0.84	0.54
Greece	0.62	0.85	0.34
Hungary	0.53	0.87	0.61
Montenegro	0.62	1.86	0.30

Chart No.2

Femicide rates by country

Slovenia, Montenegro, Greece, Rumania, Hungary, Serbia, Croatia, Malta, Bosnia and Herzegovina, Czechia, Bulgaria, Albania, North Macedonia

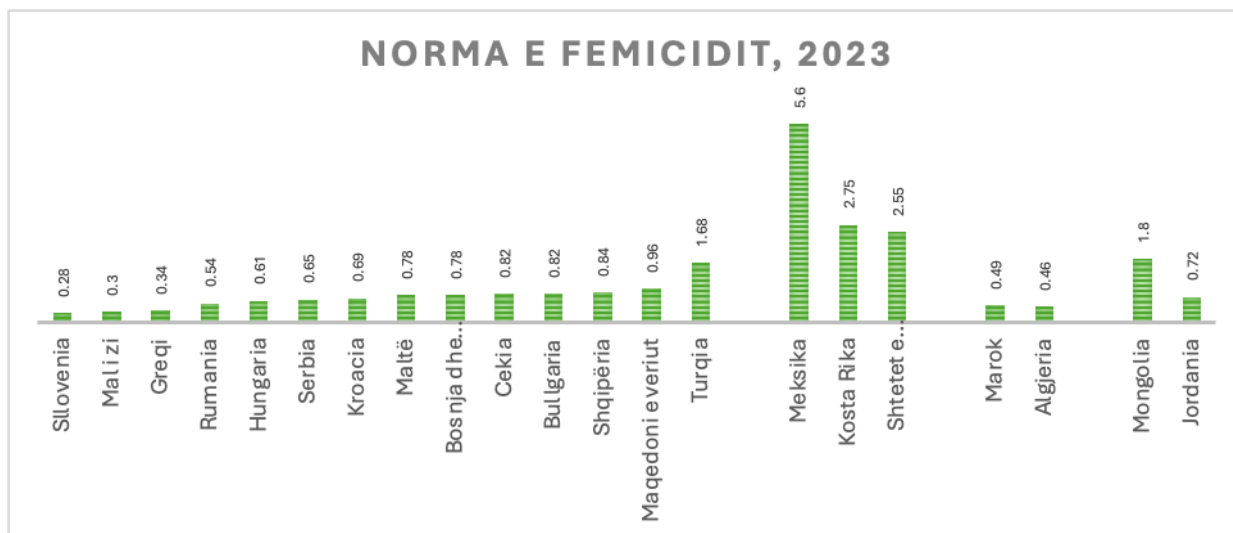


Whereas comparisons with some other countries outside the European continent, show that the femicide rate in Albania in 2023 was lower than in the USA, Mexico, Costa Rica, and Mongolia, and higher than in Morocco, Algeria and Jordan.

Chart No.3

Femicide rates in 2023

Slovenia, Montenegro, Greece, Romania, Hungary, Serbia, Croatia, Malta, Bosnia and Herzegovina, Czechia, Bulgaria, North Macedonia, Turkey
 Mexico, Costa Rica, United States of America
 Morocco, Algeria
 Mongolia, Jordan



1.6 An Analysis of Cases of Killings of Women and Girls and Some Background Information on Victims and Perpetrators

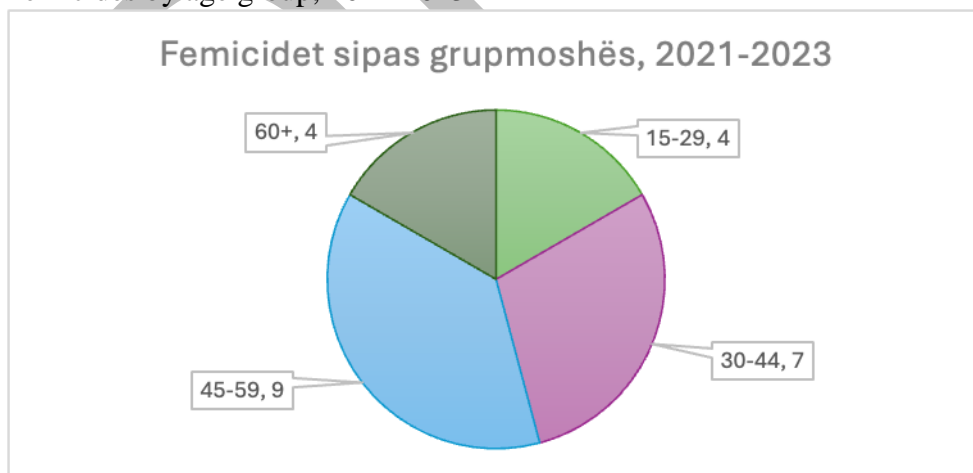
Some general information about the victims:

Age group

The women and girls that were killed during the monitoring period are of different ages. The highest number of women and girls killed belonged to the 45-49 age-group, followed by the 30-44 age group and the 60+ age group.

Chart No.4

Femicides by age group, 2021-2023



Victims' social and ethnic group

The relevant responsible institutions do not collect data regarding the victims' sexual orientation, neither do they collect such data as regards the perpetrators. According to the information obtained from the police, this information is only noted down if it is volunteered by the perpetrators. Similarly, there is no information regarding the ethnic group the victims or perpetrators belong to; just their nationality and citizenship. The available data show that all the victims were of Albanian nationality and citizenship. However, according to information provided in the media and obtained during the monitoring of court cases, one of the victims was a member of the Roma ethnic minority. In its Report on Albania, the Committee of the Convention on the Elimination of Racial Discrimination called on the Albanian state to take measures for collecting and reporting such data.³⁹

Marital status

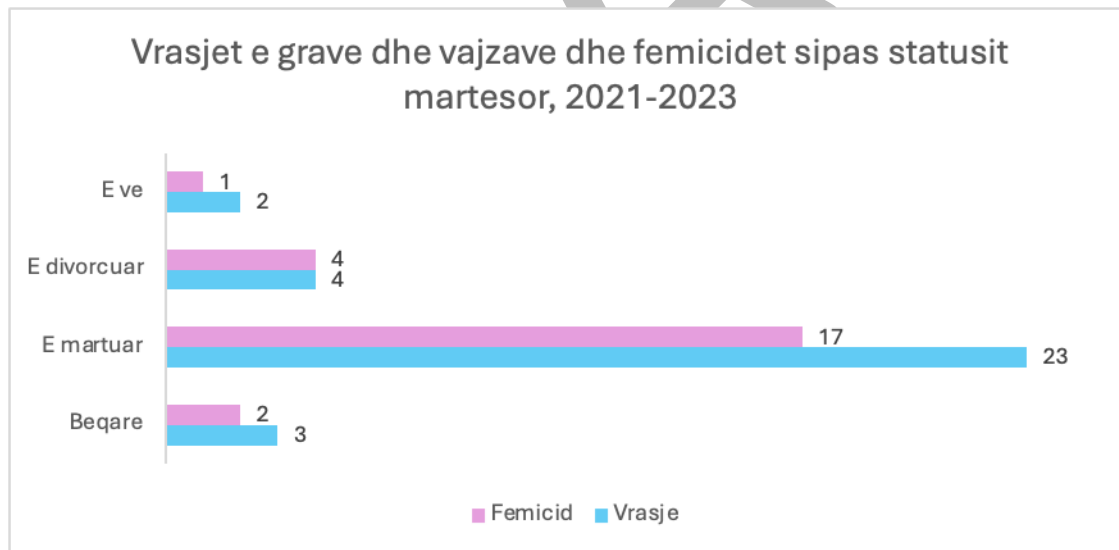
In relation to the marital status of the victims, the data collected show that in about 72 per cent of the cases the victims were married; 26 of them had children; the children of 11 of the victims were minors under 18 years of age and one victim was pregnant when she was killed.

Chart No.5

Killings of women and girls and femicides by marital status, 2021-2023

Widow, divorced, married, single

Femicide, homicide



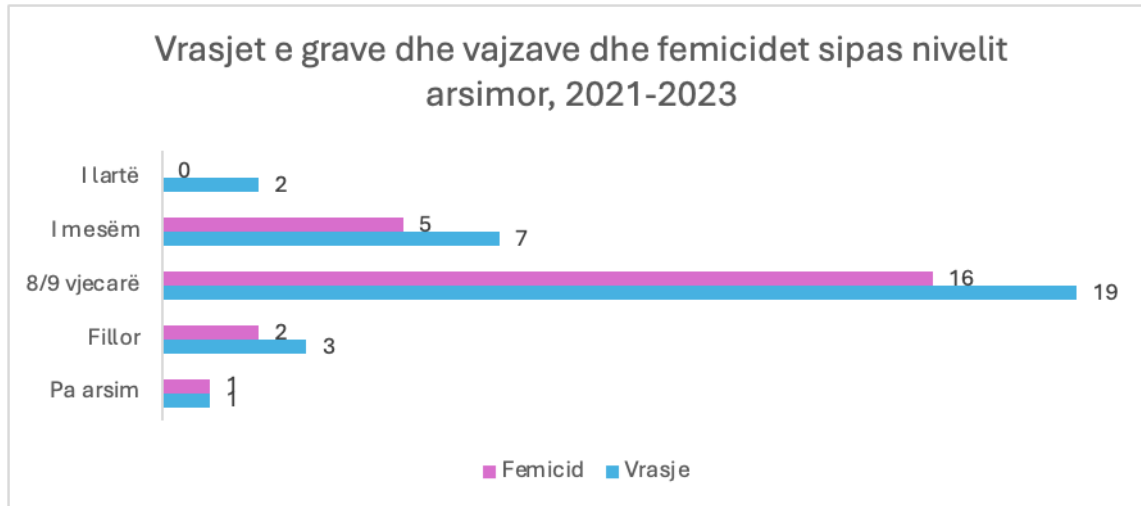
The victims' level of education and economic status

³⁹ Report of the Committee on the Elimination of Racial Discrimination, May 2024. "Recalling its previous recommendation and General Recommendation No. 4 (1973) and General Recommendation No. 24 (1999) concerning article 1 of the Convention, the Committee recommends that the State Party continue developing adequate tools, based on the principles of self-identification and anonymity, to collect data and compile information on the demographic composition of the population and socio-economic status, disaggregated by **ethnic group**, gender, age, religion, language spoken, and region."

In relation to the victims' education level, the data show that 59 per cent of the victims only had completed 8/9 years of education (lower secondary), followed by 22 per cent of the victims who had completed secondary education.

Chart No.6

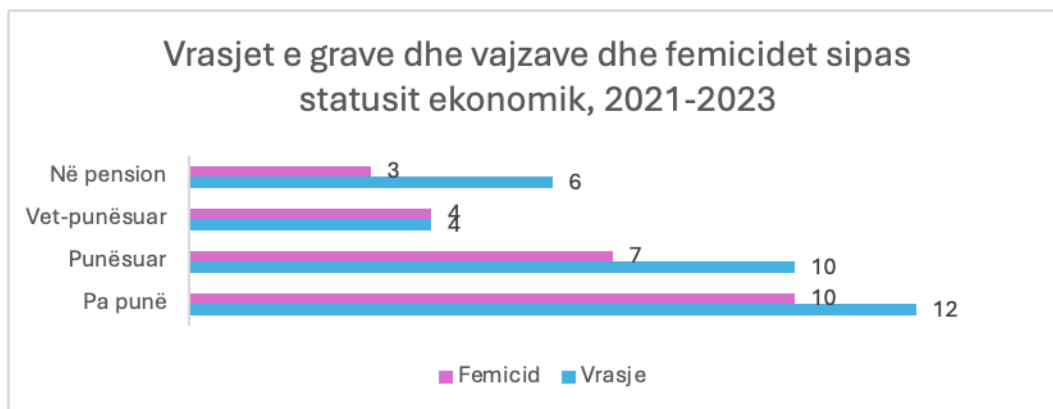
Killings of women and girls and femicides by education level of the victim, 2021-2023
Higher, secondary, 8/9 years (lower secondary), primary, no education
Femicide, homicide



As regards the victims' socio-economic status, the information available shows that some of them lived in difficult economic conditions, either in rented accommodation or had gone back to live with their families of origin after separation or divorce. The data show that 14 of the victims were in employment at the time of their killing, most in the private sector, while twelve of them were unemployed. None of the victims was in receipt of any benefits from social housing programmes. The two women who had been granted protection orders did not live in the same accommodation with the perpetrator, having left the marital home.

Chart No.7

Killings of women and girls and femicides by economic status, 2021-2023
Retired, self-employed, employed, unemployed
Femicide, homicide



Regarding **disability status**: two of the victims of femicide were disabled, they suffered from mental health issues. One of them lived on her own, in very difficult economic circumstances.⁴⁰

Regarding the **use of alcohol or psychotropic substances**, the examination of prosecution applications to commit cases for trial and court judgments showed that one victim was a drug user and another was alcohol dependent.⁴¹

Some general information about the perpetrators

The perpetrators were of various ages, with the highest number belonging to the 45-49 age group, followed by the 30-44 age group and finally the 60+ age group. All were born in Albania and have Albanian citizenship. The same as with the victims, the institutions do not keep any statistics about the ethnic group of the perpetrator; only their nationality and citizenship are recorded. The available statistics show that all the perpetrators were of Albanian nationality and citizenship; however, according to information published in the media and obtained from monitoring court proceedings, one of the perpetrators was a member of the Roma ethnic minority.

In about 64 per cent of the cases, the perpetrators were married and another 21 per cent were single. The perpetrators had completed various levels of education: 46 per cent had completed 8/9 years of education, followed by 29 per cent who had completed secondary education; three perpetrators had completed higher education. About 44 per cent of were not employed at the time of the crime and 25 per cent were employed.

Data on age group, gender, marital status, education level, and economic status are reflected in the chart below:

Chart No.8

Perpetrators by their demographic characteristics

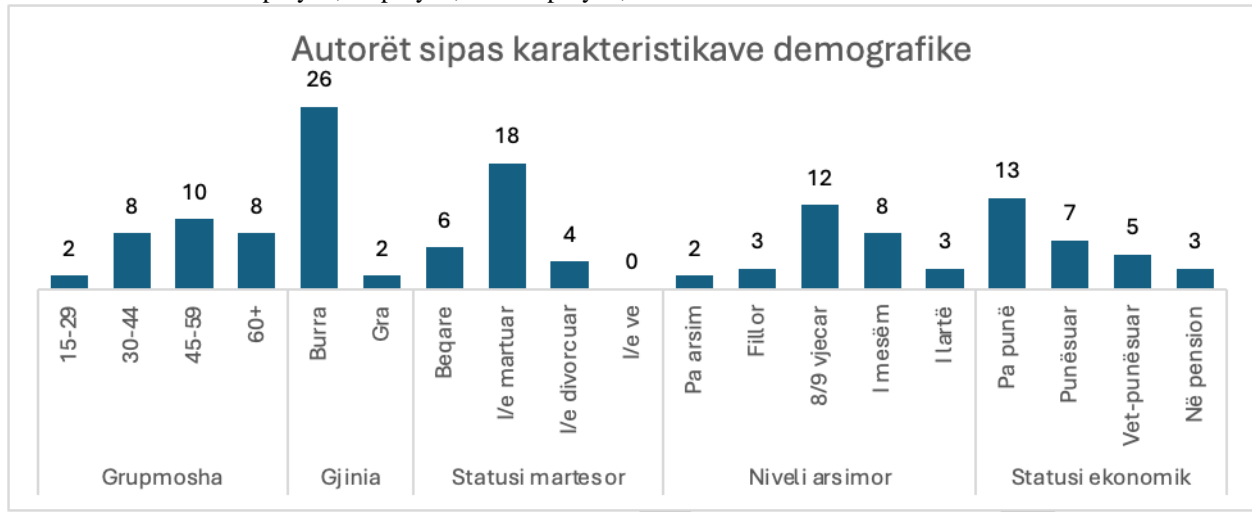
Age group: 15-29, 30-44, 45-59, 60+

Gender: Men, women

⁴⁰ From the information obtained by the media, she suffered from depression and had been living for ten years without electricity; in addition, the victim had served five months in prison for domestic violence, because she was in conflict with her former husband's family.

⁴¹ This information was obtained by the police and the prosecution during the investigation of the case and is largely based on the testimonies of the victims' family members.

Marital Status: Single, married, divorced, widowed
 Education Level: No education, primary, 8/9 years, secondary, higher
 Economic Status: Unemployed, employed, self-employed, retired



Regarding disability status, **two perpetrators had mental health issues**, as shown in the assessment reports of the relevant health care authorities. One of them was under an order for “*obligatory outpatient treatment*” at the time of the murder; an order for obligatory treatment in a medical institution was issued against the other after the murder.⁴² In addition, six perpetrators were alcohol dependent, one was a drug user, and another was a user of both drugs and alcohol.⁴³

Regarding recidivism, only three perpetrators had been convicted of a criminal offence prior to committing the murder. Two of them had been convicted on charges of domestic violence against their partners, under Article 130/a of the Criminal Code, while one perpetrator had three prior convictions before committing the murder.⁴⁴

Out of the 28 perpetrators who killed women and girls, 22 were apprehended by the police at the time of the incident or just after it; six perpetrators died immediately after the incident, of which five committed suicide and one died while trying to avoid being arrested by the police. Two of the perpetrators died in detention, during the investigation stage of the proceedings.

The following chart provides data on drugs and alcohol abuse, recidivism, number of perpetrators taken into custody by law enforcement bodies, and number of perpetrators that died after the incident:

Chart No.9

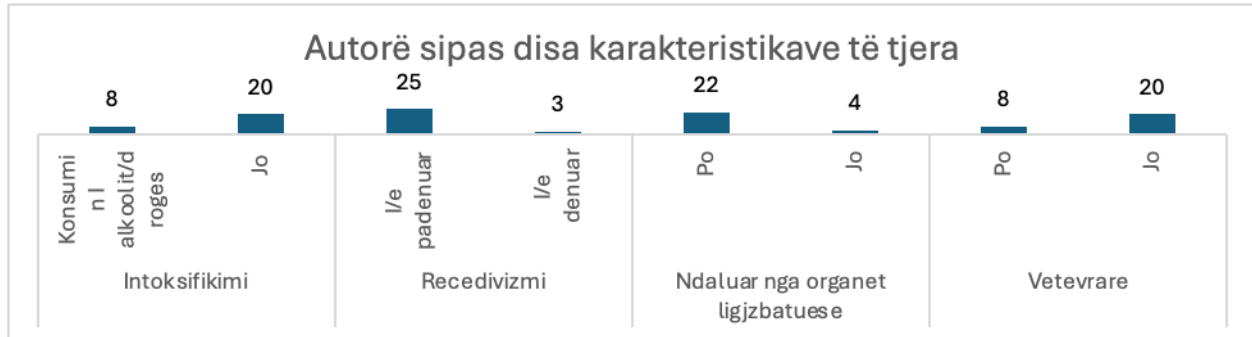
⁴² This perpetrator had not been diagnosed as having mental health issues before the murder, nor did it transpire from witness testimonies that the perpetrator had suffered from any mental health problems previously.

⁴³ This information was provided by the police and it was also confirmed in the course of the trial and in the court judgment.

⁴⁴ According to information from 2007, the perpetrator had stabbed his first wife to death (she was only 22 years old when she died), for which he had served a sentence of 14 years imprisonment. Also, in 2003 he had been convicted and sentenced to two years and eight months in prison for the criminal offence of ‘unlawful deprivation of liberty’ (Article 110/2 of the Criminal Code).

Perpetrators by other characteristics

Intoxication: Alcohol/drug abuse
 Recidivism: No criminal record, previous criminal record
 Apprehended by law enforcement: Yes No
 Suicide: Yes No



Relationship of perpetrators to the victims

In the majority of the cases, the perpetrators were spouses/former spouses, partners/former partners with the victims. Some of the women were killed by other family members, such as for instance a brother killing his sister, a sister killing her brother, brother-in-law killing his sister-in-law, daughter-in-law killing mother-in-law, father-in-law killing his son's partner, etc. Three of the victims were killed by persons they were not related to.

Chart No. 10

Relationship of women and girls victims to the perpetrators

Unknown 2, Other 3
 Intimate partner/former intimate partner 18
 Other family relation 9



Chart No.11

Relationship of femicide victims to perpetrators

Unknown 2, Other 2
 Intimate partner/former intimate partner 5
 Other family relation 15

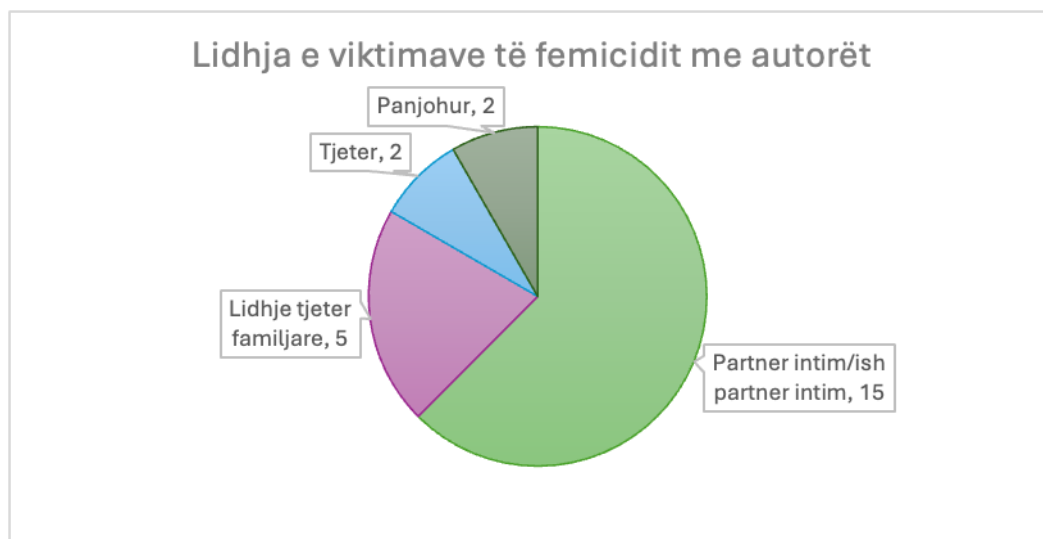


Table No.2: Relationship between perpetrators and victims

Relationship of perpetrator to victim(s)	Intimate partner/former partner spouse/former spouse partner/former partner boyfriend/former boyfriend	Family member Blood relation In-law adoptive relationship	Other (friend, acquaintance, unknown person)
Number of perpetrators	<p>Fourteen perpetrators killed their spouses</p> <p>One perpetrator killed his former wife</p> <p>One perpetrator killed his partner</p> <p>One perpetrator killed his former partner</p>	<p>One perpetrator killed his mother</p> <p>Two perpetrators killed their sisters</p> <p>One female perpetrator killed her mother-in-law</p> <p>One perpetrator killed his son's partner</p> <p>Three perpetrators killed their sisters-in-law</p> <p>One perpetrator killed two women who were family members of his former partner, and a third victim out of revenge against her brother.</p>	<p>One perpetrator killed a woman who lived in the same village</p> <p>One perpetrator killed a girl he had known very briefly⁴⁵</p> <p>One perpetrator killed a girl whom he did not know, out of revenge against her brother.</p>

⁴⁵ Information provided by prosecution offices reveals that the victim was killed after an altercation with the perpetrator, whom she had met a few days earlier (less than one month). They became friends and used drugs (heroin) together. The perpetrator asked the victim for some money to buy drugs. The victim refused to give him money and an altercation ensued, during which the perpetrator drew out a knife and stabbed the victim several times.

1.7 Killings of Women and Girls in Albania by Municipality/District

Incidents of femicide occurred in various municipalities of the country, with the largest number recorded in Fier and Elbasan. None of the killings occurred in areas with extraterritorial status.

Table No. 3: Killings of women and girls and femicides by municipality, 2021-2023

	Homicides	Femicides
Dibra	1	0
Durrës	2	2
Elbasan	3	3
Fier	4	4
Gramsh	1	0
Kamëz	1	1
Kavaja	1	1
Korça	1	1
Kruja	1	1
Kuçova	1	1
Librazhd	1	1
Lushnja	1	1
Malësi e Madhe	1	1
Maliq	1	1
Përmet	2	1
Shkodra	2	2
Mirdita	1	0
Tirana	6	2
Vau i Dejës	1	1
Total	32	24

The crimes occurred primarily at the family home, in the yard/garden, or other surrounding areas. Some of the killings occurred in public places, including one case where the victim was killed in the town centre, in the presence of her two sons, only a few minutes after coming out of the courthouse. Two other persons were injured in the incident and the lives of passers-by were put at risk.

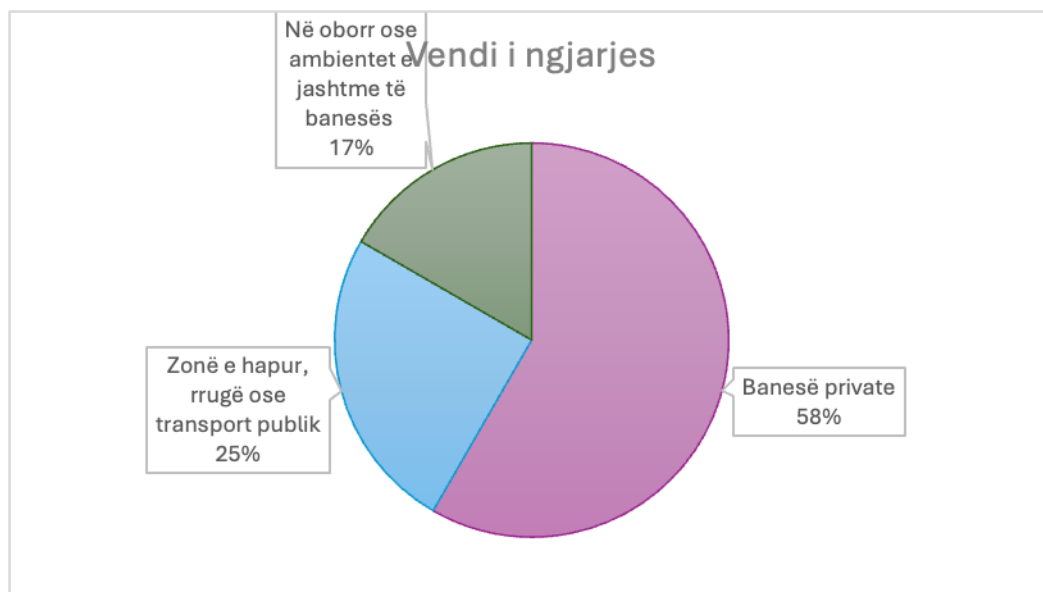
Chart No.12

Premises where the incidents occurred

In the yard/garden of the family home or surrounding premises 17%

Open space, street, or public transport 25%

Private home 58%



Manner in which the criminal offence was committed and the means used

Regarding the manner in which they were committed, the crimes were invariably committed with particular cruelty and brutality; including by burning the victim's body after killing her,⁴⁶ by shooting or stabbing the victim multiple times in various parts of the body,⁴⁷ or by savagely stabbing the victim after first shooting at her with a firearm.⁴⁸ The incidents occurred at different times of the day and night, but the largest number were recorded after 20:00 hours in the evening.

- **12 victims** were killed **with firearms**,
- **10 victims** were killed **with sharp instruments**,
- **One victim** was killed with **a blunt object** (walking stick), and
- **One victim** was killed as a result of **suffocation** (strangling).
-

Legal characterisation of the criminal offence

Most of the homicides were characterised as “*Homicide within a domestic setting*” under Article 79/c of the Criminal Code; in three cases the offence was characterised as *murder with intent*, under Article 76; one case was characterised as “*premeditated murder*” under Article 78/2 of the Criminal Code. Depending on the particular circumstances of each case, the charges against the perpetrators were further aggravated by accompanying offences under other criminal provisions, including unauthorised possession of a blunt or sharp implement, or disturbing public peace and order. There is no indication of the existence of an agreement with others in any of the cases. Only in one case,

⁴⁶ Decision No. 52, dated 1 February 2022, of the First Instance Court of General Jurisdiction Kavaja.

⁴⁷ Decision No. 1548, dated 4 July 2022, of the First Instance Court of General Jurisdiction Elbasan. The perpetrator killed the victim in her sleep, causing eight injuries in different parts of the body.

⁴⁸ Decision No. 235, dated 27 April 2023, of the First Instance Court of General Jurisdiction Elbasan, “After firing a gun at her several times, the perpetrator stabbed the victim in the neck, to make sure that she would die”. Decision No. 1548, dated 4 July 2022 of the First Instance Court of General Jurisdiction Elbasan. The perpetrator killed the victim in her sleep, inflicting eight injuries in different parts of the body.

where the murder occurred a public space, several persons were charged for failing to report a crime.

Regarding the timeframe for investigating femicide cases, where perpetrators were apprehended immediately after committing the crime the investigations were usually completed within a short time, ranging from three months up to one year and fourteen days.

Regarding the motivation of the crimes of femicide – in the majority of the cases the women and girls were killed for motives such as jealousy and refusal by the perpetrator to accept the victim's separation from them.

Previous history of violence

One of the most important elements in determining whether a homicide is actually a femicide (according to the UN Statistical Framework) is the presence of previous history of physical, sexual or psychological violence committed by the perpetrator against the victim. To establish this, inquiries must be made as to any previous history of violence, including by establishing whether the victim had ever reported any violence suffered to the responsible institutions or whether the violence was reported through other channels, such as testimonies by family members or other people close to the victims. An analysis of the cases examined for the purposes of this report shows that in the majority of the cases, the victims had already experienced violence at the hands of the perpetrator of the femicide.

In some cases, the victims filed complaints with the police; in other cases, however, a past history of abuse was established through the testimonies of the victims' family members. In addition, some of the homicides were classified as femicides because of the brutality with which they were committed. The perpetrators of some of these crimes had an existing criminal record in relation to other gender-based or domestic violence-related criminal offences.

CHAPTER II – ROLE OF CRMs IN ADDRESSING CASES OF VIOLENCE AND PREVENTION OF FEMICIDE

2.1 Inter-Institutional Coordination to Protect and Support Victims of Violence

Coordination of work among the responsible institutions dealing with cases of domestic violence and gender-based violence is an important step towards reducing this phenomenon and preventing femicide. Important developments in this respect are the 2018 and 2020 amendments to Law No. 9669, dated 18 December 2006, “On measures against violence in family relations”; DCoM No. 327, dated 2.06.2021, “On the mechanism of coordination of work between the responsible authorities, for the referral of cases of domestic violence, and its functioning, for supporting and rehabilitating victims of violence”; and the “Protocol on managing domestic violence cases at the local level”⁴⁹ adopted in 2020, which set out the necessary steps for addressing and documenting domestic violence cases. These documents have led to improved accountability in addressing these cases and the creation of Coordinated Referral Mechanisms (CRMs) in all 61 municipalities of the country. However, the implementation of the legislation, and particularly of the Protocol, is still in its early stages and requires greater engagement from all CRM members to ensure that all such cases are effectively addressed.

Regarding the Coordinated Referral Mechanisms, reports by civil society organisations³⁹ show that some of the responsible institutions are not active participants in the mechanism and their contribution to addressing these cases has been minimal. Case management (risk assessment, monitoring and enforcement of IPO/POs) must be a joint effort involving both the police and the local coordinator. Even though secondary legislation⁴⁰ on the modalities for the joint management of domestic violence cases has been in place for some time, their actual implementation on the ground has been scarce.

Healthcare institutions in particular must play a greater role and strengthen their contribution in this regard. According to applicable legislation, healthcare institutions have a number of obligations in the context of the treatment of domestic violence cases. They must take active part in finding solutions to problems and supporting victims of domestic violence and gender-based violence.

The prosecution, as a crucial component of the CRMs, must adopt a victim-centred approach focusing on the victims’ needs. The issuance of relevant certificates and other documents, such as forensic reports or other case filings, to the victims, should be an easy enough and hassle-free process, as such documents may be used as evidence in protection order hearings. In a previous report entitled “On the situation of domestic and violence against women in Albania in the period January 2020 - September 2021”, the People’s advocate recommended amendments and improvements to existing legislation with a view to giving the victims of domestic violence the possibility to go directly to the Institute of Forensic Medicine for a medical examination, without

⁴⁹ The “Protocol on managing domestic violence cases at the local level, through the Coordinated Referral Mechanism (CRM)”, is a very important document intended to standardise the necessary actions that need to be undertaken by all CRM members in order to ensure a prompt, comprehensive and responsible response, in accordance with their legal obligations in relation to protecting victims of domestic violence and bringing the perpetrators before justice.

the need to be in possession of a prior decision to that effect by the prosecuting body or the People’s Advocate.⁵⁰

Even though the Law “On measures against violence in family relations” gives the prosecution the powers to request a protection order in respect of an adult person or a minor, no public charges have been brought by the prosecution in this respect during all these years.

According to a study on femicide in the European Union, conducted by the European Institute for Gender Equality (EIGE),⁵¹ interviewed professionals and victims emphasise that the prevention of femicide is closely linked with the improvement of the legal response against domestic violence. To achieve this, it is necessary to intervene early, offer protection and support to victims and prompt resolution of custody of children and parental responsibilities. Perpetrators of violence must be held accountable for their actions and conduct, by guaranteeing that the legal system acts speedily and effectively.

One of Albania’s main obligations in the context of negotiations on its integration into the European Union is to approximate of the domestic legislation with EU standards for the protection of victims of violence and strengthen international cooperation in this area. One of these pieces of EU legislation is the Directive on combating violence against women and gender-based violence.⁵²

According to data provided by the Ministry of Health, the number of identified and reported domestic violence cases has grown year on year. Statistics provided by the General Directorate of the State Police show that over the past three years the police treated 15,586 cases of domestic violence, an increase by 2677 cases compared to the period between 2018 and 2020, when 12,909 cases were reported. In relation to applications for the issuance of protection orders (IPO/PO), there has been a slight increase by 247 cases in the past three years (2021-2023).⁵³

Table No.4: Number of domestic violence cases treated by the police

Year	Number of DV cases treated	Number of applications for the issuance of IPO/POs	Number of women and girls affected by domestic violence	Number of perpetrators prosecuted	Number of perpetrators arrested
2021	5312	3266	3960	1631	638
2022	5210	2940	3767	1887	682
2023	5064	2730	3649	1911	699

The data in the table are presented below in chart form in Charts No. 13 and No.14, respectively.

⁵⁰ Report available at: <https://www.avokatipopullit.gov.al/sq/list/publications/rraporte-speciale-1/>

⁵¹EIGE Report, *Improving legal responses to counter femicide in Europe*, 2023.

See: https://eige.europa.eu/publications-resources/publications/improving-legal-responses-counter-femicide-european-union-perspectives-victims-and-professionals?language_content_entity=en;

⁵² “DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence”, 2024. See: <https://data.consilium.europa.eu/doc/document/PE-33-2024-INIT/en/pdf> ;

⁵³Report of the Centre for Legal Civic Initiatives “Murders (Femicides) and Attempted Murders of Women and Girls in Albania 2017-2020”, 2021, p. 35.

The data show that State Police structures have dealt with a high number of domestic violence cases during this period. Although the number of killings of women and girls is proportionally low compared to the number of reported cases, it is still as necessary as ever to have in place mechanisms to strengthen and improve effectiveness both as regards identification and prevention of gender-based violence.

Chart No.13

Domestic Violence

Number of DV Cases treated

Number of Applications for IPO/IO

Number of women and girls affected by DV

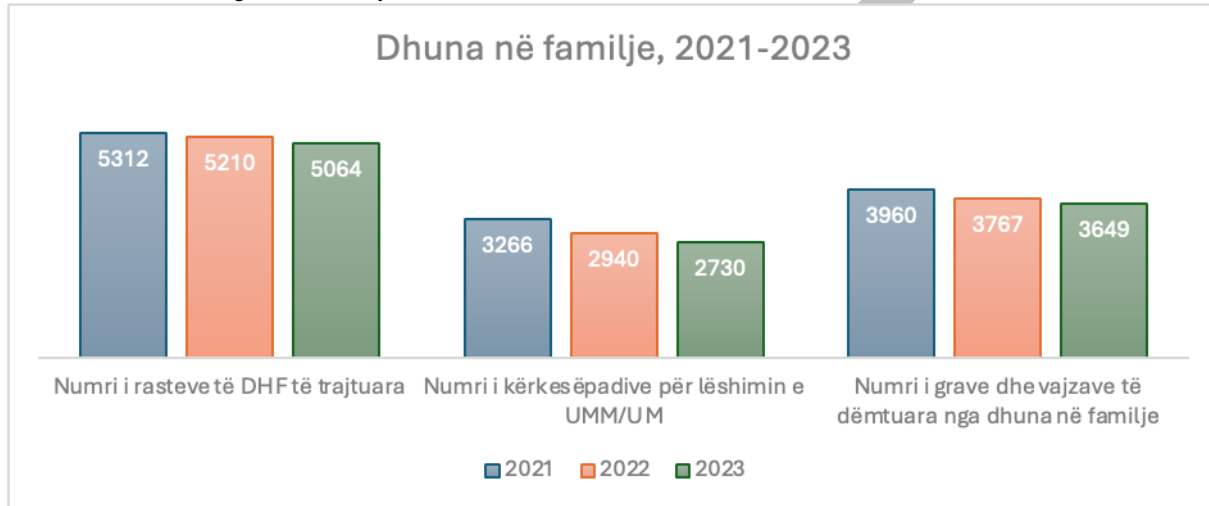
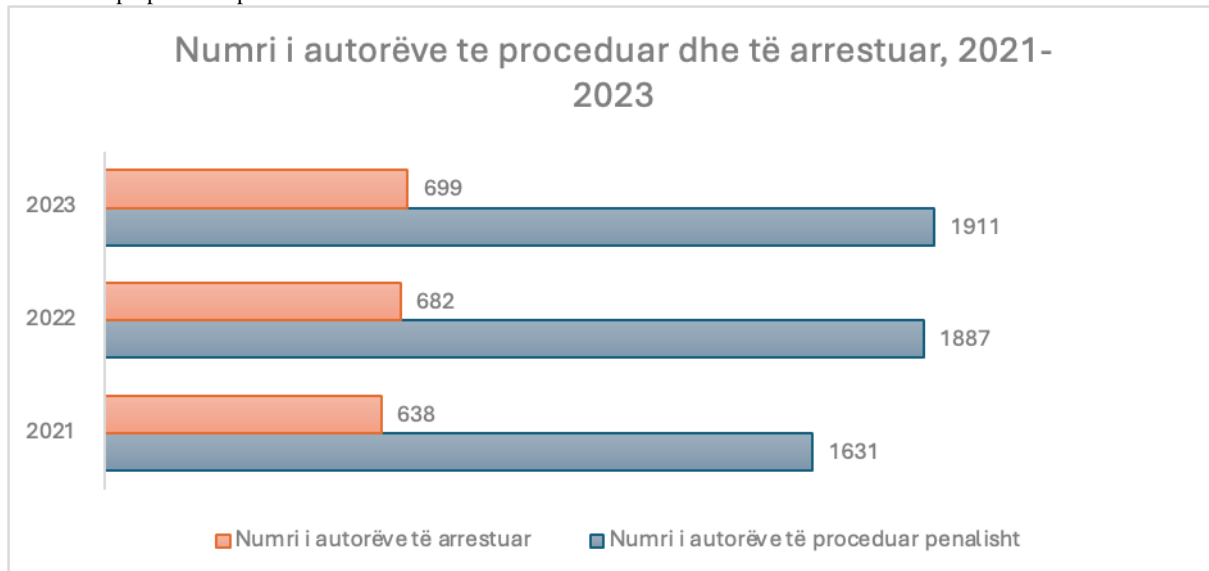


Chart No.14

Number of perpetrators processed and arrested, 2021-2023

Number of perpetrators arrested

Number of perpetrators prosecuted



According to an INSTAT report “Men and women 2023”, the district with the highest overall number of women affected by domestic violence is Tirana, followed by Durrës and Vlora.⁵⁴ These are also the districts with the largest population in the country.

A study conducted by the Human Rights in Democracy Centre on the role of the Tirana District Court in dealing with domestic violence and gender-based violence cases informs that in 2020-2021 the Tirana District Court processed 1920 applications for Immediate Protection Orders (IPO) or Protection Orders (PO). Of these, 53 per cent were granted in full or in part, while 47 per cent were rejected or suspended.⁵⁵

The data collected in the context of this report reveal a number of issues related to data collection and maintenance/processing, an inadequate response and lack of coordination among the key responsible institutions (the police, municipal authorities and healthcare institutions) for the purposes of victim protection. Mounting a coordinated response from the moment of risk identification assessment, informing the victims about the release of perpetrators from prison or detention and their monitoring after release, are urgent matters that require institutional intervention.

2.2 Role of the Police in Addressing Cases of Violence and Preventing Femicide

The police is a key actor in treating and addressing cases of gender-based and domestic violence, pursuant to and in the enforcement of the legal framework in force. Various reports prepared by civil society organisations show that nearly 99 per cent of all reporting of domestic violence cases takes place in police stations. Previously the practice was that, at the request of the parties, the police would proceed to fill the relevant application forms, to be submitted to the courts, for the issuance of PO/IPOs. With the 2018 amendments to the legislation, however, the police were given powers to issue Immediate Preliminary Protection Orders (IPPO), as an effective tool for the immediate protection of victims.⁵⁶ This in line with Article 52 of the Istanbul Convention, according to which authorities have the power to issue emergency barring orders. This protection measure makes it possible for the victim to be placed immediately under protection after their reporting to the police and ensures that they are not left without protection until the court issues an IPO.

According to applicable legislation, promptly after identifying or receiving a domestic violence complaint, the head of the responsible structure within the police station must take all the necessary measures to stop the violence, carry out the risk assessment procedures and issue an IPPO.⁵⁷ A risk assessment regarding the safety of the victim is an essential step that must be

⁵⁴ INSTAT Report, “Men and women 2023”, 2023, p. 90.

⁵⁵ Study conducted by the Human Rights in Democracy Centre: “The judicial system as a precursor in protecting the rights of victims of gender-based violence and domestic violence”; monitoring period 2020-2021, 2022.

⁵⁶ Where the risk assessment concludes that the violence poses risk to the life, health and liberty of family members, the structures in charge of dealing with domestic violence cases within the State Police take prompt preliminary measures to protect the victim and stop the violence, by issuing an Order for a Preliminary Measure of Immediate Protection (OPMIP). Within 48 hours of ordering this measure, the bodies responsible for dealing with domestic violence cases within the State Police, submit to the court an application for an assessment of the preliminary measure of immediate Protection together with an application for the issuance of an Immediate Protection Order.

⁵⁷ In the context of fulfilling obligations pursuant to the law, the Minister of the Interior and the Minister of Health and Social Protection issued their Joint Instruction No. 866, dated 20 December 2018 “On the adoption of risk assessment templates and procedures in relation to cases of domestic violence” which lays down the procedures for conducting risk assessments of domestic violence cases by responsible State Police

completed in **every case of violence reported**. The official in charge of conducting the risk assessment informs the DV coordinator in the respective local authority. Furthermore, the police must also coordinate their work with other responsible structures, as well as listen to and adequately address the victim's needs.

Failure to carry out a risk assessment is in contravention of the domestic legal framework, the Istanbul Convention and the jurisprudence of the European Court of Human Rights. Not only does a risk assessment measure the level of risk faced by the victim; it also identifies the factors to be taken into account in the subsequent treatment and monitoring of the case. According to the information available, in those cases where the victims had reported domestic violence, but no IPO/PO was issued by the police, no risk assessment had been carried out regarding the safety situation of the victim.

Issues were also identified in the way risk assessments were carried out; in one of the cases, for instance, the fact that the perpetrator had a criminal record was not deemed to be a risk factor to the safety of the victim.

In its judgments in the cases of *Osman v. the United Kingdom* (1998) on the States' obligation to protect life from attacks from other persons, *Kurt v. Austria* (2021), and other subsequent cases addressing the State's duties and obligations vis-à-vis domestic violence, the ECtHR established the following three key principles applicable in assessing whether the authorities took "preventive operational measures to protect the life of the victim" in relation to domestic violence:

- State authorities "must respond immediately in cases of domestic violence allegations."
- Upon being informed of domestic violence cases, the authorities must check whether there is "a real and immediate danger to the life of one or more identified victims." This must be done through an "autonomous, proactive, and comprehensive risk assessment." The authorities must also "have regard to the specific context of domestic violence when assessing real and immediate risk."
- If the above risk assessment concludes that there is a real and immediate threat to life, the authorities "must take preventive operational measures to prevent that risk from materialising" and such measures must be "adequate and proportionate to the level of risk assessed."⁵⁸

In its First Thematic Evaluation Report on Albania, GREVIO observes that the Albanian police are reluctant to make full use of this instrument. According to this report, the police issued 415 IPPOs and 424 IPPOs in 2021 and 2022 respectively, which is quite low compared to the total number of domestic violence reports received by the police. Furthermore, GREVIO notes issues in the manner risk assessments are conducted, including a failure to take into account all risk indicators, which sometimes results in an erroneous conclusion that there is no need to issue an IPPO where one is in fact necessary. These issues are more evident in smaller municipalities outside Tirana, where there are no records that any such orders have been issued.⁵⁹

structures and the template for such assessment; and Joint Instruction of the Minister of the Interior and Minister of Health and Social Protection No. 912, dated 27 December 2018, "On the procedures and template for Orders for Preliminary Measures of Immediate Protection".

⁵⁸ *Tkheldidze v. Georgia* (2021); *A.A. and B. v. Georgia* (2022); *Gaidukevich v. Georgia*; *Y and others v. Bulgaria*, (2022); *Luca v. The Republic of Moldova* (2023).

⁵⁹ First thematic evaluation report on Albania by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "Building trust by delivering support, protection and justice", September 2024.

Maintaining a close collaboration between the police and local coordinators is of paramount importance in the treatment of these cases, which involves, among other things, carrying out risk assessments, monitoring and ensuring enforcement of IPO/POs. While secondary legislation and ministerial instructions regulating the modalities of jointly addressing these cases are already in place, the number of cases actually dealt with pursuant to these rules remains quite low. The State Police, as the first port of call where the victims report abuse in 99 per cent of the cases, must strengthen its collaboration with local coordinators and healthcare institutions, which have specific obligations regarding the treatment of cases of violence under the legislation in force.

In addition, analyses and reports prepared by the civil society organisations show that many cases reported to the police are not dealt with in a coordinated way, which means that the needs of the victims are not addressed as set forth in the legislation. In order for all the links in the protective chain to function properly, upon receipt of a report or complaint, the police must immediately refer the case to the local coordinator, who shall then organise and guide the members of the Multidisciplinary Technical Team (MTT) in supervising the provision of necessary services and ongoing support to the victim and taking measures for the rehabilitation of the perpetrator.

The high number of reported cases and their complexity create difficulties for local coordinators at the municipal level, especially those working in the larger municipalities. For that reason, it is important that each administrative unit within the respective municipal authority have a dedicated focal point to deal with domestic violence cases, in accordance with the 2018 amendments to Law “On measures against violence in family relations” which provides administrative units and local coordinators with additional powers, including those of monitoring and implementing court decisions issuing IPO/POs.⁶⁰

For the purposes of the analysis of the role of the police in treating GBV and DV cases, detailed information was sought particularly in relation to those instances where the victims had reported prior domestic violence before they were killed.⁶¹

Findings:

The analysis of the information provided by local police stations revealed the following issues:

- Failure to issue IPO/POs concurrently with prosecuting domestic violence;
- Conducting the prosecution of abusers whilst on bail, despite their previous history of violence;
- Failure to carry out a risk assessment, even where victims had previously reported domestic violence to the police;
- Prosecution of perpetrators depends on the willingness of the victim to bring charges, even though domestic violence is an offence that can be prosecuted *ex officio*;

⁶⁰ Law No. 47/2018, “On some additions and amendments to Law No. 9669, dated 18 December 2006, ‘On measures against violence in family relations’”, as amended.

⁶¹ This information included an assessment of the risk posed to the safety of the victim at the moment of reporting, the level of risk assessed by the police, monitoring by the police of compliance with the IPO/PO, collaboration with the local coordinator, responsible official or other members of the CRM, information on the perpetrator’s level of dangerousness, timely notification about the abuser’s release from prison, supervision of the cases, referral of cases to other structures or non-governmental organisations (NGO).

- Assessing the level of risk “moderate” even where the victim expressly stated that she felt her life was in danger;
- Despite an assessment of high risk and aggravated psychological state regarding the victim, the police proceed with an application for a protection orders (PO) to the court, which is usually considered by the court 14 days after the case is reported; rather than issuing an immediate protection order (IPO);
- Failure to notify the police and the victim in due time when the abuser is released from custody or prison.

In two specific cases, in which the victims were not issued with IPO/POs in parallel with the prosecution of the case, the reasoning provided was that the victims had declined to have a PO and simply wished to report the case instead. However, the spirit of the legislation against domestic violence requires that an application for the issuance of an IPO/PO is made concurrently with any prosecution of the domestic violence, regardless of the willingness of the victim to do so. The victim has the right not to appear in court or to ask that the IPO/PO be suspended if she does not agree to the issuance of such order.

According to the available information, no IPPOs were issued to victims by the police, even though the effectiveness of this tool in providing immediate protection to the victims is both recognised and proven. In accordance with the existing legal framework and the Istanbul Convention, assessing the risk to the safety of the victim is an essential step in dealing with every reported domestic violence case.

Prosecution of perpetrators must be given special attention, including by addressing every element related to their dangerousness. It is recommended that perpetrators with prior criminal records should not be granted bail during the investigation or prosecution stages, as this would pose a significantly higher risk to the victims.

Another important issue is the failure to inform the police of the release from prison of perpetrators convicted of violence against women. The police must be informed in a timely manner in order for it to take prompt measures for monitoring the conduct of the perpetrators, especially those who pose a great risk to the victims.

Cases where perpetrators of violence have mental health disorders must be treated with particular attention and continuous monitoring. Several perpetrators in the cases we examined claimed that they suffered from mental health issues, but only one was found to have diminished responsibility, according to the psychiatric assessment and report ordered by the court. In two cases, perpetrators known to have mental health issues committed suicide after committing the crime.

2.3 Role of the Prosecution and the Courts as Part of the CRMs

Prosecutors and judges play a critical role in the justice system’s response to violence against women and domestic violence. They must ensure compliance with the principle of due diligence in preventing, investigating, and punishing violence against women. On a practical level, however, issuing protective orders, prosecuting and adjudicating gender-based violence crimes

remain a challenging task. It is necessary that prosecutors and judges interpret the law in accordance with international standards and applying a gender-sensitive approach.

The Prosecution, as part of the Coordinated Referral Mechanism, must adopt a victim-centred approach in order to ensure that the victims' needs are addressed. The procedures for obtaining documentation, such as forensic reports or other documents from the case file, should be more victim-friendly and accessible, because these documents are essential to protection order proceedings. Even though the law grants the prosecution the right to apply for a protection order in relation to an adult or a minor, so far there have been no *ex officio* cases brought by the prosecution.

Regarding legal representation, according to the 2022 report of the Free Legal Aid Department, 819 victims of domestic violence were supported with legal advice, however this overall figure is not disaggregated by categories such as the number of beneficiaries of secondary legal aid or number of cases where the victims were represented by counsel free of charge.⁶²

During 2023, 1,131 victims of domestic violence received primary legal aid or legal advice.⁶³ Of these, only 112 were also represented in court.⁶⁴ The report does not specify whether these statistics relate to protection measures (IPO/PO) issued to women victims of violence in civil proceedings or in criminal proceedings. This number remains very low compared to the large number of cases throughout the year.

Even though the number of victims supported by the Directorate of Free Legal Aid has increased year on year, the People's Advocate finds that legal aid support must increase further, particularly in areas where this support has been more limited so far. This can be achieved by greater involvement of the legal aid offices as active parts of the CRMs, with a view to ensuring that more victims benefit from free legal aid, which is a precondition to being issued with a protection order and qualifying for support services.

2.4 Monitoring of Protection Orders

The decision to grant an Immediate Protection Order (IPO) or a Protection Order (PO) is promptly executed by the State Police, in conjunction with the bailiff service and the social services department of the local self-governing unit where the victim or the other persons mentioned in the decision have their permanent or temporary residence.

According to statistics provided by the General Directorate of the State Police (GDSP), during the past three years, there have been 478 cases of violations of Protection Orders, more specifically:

- 169 cases in 2021;
- 157 cases in 2022, and

⁶² Annual performance evaluation report 2022, Directorate of Free Legal Aid, see: <https://ndihmajuridike.gov.al/wp-content/uploads/2023/04/analiza-performances-DNJF-2022-2.pdf>

⁶³ Pursuant to Law No. 111/2017, "On free legal aid guaranteed by the state", Victims of domestic violence issued with an IPO/PO are entitled to free legal aid which is not means-tested.

⁶⁴ Annual performance evaluation report 2023, Directorate of Free Legal Aid, p. 23, see: <https://ndihmajuridike.gov.al/index.php/analiza-statistikore/analiza-statistikore-2023/>;

- 152 cases in 2023.

These figures highlight the need for continuous monitoring of compliance with protection orders, with a view to protecting victims and preventing further escalation of violence.

For the duration of the IPO/PO, the social services office within the local self-government unit is responsible for monitoring compliance of the parties with the order and preparing a bimonthly report on each case, with information for the State Police.

GREVIO's 2024 thematic report on Albania urges the Albanian authorities to step up measures to enforce and monitor protection orders. In addition, the report requests the authorities to ensure proportionate and dissuasive criminal sanctions for perpetrators breaching protection orders, by emphasising the importance of a strict approach to guarantee the protection of victims and prevent further violence.

Findings:

From the information provided by the municipalities, the monitoring of compliance with IPO/POs is mainly carried out in the form of contacting victims by telephone or asking them questions in person when go in person to the offices for the purpose of using the services.

In the two cases where the victims had been in possession of protective orders when they were killed, the respective municipalities had not prepared any monitoring report on the implementation of protective measures. The People's Advocate would like to use this opportunity to draw attention to the fact the preparing a monitoring report is a legal obligation under Law No. 9669, dated 18 December 2006, "On measures against violence in family relations", as amended.

2.5 Role of Municipal Authorities /Local Coordinator on Domestic Violence

Pursuant to the applicable legal framework, municipalities play a critical role in treating and addressing issues related to domestic violence and gender-based violence. In the context of this report, specific information was sought from the municipalities about any domestic violence cases reported previously, the socio-economic status of the families of the victims who had not reported violence before being killed, as well as any municipal services they had availed themselves of.⁶⁵

In relation to the victims who were granted an IPO/PO at the time of their killing, the local coordinator was aware of the cases but had not participated in the risk assessment procedures carried out by the police. Where the victims had already reported violence to the police, the local coordinators had not been notified about their complaints, either by the police or other members of the Coordinated Referral Mechanism (CRM). In addition, neither case had been discussed in

⁶⁵ Regarding cases where victims had reported prior abuse, information was sought whether these cases were referred to the local coordinator or the official responsible for dealing with cases of domestic violence; whether they were treated by the Multidisciplinary Technical Team (MTT) within the respective municipality; and whether the responsible officials were aware of the dangerousness of the perpetrators. In addition, information was sought from the local coordinator on their monitoring of compliance with protection orders, contacts with the victims and collaboration with police structures, as well as about the services provided. In the cases of victims who had children of minor age, information was sought whether the child protection officer was in contact with them, services offered and whether the children were placed in care.

MTT meetings, and the local coordinators were not briefed about the dangerousness of the perpetrators.

The victims who had been granted POs were in receipt of municipal assistance as victims of violence and kept in contact with them through the assigned responsible officials. The contacts were usually by telephone or in person, whenever the victims would go to the offices to claim benefits or use other services. The monitoring of these cases does not appear to have been done in accordance with the applicable legislation, which expressly provides for a proactive role to be played by local officials in IPO/PO monitoring.

The responses sent by the municipalities show that these institutions had no information whatsoever on the socio-economic status of victims not in possession of an IPO/PO and, therefore, the latter had not received any services or benefits from the municipalities.

One of the main issues identified was the failure to inform the local coordinator at the time when a perpetrator is released from prison. According to the legislation, the local coordinator should be in constant contact with the police. However, in one of the cases we monitored, a perpetrator was released from a correctional institution in Kruja with conditions, most notably, to attend obligatory treatment and remain in the care of a family member. The local coordinator was not notified of the fact, and the released individual went on to commit a murder.

Where offenders serve their custodial sentences and are released, it is necessary that, in addition to informing the relevant police authority, the General Directorate of Prisons must also promptly inform the victim and the local coordinator, to enable them to take preventative measures. It is therefore important that, in order to prevent any future occurrences of grave incidents, the responsible structures should transmit information in a timely fashion and coordinate amongst themselves to support the victims. Collaboration among institutions remains a crucial element in the effective implementation of protective measures and inclusion of victims in support programmes.

2.6 Role of Healthcare Centres

The aim of the legislation against domestic violence is to enable the provision of quick and streamlined services by the responsible institutions closest to the victim, including the police, local authorities, health care institutions and courts. In this regard, healthcare institutions have the obligation to provide medical, social and psychological assistance to victims of domestic violence. They must clearly record each case of violence in the dedicated medical file and provide victims with the relevant medical reports.

The information received contains no indication of healthcare institutions having treated any of the victims who had reported violence to the police, which is a requirement under the applicable legislation on violence in family relations. One of the victims of femicide was treated at the Trauma Centre of the University Hospitals in Tirana, following the grave injuries inflicted on her by her husband. She died about three weeks after she was hospitalised.

According to the alternative reports prepared by civil society organisations and submitted to international human rights bodies, including to the CEDAW Committee, GREVIO and the Working Group on the Universal Periodic Review (UPR), the contribution of healthcare institutions in the identification and treatment of gender-based violence and domestic violence, and their documentation in dedicated medical files, has been minimal. This is also confirmed by the data collected by the Healthcare Service Operator, according to which the number of cases of violence treated by health care institutions is very low compared to the number of cases of violence reported nationwide.

In accordance with the recommendations of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), healthcare institutions must step up their efforts to provide support and treatment to victims of gender-based violence and domestic violence, including the systematic identification, treatment, and documentation of such cases.

2.7 Role of Civil Society Organisations (CSOs)

CSOs have an important role to play in treating cases of gender-based violence and domestic violence. Their contribution, however, remains limited due to the fact that more often than not, they are reliant on donor funding sources. In one of the cases analysed, the police referred the case to one such organisation to provide legal support to the victim. The organisation also offered to accommodate the victim in a safe shelter. However, the woman refused the offer and requested that she be supported with finding employment.⁶⁶ The legal advisor at the centre informed the police officer in charge of the case about the perpetrator's previous history of violence and his dangerousness, requesting that the situation be monitored. The victim was killed 48 hours after the violence was reported to the police.

It is worth mentioning that civil society organisations play a very important role in informing and raising community awareness on gender-based violence and domestic violence issues and setting up support services for survivors of violence. Some of these organisations have established emergency and long-stay shelters for victims and have contributed to their support and rehabilitation.

2.8 Role of Families and the Community

The data collected show that family members, relatives, and acquaintances often were aware of the situation of conflict and the violence suffered by the victims. In some cases, family members had tried to convince the victim to leave the perpetrator or had encouraged her to report the abuse to the police. In other cases, parents were aware of the violence and tried to mediate and help to improve the relations between the victim and her spouse. The testimonies of people who knew both the victims and perpetrators explained that in most cases, the perpetrators were on good terms with other people and were not particularly known as violent people in the community. Even though they may have been aware, there was not a single case where family or community members informed the police about the violence suffered by the victims before the fatal incident.

⁶⁶ Case of J.E., treated by *Forumi i Gruas (Women's Forum) Elbasan*.

CHAPTER III – CRIMINAL PROSECUTION AND ADJUDICATION OF CASES OF KILLINGS OF WOMEN AND GIRLS IN ALBANIA

3.1 The Role of the Police and Prosecution in Investigating Killings of Women and Girls and Identifying Femicide Cases

The police and prosecution have a crucial role to play in the investigation of killings of women and girls, in their capacity as institutions responsible for the collection of evidence on which perpetrators are to be punished. This process is decisive and of particular importance in securing justice for victims and preventing the recurrence of crimes.

From the information collected on cases of killings of women and girls in Albania it appears that the process of collecting evidence consists mainly of examining the crime site, questioning defendants, eliciting evidence from witnesses, and other expert examinations and surveys. In addition, the prosecution focuses on collecting information on the defendant's character and whether they had committed a criminal offence before, which helps create a clearer idea of the defendant's character and is a factor that is taken into account in sentencing.

With regard to previous history of violence, investigations rely mostly on the testimonies of the victim's family members on the matter. Questions asked of the witnesses often relate to the parties way of life before the incident, nature of the relationship between the perpetrator and the victim, whether there had been prior history of violence by the perpetrator, type of abuse inflicted, whether the victim had applied for a protection order, relations of the perpetrator with other people and his conduct towards them, and whether he had made any threats to the victim before. **However, lines of investigation into any gender motivations that may have led to the crime are often left unexplored and the focus remains primarily on the legal framework that is more concerned with protecting family relationships.**

In its application to commit a femicide case for trial, the prosecution includes information that is necessary for criminal prosecution, evidence collected during the investigation stage and the legal characterisation of the criminal offences charged against the defendant.⁶⁷ Other information includes additional facts about the incident, any steps taken by the police following receipt of complaint, evidence collected at the crime scene and any other actions taken in the context of the investigative process (expert reports, experiments, taking of evidence).⁶⁸

Generally, investigations on femicide cases are concluded within a short period of time. In the cases where the perpetrators themselves died after the incident, the investigations were concluded within a few months. In other cases, the investigations lasted somewhere between

⁶⁷ Pursuant to Article 327/6/b of the Criminal Procedure Code of the Republic of Albania, at the conclusion of preliminary investigations, the prosecutor applies to the commit the case for trial, where it does not proceed pursuant to Articles 400, 406/a and 406/dh of this Code.

⁶⁸ Pursuant to Article 331 of the Criminal Procedure Code, the request to commit the case for trial contains: a) personal data on the defendant and the victim, where possible, as well as any other elements useful for their identification; b) statement of facts and its legal characterisation of the criminal offence; c) sources of evidence and the facts they refer to; ç) a request that the pre-trial judge commit the case for trial; d) date and prosecutor's signature.

three months and one year and 15 days. Where the perpetrator is not identified immediately after the incident, investigations last longer.⁶⁹

Findings

Investigations do not, as a matter of course, extend to seeking information held by structures responsible for treating domestic violence cases, where the victims had previously suffered violence or where they were in possession of a protective order at the time of the fatal incident. Obtaining such information from the CRM members would not only help recognise the efforts made by the responsible structures to treat the victim and prevent the incident, but also to identify the gaps identified in the protection chain. None of the applications to commit cases for trial contained any indication that the prosecution had sought information about the victims from CRMs.

According to the Report of the European Institute on Gender Equality (EIGE)⁷⁰ which provides a comprehensive analysis of legal responses to counter femicide, in fulfilment of the due diligence standard, States have the obligation to effectively investigate all cases of violence against women and prosecute the offenders. In addition, all killings of women should be investigated as potential gender-based violence cases. In this context, professionals suggest that a gender-sensitive approach to collecting evidence should be adopted.

The findings of the interviews conducted for the purposes of this report suggest that establishing separate investigative units and prosecution teams specialised in femicides could improve the data collection process and result in successful prosecutions. Due to the complexity of such cases, establishing channels of communication between various institutions is required, such as the police, prosecution, civil and criminal courts, support services for victims, etc. Experts point out that it is necessary to establish protocols of communication, with clear roles and responsibilities assigned, and to ensure a permanent exchange of information regarding femicide cases.⁷¹

3.2 An Analysis of Court Judgment in Cases of Gender-Related Killings of Women and Girls - Femicides (2021-2023)

For the purposes of this report, the authors examined judgments issued by district courts of general jurisdiction in proceedings on gender-related killings of women and girls. Six of these judgments were appealed before the Appeals Court of General Jurisdiction.

The analysis shows that district courts of general jurisdiction in Fier, Kavaja, Elbasan, Shkodra, Tirana, Berat and Gjirokastra issued final judgments in the proceedings against sixteen

⁶⁹ The victim V.G. was killed in February 2021 and the case is still under investigation due to the perpetrator being still at large.

⁷⁰ Report of the European Institute on Gender Equality (EIGE), *Improving legal responses to counter femicide in Europe*, p. 23. This report provides a comprehensive analysis of legal responses to counter femicide. Using the due diligence standard as a starting point, the report offers a holistic insight on the legal gaps, challenges and best practices in providing justice to femicide victims. The findings focus on the investigation, prosecution and punishment of perpetrators of femicides.

⁷¹ Report of the European Institute on Gender Equality (EIGE), *Improving legal responses to counter femicide in Europe*, p. 26, 2023.

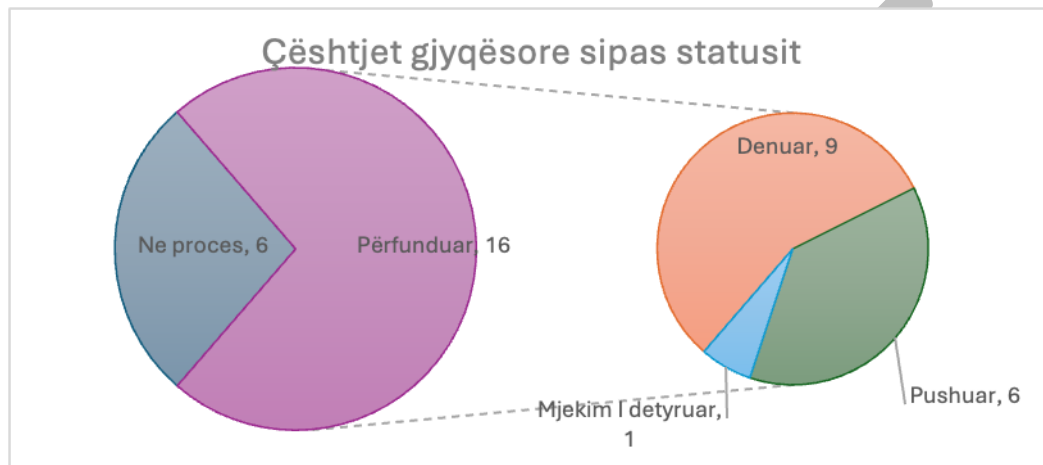
See: https://eige.europa.eu/publications-resources/publications/improving-legal-responses-counter-femicide-european-union-perspectives-victims-and-professionals?language_content_entity=en

perpetrators. During this period, the highest number of judgments was issued by the court in Elbasan, with four judgments, followed by Fier with three and Shkodër with two judgments.

Chart No.15

Court cases by stage of proceedings

- Ongoing 6
- Concluded 16
- Convicted 9
- Obligatory treatment 1
- Stayed/terminated 6



As regards characterisation of criminal offences, the legal characterisation proposed by the prosecutor was confirmed by the court in all the cases. The police and prosecutors were engaged in collecting evidence necessary to prove the perpetrators' guilt. This includes examining the crime scene, conducting various expert examinations, seeking psychiatric assessments where necessary, taking statements from the police officers who were first on the scene, as well as the evidence of relatives and friends of the victims.

Regarding the conduct of the perpetrators during proceedings, in most of the cases they accepted the charges and pleaded guilty, but there were also cases where they initially denied having committed the crime or claimed that they acted in self-defence. In **three cases**, the perpetrators expressed no remorse for the crime they had committed.

In the reasoning part of the judgments, the courts underlined that the criminal offence of 'homicide within a domestic setting'⁷² does not necessarily require that the murder be premeditated, it is sufficient that it was committed in the course of an altercation and fulfils the other elements required under this provision.

⁷² Article 79/c of the Criminal Code, as amended.

Length of proceedings in femicide cases:

As regards the time it takes for a case to be concluded, from the moment the crime was committed until the final court judgment, the information obtained shows that longest femicide proceeded lasted for two years and one month, while the shortest case was tried in four months.

Where applications were made for a termination of proceedings due to the perpetrator's death, prosecuting and adjudicating is completed within even shorter timeframes. In such cases, the courts do not provide an in-depth analysis of the motivation for and history of violence.

Table No.5 Length of proceedings

Length of proceedings from the time the incident occurred to the final judgment on the case	Number of cases
25 months	1
22 months	1
18 months	2
17 months	1
14 months	2
12 months	5
11 months	1
10 months	1
9 months	1
4 months	1

Chart No.16

Finalised cases by length of proceedings

2+ years 2
1 - 2 years 10
Up to 1 year 4



Lengthy judicial procedures are not compatible with the expectations or psychological and emotional well-being of the victims' family members and lead to a feeling of abandonment,

perception of injustice and lack of trust in the justice system. Also, family members of the victims participated in the court proceedings only in four cases, while in one case they were represented by counsel chosen by them.

In the case of applications for termination of the proceedings due to the perpetrator's death, the timeframe of dealing with the case from the date of registration to the final judgments was between one to three months. In other cases, the proceedings took between four and ten months.

According to HCJ reports for 2022⁷³ and 2023⁷⁴ civil and criminal proceedings were completed in a reasonable time and within the legal deadlines. In 2023, the time needed for concluding the criminal proceedings in courts of first instance was on average 114 days. It is noted that the time necessary for dealing with the cases has increased compared with 2022, when the average time was 98 days.

During 2023, 92 per cent of criminal cases were dealt with in less than 6 months at first instance. According to the report, the clearance rate in the Appeals Court of General Jurisdiction is not satisfactory. The average time it takes to deal with criminal cases at this court is 1673.4 days.

Motivations of femicide:

As regards **motivation**, in the majority of the cases the girls and women were killed because of:

- jealousy;
- refusal of the perpetrator to accept separation;
- refusal of the perpetrator to accept the fact that the victim had entered into another relationship after them breaking up, or
- out of revenge for being reported for violence to the responsible law enforcement agencies;

Some perpetrators kept the victims under surveillance and would pressure them into getting back together.⁷⁵ Conflicts about managing the custody of children also constituted a source of tension which led to escalation of violence and then the murder. In two cases the victims were killed following an ordinary altercation.

Two of the perpetrators committed the killings out of revenge against the victims who had earlier reported them to the police.⁷⁶ Generally, the perpetrators had been in constant conflict with the victims, often accompanied by violence.

In the applications for trial submitted by the prosecution and the respective court judgments no attention was paid to the gender motivation behind the killing. However, from the evidence of

⁷³ See: <https://klgj.al/wp-content/uploads/2023/07/RAPORT-VJETOR-2022-shkarko.pdf>

⁷⁴ See: <https://kuvendiwebfiles.blob.core.windows.net/webfiles/202404300923008125RAPORT%20VJETOR%202023.pdf>

⁷⁵ Decision No. 86, dated 23 January 2023, of the First Instance Court of General Jurisdiction in Shkodër. The decision states that before killing the victim, the perpetrator had demanded that she tell him where she was the previous night; he had been following her.

⁷⁶ Decision No. 364, dated 26 July 2023, of the First Instance Court of General Jurisdiction Elbasan. The perpetrator stated that in the morning he had received notification of a hearing to be held that day in relation to the issuance of a protection order; in the evening he went to the victims place and killed her.

the victims' families, one can identify elements which speak to the perpetrators' feeling of superiority over the victims simply on account of them being men.⁷⁷

Findings

The courts must pay special attention to protecting the rights of the family members of the victims. Family members of the victims should be allowed to testify under special measures, such as from a different location from where the perpetrator is, in order to avoid visual contact with the perpetrator in the courtroom.⁷⁸

Where the proceedings were terminated due to the perpetrator's death, the courts must pay special attention to the history of the violence and provide a detailed description of the history of violence in the case.

3.3 Sentencing of Perpetrators of Femicide

Sentencing perpetrators represents a coercive measure imposed by the state against persons found guilty of the commission of a criminal offence, with the aim of punishing them, but also educating them and preventing future criminal offences. In this respect, it is necessary that when imposing a sentence, the court is guided by the principles of lawfulness and necessity of the sentence, as well as by the principles of its usefulness and individualisation.⁷⁹ In imposing a sentence against the perpetrator, the court takes into account the dangerousness of the criminal offence and the perpetrator, degree of guilt, and any aggravating and mitigating circumstances. For this reason, the lawmaker has envisaged certain minimum to maximum sentencing ranges for each criminal offence, leaving it to the discretion of the court to assess what the right sentence is on a case-by-case basis.

Pursuant to Article 47 of the Criminal Code, in determining punishment, the court assesses the social dangerousness of the criminal offence, by taking into account the subject affected by it, the manner in which the offence was committed, time, place, conditions and circumstances that led to the commission of the offence, and the pervasiveness of the offence in the country or region. The consequences caused by the commission of the crime are also considered.

The court also assesses the dangerousness of the perpetrator of the crime, by taking into account objective and subjective circumstances related to their character and individuality, such as any previous criminal record, their age, social and marital status, education and occupation. In determining the type and length of the sentence, the court also considers the presence of aggravating and mitigating circumstances, as set out under Articles 48-50 of the Criminal Code, to proportionally reflect a lower or higher level of dangerousness of the criminal act and the perpetrator.

⁷⁷ Decision No. 406, dated 17 July 2024, of the First Instance Court of General Jurisdiction, Elbasan. During his testimony, the father of one of the victims stated: "Before killing her, he said 'Are you trying to challenge me? I am a man, I am someone.'"

⁷⁸ One of the female family members was recorded as saying the following during the interview: "When I went to court and saw the person who murdered my sister right there in front of me, I just went numb, I was overwhelmed with anxiety and I could not understand a thing of what went on in the hearing."

⁷⁹ Article 47 of the Criminal Code, "Determination of sentence" provides that the court determines the punishment in compliance with the provisions of the general part of the Criminal Code and the sentencing ranges provided for the criminal offence in the law.

The sentences imposed on perpetrators of femicide are generally life imprisonment and 30 years' imprisonment. In two cases, the perpetrators were sentenced to 20 years imprisonment and in one case to 12 years imprisonment. The 24 femicides were committed by 22 perpetrators. In the cases of 16 perpetrators, the trial proceedings have now concluded, another six cases are still ongoing (two in the investigation stage and four in trial). Of these, nine perpetrators were convicted, six cases were terminated (due to the perpetrator's death after the incident) and in one case the court ordered obligatory medical treatment of the perpetrator in a medical institution.

Chart No.17

Perpetrators by length of sentence received

Life imprisonment 4

Imprisonment 5

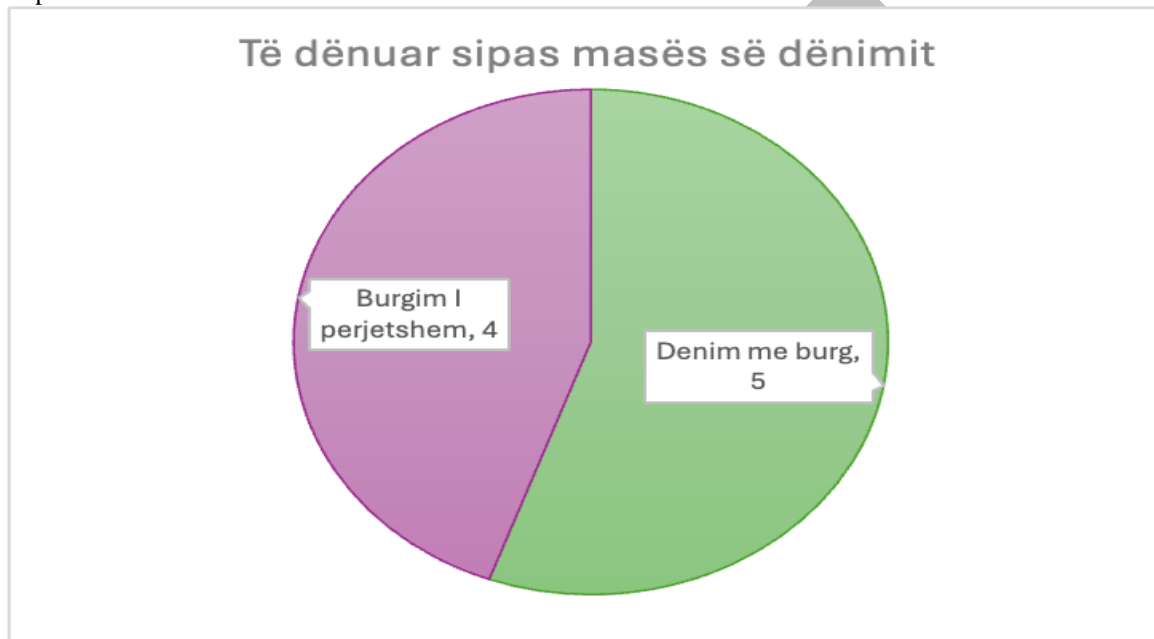


Table No. 6 Sentences imposed on perpetrators

Type of sentence	Number of convicted and sentenced perpetrators	Sentence
Life imprisonment	Four perpetrators	
Imprisonment	Four perpetrators	30 years imprisonment - Two perpetrators 20 years imprisonment - One perpetrator 12 years imprisonment - One perpetrator
Obligatory treatment in a medical institution	One perpetrator	

Where life sentences are imposed, the perpetrators serve them in high security prisons, with the rest serving then in regular-level security prisons. Life imprisonment sentences were imposed by the District Court in Elbasan in the case of three perpetrators and the District Court in Fier in the

case of one perpetrator. Sentences of 30 years' imprisonment were imposed by the District Court in Tirana in the case of one perpetrator and the District Court in Shkodër, also in the case one perpetrator. The lowest prison sentence term (12 years imprisonment) was imposed by the District Court in Durrës in the case of one perpetrator.

While prison sentences are the result of considerations regarding a proven violation of the law, an order for obligatory treatment stems from considerations of the social dangerousness rather than criminal responsibility or risk of reoffending in the future. According to Article 46 of the Criminal Code, personal medical measures include “obligatory outpatient treatment” and “obligatory treatment in a medical institution”. In assessing the necessity of imposing the measure of “obligatory treatment in a medical institution” against individuals found to have diminished responsibility, a decisive factor is the opinion of a psychiatrist, or the psychiatric report prepared by a team of experts.

Psychiatric expert reports were prepared in most of the cases reviewed for the purposes of this report. In three cases, no psychiatric expert report was sought, while in another case the perpetrator was already under an obligatory outpatient treatment order when he committed the murder.⁸⁰

Findings

Abusers who have mental health issues present a great concern that needs to be addressed specifically through the activation of the necessary mechanisms in accordance with the domestic and international law on mental health.⁸¹ The responsible authorities must take measures to provide adequate solutions and establish specialised programmes for the long-term treatment of such individuals.

The police and medical authorities must act on their own initiative to identify and address such cases, based on the mental health legislation in force. In addition, family members and friends must be more sensitive to these situations and inform the relevant authorities in order to enable them to take timely and appropriate measures.

In the case *Branko Tomašić and Others v. Croatia*, the applicants were the relatives of a woman and her infant child who were killed by the husband/father who then killed himself, one month after he was released from prison, where he had served a sentence for death threats he had made against the same. He was initially ordered to have obligatory psychiatric treatment during his imprisonment and afterwards, as necessary, but the Appeals Court ordered his treatment go be stopped after his release from prison. The ECtHR found that there had been a violation of Article 2 (Right to Life) of the Convention of Human Rights, on account of the failure of the Croatian authorities to prevent the death of the infant and the mother. The Court noted particularly that the Croatian court's findings and the conclusions of the psychiatric examination unequivocally showed that the authorities had been aware that the threats against the life of the mother and

⁸⁰ In this case, the Court sufficed itself with a psychiatric assessment of the perpetrator conducted a few months earlier, where the order for ‘obligatory treatment in a medical institution’ was replaced with the order ‘obligatory outpatient treatment’.

⁸¹ According to a 2021 report by the Human Rights in Democracy Centre “The judicial system as a precursor in protecting the rights of victims of gender-based violence and domestic violence”, four per cent of the abusers suffered from mental health problems.

child were serious and that they ought to have taken all the reasonable steps to protect both. The Court also noted a number of failures in the actions of the authorities. Thus, even though the psychiatric report prepared for the purposes of the criminal proceedings had emphasised the need for the husband's continued psychiatric treatment, the Croatian Government failed to prove that the treatment was properly administered. The documents submitted showed that the husband's treatment in prison had consisted of conversational sessions with prison staff, none of which was a psychiatrist. In addition, the relevant regulations and the court judgment ordering the obligatory psychiatric treatment had not provided sufficient detail about how the treatment was to be administered. Finally, the husband had not been examined prior to being released from prison, to assess whether he still posed a risk to the infant child and the child's mother. The Court therefore concluded that the domestic authorities had failed to take adequate measures to protect their lives.

3.4 Monitoring of Court Hearings

The institution of the People's Advocate has been involved in monitoring court proceedings related to the criminal offences of killings of women and girls deemed to be femicides, with the aim of analysing the legal proceedings and judicial decision-making.

Using the information and documentation provided by the General Directorate of the Police and the district prosecution offices, cases being tried in the courts were identified and some of the proceedings against perpetrators of femicide were monitored.

The court hearings were largely held according to the set schedules and in compliance with the applicable legislation, while the adjournments between hearings varied from 14 days to one month. Regarding appeals proceedings, there were no femicide-related proceedings before the Appeals Court between March and December 2024. For the purposes of this report, 13 court hearings were monitored in five femicide-related cases before the First Instance Courts of General Jurisdiction in Tirana, Durrës, Elbasan and Korçë. Of these, six hearings were adjourned for various reasons, including:

- incomplete trial panel;
- recusal of one of the members of the trial panel;
- health issues of the members of the trial panel;
- failure to inform the victims' family members;
- counsel's failure to attend, and
- parties' application for adjournment.

Findings

In some instances, hearings were adjourned due to a failure to inform the victim's family members, including because of inability to locate their addresses.

Another issue was the failure of the General Directorate of Prisons to produce the defendants at the time and date set for the hearing.

No family members of the victims were in attendance in the hearings that were monitored, with the exception of one case where counsel chosen by the family members represented them in the hearing.

From the date a case is registered with the court until the issuance of the final judgment, the court proceedings usually last between one and three months where proceedings are terminated, and between four and ten months in other cases.

3.5 Effects of Femicide on the Victims' Children and Other Family Members

If we consider the victims' family members, particularly their children, the real number of victims is far higher. The consequences which the victims' families face are quite grave – besides the suffering and trauma caused by the loss of a loved one, they now have to take care of the victim's children and have to be responsible for raising and educating them in spite of their own difficulties.

During the monitoring period, 35 children lost their mothers, of which 20 were of minor age. What is even worse, some of them were also present at the time of the incident. These children suffer both psychological and economic consequences as a result of the incident and because of long-drawn-out child custody or guardianship proceedings.

The introduction and implementation of a new judiciary map led to judicial case overload. This was particularly the case with the larger courthouses in the country, which led to lengthy proceedings and extended deadlines for examining cases. Even in custody or guardianship cases in relation to children without parental care, the proceedings take a long time, which is incompatible with the principle of having the child's best interests at heart. The People's Advocate has issued a report focusing on the effect of delays in family court proceedings on the rights of children (children's best interests).⁸²

Children enjoy special protection under the Albanian legislation but supporting them in practice requires coordinated efforts across responsible structures⁸³ and strengthened support services. The monitored cases highlight the necessity of providing prompt, thorough, and professional support to children who are witnesses of crime or who are in any way affected by what happened.

In one of the cases, the testimony of a child of minor age, who had been witnessed his mother being abused, was central to proving the murder, because initially the husband had reported the victim's death as a suicide. In other cases, children had been through harrowing experiences, such as the case of a victim's minor daughter who went to the crime scene after her mother had been gravely injured and who later died in hospital.⁸⁴ Also, in some cases, the killings occurred

⁸² The Office of the People's Advocate has prepared a special report "Analysis of the effectiveness of justice for children in the areas of child protection and family matters", sent to the Parliament of the Republic of Albania; document reference no. 650, dated 19 November 2024.

⁸³ The Code of Criminal Justice for Children uses the term 'victim' or 'witness' of a criminal offence to refer to children who find themselves in such situations. The purpose of this Code, is, among others, to protect the rights of children in situations where they are witnesses and/or victims of a criminal offence. According to the Code, a "child victim" is any person under 18 years of age who has suffered moral, physical or material harm as a result of a criminal offence. Similarly, a "child witness" is any person under 18 years of age who may have information about a criminal offence.

⁸⁴ In the application to commit the case for trial, in the case of defendant A.M., the prosecutor submitted that a statement was taken at the scene of the crime from the minor daughter of the victim. "At the crime scene, a statement was taken from this citizen, who explained the circumstances of the offence." The report adds that: "As a person who has information about the criminal offence, citizen K.M., of minor age, was questioned in

in premises where children were present or in the vicinity, sometimes at night-time when they were asleep.

The competent bodies must pay special care when dealing with cases involving children victims or witnesses, by respecting their dignity as human beings and taking into account their personal circumstances, state, specific needs, age, gender and level of maturity.⁸⁵

The responses provided by the municipalities show that after the incidents, representatives of the local authorities often visit the families of the victims to inquire about their needs and problems, especially in relation to the children involved.

In trial judgments against perpetrators of femicide, the presence of children at the time of the killing, as had indeed been the case in some instances, or the killing of mothers with young children, is often treated as an aggravating circumstance. However, the children's suffering is rarely captured by statistical data or analyses.

In some cases, the affected children were only assisted for a few days in the wake of the incident, especially if they had relocated and were staying with relatives in other towns. In such cases, the municipality where the incident occurred is under obligation to refer the case to the municipality where the child is relocated. Nevertheless, the procedures are often lengthy, causing delays in the provision of support to the child.

In the cases where the children were left without parental care, Child Protection Officers (CPO) played a crucial role by contacting the children and proposing protective measures. In some cases, the CPOs organised a Multidisciplinary Technical Team (MTT) for the purpose of taking emergency measures, such as the placement of the child in the care of relatives. In one of the cases, one child was placed temporarily in an institution, after which the grandparents on the mother's side were granted custody after the father gave up his custody rights.⁸⁶

In general, the courts have granted legal custody or guardianship of the children to grandparents of other relatives on the mother's side. The municipalities provided services such as assistance with legal procedures, psychological counselling and material support, including birthday or other parcels and school sets.

In some cases, the necessary psychological support was not provided by the respective municipalities,⁸⁷ with the children being referred to civil society organisations instead. The provision of this support should be delivered with the required level of effectiveness up until the rehabilitation of these children from the trauma suffered.

accordance with the provisions of the Code on Criminal Justice for Children and Article 297 of the Criminal Procedure Code, in the presence of a supporting adult representative (Child Protection Unit), a psychologist, and Counsel⁸⁷

⁸⁵ The Unit for the Protection of the Rights of the Child is a local-level body dedicated to the protection of children, in accordance with the legal framework on the rights and protection of the child. The representative of this Unit acts as the supporting adult in the case of children victims or witnesses; they have the obligation to supervise every step of the child's treatment and rehabilitation.

⁸⁶ In this case the victim was killed by her former brother-in-law (her sister's former partner).

⁸⁷ The response provided by the Municipality of Vau i Dejës shows that this municipality did not offer psychological services, therefore the child was referred to an organisation which operates in the municipality of Shkodër. No information is available as to whether the child continued to receive services from this organisation.

The provision of such assistance and other support services close to the child's place of residence is an important factor in providing meaningful support because many of them are in the care of grandparents who are faced with economic and medical difficulties, making it difficult for them to obtain such services.

Another issue relates to conflicts arising between the mother's side of the family and the father's side of the family about contact with the child.⁸⁸ In the majority of the cases, the relatives who get custody of the children do not keep any contact with the family of the perpetrator.

The monitoring shows that responsible officials maintain regular contacts with the families that were granted custody/guardianship, providing them with information on their rights and otherwise assisting them with the procedures for claiming benefits or other support. However, the assistance provided does not meet the full spectrum of needs involved in the raising and education of the child.⁸⁹

Financial Support for the Victims' Children

Currently, pursuant to Law No. 8153, dated 31 October 1996, "On the status of orphans" one instance where a child shall be legally recognised as an orphan is when neither of his or her parents is alive.

According to Law No. 7703, dated 11 May 1993, "On social insurance in the Republic of Albania" dependents of a deceased who was entitled to a type of benefit or retirement pension, are entitled to orphan's allowance (called '**family pension**'). According to Article 41 of this law, the family pension consists of part of the pension the deceased received or was entitled to, with each child entitled to 25 per cent of the pension the deceased was entitled to receive. The amount of the family pension shall not be higher than the pension the deceased person received or was entitled to.

An orphan who has lost both parents receives an orphan's pension on account of both of them.

In femicide cases, where the children have lost their mother while their father is serving a prison sentence for her murder, thus leaving the children without parental care – the relatives of the victim apply to the court to get custody or guardianship of the children.

Pursuant to DCoM No. 149, dated 13 March 2018 "On the criteria, documentation and procedures for identifying foster care families for children without parental care and the degree of funding to cover the expenses of a child placed in foster care" the allowance received by a foster family to cover food expenses **per child placed in foster care is ALL 9000 (nine thousand) months**, which goes up to ALL 10000 (ten thousand) for a disabled child in foster care.

⁸⁸ The responses returned by the municipalities reveal cases where a conflict had arisen between the parties, which had led to the relatives of the child to apply for a protection order.

⁸⁹ The relative, who is now caring for her sister's three children, states: "I am not receiving any assistance from the state. It is very difficult for me to cope with raising the children. There are nine of us living in a two-bedroom flat. The children are small, they have many needs. One of them suffers from epilepsy and I have to juggle work and his medical examinations."

The People's Advocate prepared a report on the minimum living standard in Albania in 2019.⁹⁰ The analysis conducted in the context of that report led to the conclusion that the minimum living standard in Albania in 2019 was approximately ALL 17,875 a month. According to the People's Advocate analysis, if it is indexed today this amount would be ALL 21,000 per month per person. Therefore, the allowance received by a child after being placed in foster care is about 52 per cent lower than the minimum living standard.

Due to the lengthy court proceedings, children and their foster carers often have to wait over a year to receive the financial support. Because of the time it takes for the proceedings to conclude, especially in the larger courthouses in the country, the waiting period for foster families to receive this allowance is more than one year.

This delay places families in great difficulty, increasing the need for emergency financial and material support.

Based on the above and in order to ensure immediate support for children affected by femicide, we recommend:

Taking measures to ensure the provision of *ad hoc* packages with financial and material support for these children, with the aim of ensuring emergency support to meet their needs until the time a family pension or other financial support is officially approved.

Coordinating the work of CPOs and school psychologists in order to deliver the necessary psychological support tailored to the needs of the child.

⁹⁰ Report of the People's Advocate "On the minimum living standard in Albania, 2021". See: <file:///C:/Users/pc/Downloads/Minimumi%20jetik%20ok.pdf>

CHAPTER IV - RECOMMENDATIONS

Recommendations include having in place strategies and strengthening structures for preventing femicides; the inclusion of femicide as a discrete criminal offence in the Criminal Code, and improvement of inter-institutional coordination in treating such cases. Other recommendations include improving data collection and data consolidation, conducting risk assessments and implementing protection measures for victims, and providing psychological, legal and material support to children affected by femicide. There is also need for training, rehabilitation programmes for perpetrators and standardisation of monitoring of protection orders, while local agencies and local authorities must set up emergency response and on-going support mechanisms for victims and their family members. The recommendations are grouped in two categories: general and specific.

- ✓ *General recommendations* include the development of national strategies on preventing femicide, its inclusion as a discrete criminal offence in the Criminal Code, improvement of inter-institutional coordination and support for victims and their family members.
- ✓ *Specific recommendations* focus on the roles of the main institutions, such as the police, prosecutorial bodies, courts, municipalities and administrative units, with an emphasis on data collection and consolidation, effective risk assessment, implementation of protection measures, rehabilitation of perpetrators and provision of emergency support for children affected by femicide.

4.1 General Recommendations

The following measures and activities are recommended to be taken at all levels for the purposes of preventing femicide, supporting victims' families and addressing gender-based violence:

- **Developing clear strategies on combatting femicide**, strengthening responsible structures that guarantee effective protection, and building the capacities of the staff in these structures.
- **Including a specific provision in the new Criminal Code designating femicide as a discrete crime** under the law and improving legislation on violence against women and femicide in line with the recommendations of international mechanisms (the CEDAW Committee, GREVIO, UPR Working Group).
- **Raising public awareness** and establishing standards regarding reporting in the media of violence against women and femicide cases.
- **Addressing data gaps** and cross referencing at different levels in order to ensure complete and quality data. Coordinate between various sectors to avoid overlaps and inaccuracies, and update database systems.
- **Providing support to family members of victims of femicide** by providing psychological and legal assistance and support with information, in order to address their needs in the course of legal proceedings.

- **Providing support to children affected by femicide**, through psychological, legal, financial and material support, as well as close supervision of their recovery from the trauma suffered and review the amount of financial support.
- **Reviewing the standards of coordination between responsible institutions**, with a view to effectively address cases of violence and establish and strengthen support services and rehabilitation programmes.
- **Establishing a sustainable practice** for the prompt notification of victims regarding the perpetrator's release from prison and subsequent monitoring of the latter.
- **Assessing the mental health of persons convicted of crimes against women**, as a precondition in taking measures to prevent violent episodes. Set up support and rehabilitation programmes for their treatment is urgently needed.
- **Providing multi-disciplinary assistance and support** to women and girls subjected to domestic violence.

4.2 Specific Recommendations

4.2.1 Recommendations for the police

Recognizing the crucial role and significant contribution of the State Police in addressing and handling issues of violence against women, including femicide, and based on the findings of the Observatory, we recommend the following measures:

- ✓ Reviewing procedures regarding risk assessments and the issuing of IPPOs, to ensure that concrete measures are taken in accordance with the standards set forth in the Istanbul Convention, ECtHR jurisprudence and domestic legal framework. More specifically, this requires:
 - Treating any threats to life with the utmost seriousness and taking swift measures to prevent escalation (for instance, the fact that the abuser may have access to firearms, or has a licence to use such weapon, should be considered as a risk indicator; so should any violations of protection orders in the past). The police should not wait to have absolute certainty about the threat, but act with special diligence.
 - Establishing a system for providing immediate protection in an emergency centre, if necessary, and then in long-term accommodation centres, especially if the abuser is not in custody.
 - Paying special attention to children and other victims of violence occurring in domestic settings.
- ✓ Putting in motion the mechanisms for promoting better coordination of work with other responsible structures members of the CRMs for the enforcement of IPPOs, with the aim of preventing immediate danger and ensuring a multidisciplinary approach to case management.
- ✓ Ensuring that cases are addressed by CRM members jointly and swiftly, from the moment a report is received, including by conducting a risk assessment, addressing the initial needs of the victims, monitoring compliance with protection orders, up to the victim's full rehabilitation.

- ✓ Revisiting the importance of dealing in parallel with the issuance of an IPO/PO and the prosecution of the offender, considering that the protection order is useful not only for protecting the victim's integrity, but also for their rehabilitation.
- ✓ Referring cases to healthcare institutions with the aim of supporting victims with medical and psychological assistance and providing them with the relevant medical report.
- ✓ Improving effectiveness in identifying cases and acting with initiative for requesting the issuance of IPO/POs where there is violence.
- ✓ Collecting, updating and consolidating data on all forms of gender-based violence, creating templates of electronic records for identifying and keeping such information.
- ✓ Providing ongoing training and establishing specialised structures for addressing cases related to gender-based violence, including femicide, in line with GREVIO recommendations.

4.2.2 Recommendations for the prosecution

Regarding the prosecution, as a key institution in investigating and bringing perpetrators of crimes before justice, we recommend further strengthening of their role in relation to:

- ✓ Setting in motion mechanisms that promote detailed analyses of the history of violence against the victims and the gender motivation behind the commission of the criminal offence.
- ✓ Analysing the history of violence against the victim and the motives behind the killing even where an application has been made for proceedings to be terminated due to the perpetrator's death after the incident or during the investigation stage.
- ✓ Establishing communication channels and improving information sharing among the various institutions, such as the police, civil and criminal courts, victim support services, CRMs, etc.
- ✓ Prioritizing the safety and security of the victim during investigations of cases of domestic violence and violence against women, by coordinating actions with local coordinators and other CRM members.

4.2.3 Recommendations for courts

In accordance with the findings of the Observatory and the need to further strengthen the role of the courts in addressing gender-based violence, including femicide, we recommend:

- ✓ Taking measures to ensure synchronised data collection and processing on defendants, perpetrators, and victims.
- ✓ Setting in motion mechanisms that promote the creation of a unified practice in analysing the gender motive in all cases related to all forms of violence against women.
- ✓ Taking measures to enable the questioning of the victim's family members in separate premises from where the perpetrator is, in order to prevent their re-victimisation.
- ✓ Paying greater attention to cases related to violence against women by ensuring that the sentences imposed are proportional to the perpetrator's level of dangerousness, as well as by imposing an obligation on abusers to attend rehabilitation programmes during and after their time in prison.

- ✓ Conducting, in each case, a thorough analysis of the history of violence and the motives behind the crime, by extending the gathering of information to other responsible structures.
- ✓ Addressing the victim's protection needs with in increased attention, even where the victim does not attend court hearings, by granting protective measures that safeguard their integrity and address their needs.

4.2.4 Recommendations for municipalities and local administrative units

In the context of the implementation of the applicable legal framework and the role of self-government authorities in addressing gender-based violence and domestic violence, we recommend that mechanisms are set into motion for:

- ✓ Creating model institutions which serve to establish the connection between the needs of the victims and other responsible structures.
- ✓ Increasing material and human resources to respond in a timely manner and without delay to every victim of violence in need of support and assistance, including by assisting the police from the moment violence is reported, ongoing monitoring of the case until the completion of the rehabilitation process.
- ✓ Increasing their involvement in relation to submitting requests for the issuance of IPO/POs at the request of the victim, or to do so on their own initiative when they find violence has occurred.
- ✓ Reviewing the standards on monitoring protection orders, by conducting a case-by-case assessment of intervention needs with a view to prevent violations of protection orders and escalation of violence.
- ✓ Increasing human and material sources in order to address in a timely manner the emergency and long-term needs of the children and other family members of victims of femicide.

4.2.5 Recommendations for the Ministry of Health and Social Protection, as the primary authority responsible for developing strategies and programmes in the areas of prevention, protection and services for victims of violence and domestic violence.⁹¹

- ✓ Collaborating with the Ministry of Justice to recognize femicide as a discrete criminal offense in the new Penal Code.
- ✓ Organising continuous awareness campaigns on preventing violence against women (alongside dedicated global campaigns, and with public funding), also addressing the issue of femicide as one of the gravest forms of violence.
- ✓ Accelerating support measures to strengthen CRM capacities, in order to ensure effective functioning of all mechanisms in all 61 municipalities, particularly in relation to risk assessment and provision of emergency protection services and subsequent medium- and long-term services for victims.
- ✓ Increasing funding from the Social Fund for projects involving the establishment of emergency centres, especially in municipalities where this is an imperative need because of the high number of cases.

⁹¹ Some of the recommendations here draw on previous recommendations contained in the People's Advocate report entitled "On the situation of domestic violence and violence against women in Albania in the period January 2020 - September 2021", which are yet to be addressed, see: [https://www.avokatipopullit.gov.al/media/manager/website/reports/RAPORT%20MONITORIM%20DHUNA%20JANAR%202020%20-%20SHTATOR%202022\[1164\].pdf](https://www.avokatipopullit.gov.al/media/manager/website/reports/RAPORT%20MONITORIM%20DHUNA%20JANAR%202020%20-%20SHTATOR%202022[1164].pdf)

- ✓ Monitoring existing projects for setting up shelters and ensuring efficient use of the respective funds.

Improving transparency and providing full information on the expenditures of the MHSP for the various services provided to victims of domestic violence who are granted IPPOs, POs or IPOs across the entire country, including rural areas.

- ✓ Addressing the need for training and supervision of the healthcare sector, which remains one of the sectors facing the most issues regarding their role in referring cases of violence and issuing medical reports in every case of domestic violence or violence against women, to be used by victims as evidence in judicial proceedings.
- ✓ Accelerating efforts to establish rehabilitation centres/programmes for perpetrators in all the regions of the country, as soon as possible and ahead of the deadlines set by the National Strategy on Gender Equality, as existing programmes are not sufficient.
- ✓ Addressing the need for collaboration and cooperation among the relevant institutions, including the police, courts, probation service and prison authorities, for the purpose of identifying perpetrators of domestic violence and their inclusion in rehabilitation programmes.

DRAFT

ANNEXES

CASE STUDIES

This section of the report contains analyses of three femicide cases. These represent some of the most extreme incidents that have happened in our country, where the victims were five women and girls, four of which were killed by perpetrators they were in an intimate or family relationship with.

Case study No. 1

The killing of S.B. by her former husband at her parents' home, Fier 2021

Information about the incident

The victim, S.B, was the former wife of the perpetrator, with whom she had a child of minor age. At the time of the incident, the victim had been granted a protection order, valid for one year. The perpetrator had previous convictions for domestic violence, for having threatened the victim's mother with a firearm. For this, he was arrested, convicted, and sentenced to a prison term. While he was in prison, the civil proceedings for finalising the divorce between the victim and the perpetrator went ahead, and the victim was given custody of the child. After serving three months in prison, the District Court in Fier commuted his prison sentence to 'obligatory temporary committal to a psychiatric hospital', on the basis of an expert report on his mental state. According to the report, the perpetrator had been suffering from a psychiatric disorder for at least two years, causing mental imbalances (the diagnosis provided was 'unspecified mental disorder'). The expert report stated that, "If his condition is not treated and he is not under regular supervision by a psychiatrist, his behaviour is bound to be unpredictable and have consequences." A second expert report was commissioned, which reached the same conclusion and recommended obligatory treatment in a medical institution. Four months after his hospitalisation pursuant to the order for obligatory treatment in a medical institution, on 26 July 2021, the District Court in Fier issued a decision for commuting the medical order from "obligatory treatment in a medical institution" to "obligatory outpatient treatment", under the care of his father. The defendant was required to attend monthly appointments with the neuropsychiatrist at the Specialist Polyclinic in Fier. The reasoning provided in the decision was that, in support of his application, the applicant had submitted a medical report "Medical information on patient E.B, Ref. No. 129, dated 25 March 2021", issued by the medical officer at the Kruja IECD. On 21 July 2021, the applicant appeared before a panel of three experts for a psychiatric examination, at the conclusion of which they recommended the medical measure of obligatory outpatient treatment under the care of a close relative and regular supervision of a psychiatrist.

Following his discharge from the specialist medical institution, the perpetrator started contacting the victim again, using their daughter as a pretext, asking about her, but also demanding from the victim to report to him about her life (where she went, who with, what she was doing, and trying to persuade her to get back together).

On 10 September 2021 (approximately two months after his discharge from the specialist medical institution, on his birthday, the perpetrator sent a series of text messages to the victim, to which she did not respond. That evening, around 22:10, the perpetrator went to the victim's home and demanded to see her. When she came out and asked why he was there, he shot her several times with an automatic weapon. She died at the scene. The perpetrator surrendered himself to the police the next day.

Information about the victim

The victim was 23 years old; she had completed lower secondary education (9 years) and was employed by a local private company. At the time, was living with her parents in a neighbourhood in the outskirts of Fier municipality. Regarding her emotional state before the incident in which she lost her life – according to the testimonies of her family members, she was very frightened because the perpetrator had threatened her even while he was in prison and he continued to stalk and threaten her, demanding that she tell him everything about her life and that they get back together.

Previous history of violence against the victim

The victim had married the perpetrator when she was very young. According to testimonies, she had been regularly abused by the perpetrator, even in the presence of their young daughter. Being very jealous, he did not allow the victim to get employment and accompanied her everywhere she went; in fact, as her family members testified, she could not even go to see or stay over at her parents without him being there with her. The violence had escalated further, causing the victim to file a complaint with the police. The perpetrator had also threatened the victim's mother with a firearm for which he was prosecuted, found guilty and sentenced to several months in prison, after which an order was issued for "obligatory treatment in a medical institution".

Excerpts from the evidence given by the victim's mother:

"My daughter got married when she was only 14; he eloped with her when she was very young. He did not allow her to go out to work; even when she came to see us, he had to be there with her. My daughter would not tell me about what she was going through, that he regularly abused her, even in the presence of their child. When she did tell me, I asked her to stick with him for the sake of the child. I did not want the marriage to fall apart, for the sake of the child. My daughter left him twice and I sent her back to him. He called her incessantly, even from prison." She said that the perpetrator had declared that he would kill her daughter if she dared break up with him.

Information about the perpetrator

The perpetrator is 28 years of age; marital status: divorcee; who was residing in a neighbourhood in the outskirts of Fier. He had one child from his marriage to the victim. The perpetrator had completed secondary education and was unemployed at the time of the crime. There is nothing in the information available to suggest that the perpetrator was a drug user or an alcoholic.

He suffered from mental health issues and, at the time of the crime, he was under a court order for "obligatory outpatient treatment". According to the evidence provided after the incident, he was under the regular supervision of a psychiatrist.

The perpetrator had been convicted previously for domestic violence, for using violence against his wife and her mother. The perpetrator did not show any remorse about the crime he committed when he appeared before the competent authorities.

According to the documents in the case file, the motivation behind the killing was the refusal of the perpetrator to accept that the victim had separated from him.

Prosecution and adjudication of the criminal case against the perpetrator

The Prosecution Office at the First Instance Court of General Jurisdiction Fier, filed with the court an application to commit the case for trial, on the basis of the following charges against the defendant: “Homicide within a domestic setting”, under Article 79/c of the Criminal Code; “Illegal possession of explosive devices and munition”, under Article 278/7 of the Criminal Code; “Acting in contempt of court”, under Article 321/2; and “Breach of public order and peace”, under Article 247 of the Criminal Code. The charges were supported with concrete evidence collected during the investigation stage. The prosecution requested that the court convict the defendant and sentence him with life imprisonment; Counsel for the defendant requested that the case against the defendant be stayed on the basis of his diminished responsibility and asked for him to be committed to a specialist medical institution instead. The representative of the victims’ relatives requested that a sentence of life imprisonment be imposed against the perpetrator.

During the trial proceedings against the perpetrator, the court rejected the application of the defence for a psychiatric expert report. The court reasoned that although the perpetrator had been under an order for “obligatory outpatient treatment” at the time of the crime, his mental state had stabilised and he was found to be legally responsible. The court reached this finding based on the evidence given by witnesses (the perpetrator’s parents) according to whom he was taking his medication regularly and attending appointments with the psychiatrist as required, as well as on an examination of his correspondence in the run-up to the crime, which according to the court, indicated a stable state of mind.

The court did not find any mitigating circumstances pursuant to Article 49 of the Criminal Code. With respect to aggravating circumstances, on the other hand, the court considered factors such as the fact that the crime was committed against a person who had been granted a protection order, as set out in Article 50/e of the Criminal Code.

The hearings in the case were attended by the victim’s family members and her parents, who testified that the victim had been regularly abused by the perpetrator and that they had expressed their misgivings about the release of the perpetrator from prison with an order for “obligatory outpatient treatment”.

The length of time it took for the case to complete from the day of the crime to the final court judgment was 17 months (investigation and adjudication of the case), while the length of time from the listing of the case in court to the final judgment was ten months.

The court did not alter the legal characterisation of the **criminal offence and upheld the characterisation made by the prosecution.**

The perpetrator was sentenced to life imprisonment; the judgment was appealed before the Appeals Court, which upheld the lower court's decision.

Observations about the case

From the point of view of its form and content, the court decision seems well-reasoned, with a detailed analysis of the elements of the criminal offence and proof thereof. The decision contains a complete analysis of the competent court, the substantive and procedural aspects, the related applications submitted by the parties and their respective arguments. It is our opinion that, given that the perpetrator was under an order for "obligatory outpatient treatment" at the time of the crime, the court should have granted the application of the defence for a psychiatric report, based on the possibility that the mental condition could have worsened and on the fact that just a few months earlier, the perpetrator had been committed to a psychiatric hospital following an expert report on his mental health.

A mental health expert report in cases of this kind is important, not only for the purposes of assessing the perpetrator's liability, but also to have a clear picture of the perpetrator's mental health, in order to properly address his medical needs while serving his sentence. An assessment of the mental state of the perpetrators of such grave crimes is extremely important even for the purpose of avoiding situations that may develop in prison premises, where the perpetrator may put his life or the life of other fellow prisoners at risk.

It is worth noting that in this case the court did in fact find that the commission of the crime in a domestic setting is linked with gender-related discriminatory attitudes and motives; however, no reference was made to the relevant provision on the aggravating circumstance of a gender-related crime.⁹² In addition, the court considers that the place chosen to commit this crime – the home where other family members of the victim and her daughter were also living – increased the level of dangerousness of the crime.

Regarding the culpability of the perpetrator, the court found that this crime was committed with the highest degree of culpability, with premeditated intent. In addition, the court took into account the fact that the perpetrator did not show any remorse for the crime committed and showed a marked lack of sensitivity about the consequences and emotional state of the child as a result of the crime.

The punishment imposed on the perpetrator was the maximum sentence under the relevant provisions, because the court sentenced him to life imprisonment. The perpetrator will serve the sentence in a high security prison. The prosecution and both first instance and appellate proceedings were completed within a very reasonable timeframe compared to other court decisions analysed for the purposes of this report.

Regarding the relationship between parties before the crime, the prosecution and the judges focused on eliciting evidence from the family members, but no information was sought from the local coordinator or other members of the CRM. Given that the victim had been granted a protection order, the prosecution should have inquired more and obtained more information from

⁹² The court held that this is an offence that poses a high level of risk to the society, considering the tendency on the rise of such criminal offences in domestic settings, motivated by discriminatory attitude towards the female gender.

the competent structures in relation to the measures that were taken for monitoring compliance with the PO. The information provided by the Fier municipality show that the victim had been treated by the Fier CRM structures, and she was in regular contact with the social administrator in the administrative unit where she was registered as a resident. The victim received benefits in the sum of 9900 ALL per month, on account of her one-year PO. During the time the perpetrator was in prison, the victim had stated that she did not feel she the abuser posed a risk to her. It transpires that the local coordinator at the Fier Municipality had not been informed of the perpetrator's release from the IECD Kruja and that he had been placed under "obligatory outpatient treatment".

When perpetrators are released from prison, in addition giving timely information to the police, the GDP must also share that information with the victim, the local coordinator or other official responsible for monitoring of compliance with the PO.

In order to fully address this issue, we recommend that where cases of violence against women are concerned, the court must order the timely notification of the survivors by the competent authorities regarding the release of the perpetrators from prison.

Effective monitoring of protective orders requires both coordination among responsible structures and reassessment of the risk to the victim's safety when perpetrators convicted of crimes related to violence against women or domestic violence are released.

Case Study No. 2

The killing of L.B. upon leaving the court building, Elbasan, 2021

Information about the incident

The victim L.B., was the wife of the perpetrator and she shared two adult children with him.

About five months before she was killed, the victim had filed a criminal report against the perpetrator for the criminal offence of "domestic violence", under Article 130/a of the Criminal Code (criminal case No. 2065, dated 4 December 2020). As a result, the Prosecution at the District Court in Elbasan had started proceedings against him, during which time he was on bail. On the day of the incident, on 6 May 2021, a hearing on the case was held at the Court of First Instance in Elbasan, which the perpetrator failed to attend. The victim and her two sons attended and, when the hearing ended, the three of them left the court building and were on their way home. The perpetrator was waiting for them at a junction near the courthouse, who stated "I told you I was going to kill you," before firing his gun at her several times. The victim fell on the ground. At that moment, her son, helped by a third person, grabbed the gun from the perpetrator's hand. After this, he took out a knife from his pocket and went and stabbed the victim on her neck, to make sure that she would die. The perpetrator attempted to flee but was arrested on site by the police. Two passers-by were also wounded, one of whom sustained life-changing injuries.

Information about the victim

The victim was 54 years old. She had two adult children from the marriage with the perpetrator. The victim had completed secondary education and was unemployed. She was in good physical and mental health. In relation to her emotional state before the incident occurred, according to the testimonies of her two sons, she was scared of what the perpetrator could do to her after she reported him to the police, knowing his violent streak. The victim had filed for divorce with the perpetrator, had left the marital home and was living with her family of origin.

History of violence against the victim

According to the victim's son's testimonies, the perpetrator would constantly abuse their mother, and she had only reported him to the police one. After reporting the violence, the victim had left the marital home because she was afraid of what the perpetrator was capable of doing to her.

Information about the perpetrator

The perpetrator is 62 years old; civil status: married; resident in the municipality of Elbasan. The perpetrator has completed secondary education and was in employment at the moment of the crime. The perpetrator had previously worked as a police officer for some years. He was in good physical and mental health. There is no indication in the information available that the perpetrator was an alcohol or drug user. He did not have any previous convictions. Regarding his conduct before the authorities in relation to the crime committed, it is reported that the perpetrator did not express any remorse, he refused to be represented by duty counsel assigned to him by the court and he used offensive terms against the prosecutor and the trial panel.

Prosecution and adjudication of the criminal case against the perpetrator

The Prosecution at the First instance Court of General Jurisdiction in Elbasan, filed an application to commit the case against the defendant K.B. for trial, on the following charges attempted "Murder under other qualifying circumstances", under Article 79 of the Criminal Code; "Homicide within a domestic setting", under Article 79/c of the Criminal Code; "Unlawful possession of explosive weapons and ammunition", under Article 278/7 of the Criminal Code; "Acts contrary to the decisions of the court", under Article 321/2; and "Disturbance of public peace", under Article 274 of the Criminal Code. The charges were based on a series of supporting evidence gathered in the course of investigations into the case. The Prosecution moved for a sentence of life imprisonment against the perpetrator.

The court assigned counsel representing the perpetrator moved for the case against the perpetrator to be stayed or dismissed, on account of his diminished responsibility. A report compiled following a psychiatric examination, found that the defendant did not meet the criteria to be diagnosed as having a mental health condition.

The court conducted a detailed legal analysis of the *actus reus* and supporting evidence submitted during the trial and concluded that the criminal offence was committed with premeditation and direct intent.

The court took into account the cruelty and brutality with which the crime was committed, which relates to the fact that after firing the gun at her several times, the perpetrator also stabbed the

victim with a knife in the presence of their two children, as well as the dangerousness and the consequences of using a gun in a public space.

The victim's family members did not participate in the proceedings.

The trial proceedings lasted for a period of five months. While the procedures from the date of the crime was committed to the date of the final criminal decision was 18 months.

The court did not alter the legal characterisation of the criminal offence and upheld the characterisation made by the prosecution.

In relation to this crime, the District Court in Elbasan, in its Judgment No. 235, dated 27 April 2023, found the defendant guilty and sentenced him to life imprisonment. This decision was appealed by the defendant and on 6 December 2023, the Appeals Court upheld the lower court's judgment.

Observations about the case

According to the information available, the police authorities did not issue an IPO/PO to the victim, sufficing themselves only with recording the criminal complaint of domestic violence. Pursuant to the legislation on domestic violence, issuing an IPO/PO and the criminal prosecution of the abuser are two processes that must be carried out in parallel, because the issuance of an IPO/PO serves the dual purpose of having in place measures for the protection of the victim's integrity and including her as a beneficiary of support services. By not issuing the victim with an IPO/PO where the latter has filed a complaint with the police and allowing the abuser to be tried while on bail are factors that lead to a direct exposure of the victim to danger and escalation of violence. By not submitting an application to the court requesting the issuance of an IPO/PO, the police structures failed to fully engage in assessing the risk to the victim's safety, by not paying adequate attention to the victim's needs for protection and support. In addition, by not being in possession of a PO, the victim had not received any benefits in term of financial assistance.

According to the information provided by the municipal authorities in Elbasan, the case had not been referred by the police or any other CRM member to the local coordinator, therefore she had not been treated by the CRM and had not received any services as a victim of domestic violence.

There is no information that the prosecution or the court sought information from local coordinators or other CRM members within the municipality of Elbasan, in order to acquaint themselves with the steps taken by the responsible structures in support of the victim, following her reporting of the violence to the police. No analysis of the history of violence against the victim and the consequences of such violence on her is made in the application to commit the case for trial and in the court judgment.

Also, there is no analysis the motives behind the commission of the crime in the Judgment, nor is there any mention, as an aggravating circumstance, of the fact that the crime was committed for reasons related to the victims gender, as set out under Article 50/J of the Criminal Code.

Case Study No. 3

The women and girls killed and injured by D.H.

Information about the incident

Two weeks after he was released from prison, where he had served a sentence for the criminal offence of domestic violence against his partner, D.H. killed three women/girls and injured three others. This grave incident, which shocked the entire public, occurred on 1 March 2023. The perpetrator initially wounded his former girlfriend and then killed and wounded four others, of which one was his former partner and the other three her close relatives. The sixth victim was the sister of a person with whom the perpetrator had had disagreements during the time when he was serving a sentence for domestic violence.

The conflict with his partner had started on account of her pregnancy, because the perpetrator claimed that he was not the biological father of the child.⁹³ The perpetrator and his former partner had had several arguments about this fact and, during such arguments, he had threatened that he would eliminate her entire family, and indeed he made plans how to carry out this. The first victim that was injured was someone with whom the perpetrator claimed he had had an intimate relationship with and to whom he had lent an amount of money. After this, the perpetrator was on his way to the place where his former partner lived⁹⁴ with the aim of killing her. When he entered the yard, he saw her sister and sister-in-law there. Initially he attempted to shoot them, but his gun jammed, so he took out a knife and stabbed them several times. After this, he went inside the home, where he came face to face with his former partner and her mother. He first asked whether there were any other members of the family in, and then, he unjammed his gun with the knife he was holding and fired it in the direction of his mother-in-law. At that moment, his former partner moved in front, and both women were injured. Later, the perpetrator went out to the yard and fired his gun again in the direction of the vehicle where his former partner's sister was lying dead and then left the scene. Following this he went towards the home of an individual with whom he had had disagreements when he was serving time in prison. He jumped over the fence and entered the house. There he came face to face with a woman and a girl, whom he asked whether she was the sister of the individual he had problems with while in prison. When she nodded 'yes', he shot her dead.

According to the statement he gave at the police and the prosecution interview, his reason for killing and wounding his former partner's family members was to take revenge against her and her family who had previously reported him to the police for domestic violence. The criminal offence happened fourteen days after the perpetrator was released from prison. He shot three people dead and wounded three others by stabbing them. The perpetrator pleaded guilty and did not express any remorse for the crimes he committed. His statement to the prosecution was: "I am not sorry. I committed the crimes fully aware of what I was doing."

⁹³ His former partner, who was injured during this incident, had given birth two weeks prior to this to a baby, from her co-habitation with the perpetrator.

⁹⁴ After separating from the perpetrator, the victim had returned to live with her family of origin.

The perpetrator is currently in custody. He is serving his sentence in a high security prison and made an attempt to escape. During this time, he has been involved in other criminal acts within the prison.

Information about the victims

The victims, M.H. and H.D, were the perpetrator's former partner's sister and brother's wife. They were in the 30-44 age group, both married. M.D. was pregnant at the time she was killed. The victims had completed secondary education and were not in employment before the incident. They were the first to encounter the perpetrator and tried to calm him down and to prevent what in fact later happened and caused the loss of their lives. The third victim, V.K., was in the 15-29 age group, single, and had completed basic (9 year) education. She was in employment at the time. She was killed by the perpetrator out of revenge against her brother, with whom he had had disagreements in prison.

History of violence against the victims

According to the information, the grave incident occurred because the perpetrator sought to take revenge against his former partner, who had reported him to the police.

The perpetrator and his former partner had even tied the knot and had a wedding party about nine months before the incident. The arguments between him and his former partner were the result of the perpetrator's jealousy and his suspicions about her pregnancy. The perpetrator had separated from his partner and, a few days later, her family members had asked him to go to see them, to talk and clarify things. However, they had called the police, and he was arrested. After the arrest, he was convicted on the charge of "domestic violence" under Article 130/a of the Criminal Code, for which the perpetrator claims he was arrested unfairly and that his rights had not been respected during his time in prison.

Information about the perpetrator

The perpetrator is in the 30-44 age group, born in Kukës and resident in Kamëz; marital status: divorced, no children; he had completed secondary education and was unemployed before the incident. The perpetrator had three prior convictions,⁹⁵ one for killing his first wife, the second for domestic violence and unlawful deprivation of liberty, and the third for domestic violence. There is no information that the perpetrator was a drug or alcohol user.

Prosecution and adjudication of the criminal case against the perpetrator

The Prosecution at the First instance Court of General Jurisdiction in Elbasan, filed an application to commit the case against defendant D.H. for trial on the following charges: "Homicide within a domestic setting" in relation to M.H. and H.D. (Article 79/c of the Criminal Code); attempted "Homicide within a domestic setting", in relation to A.H. and K.H., (Articles 79/c and 22 of the Criminal Code); "Premeditated murder" of V.K. (Article 78/2 and 22 of the Criminal Code); "Creating the conditions and obtaining the material means for committing a murder" (Article 80 of the Criminal Code); "Unlawful possession of explosive weapons and ammunition", (Article 278/7 of the Criminal Code) "Unauthorised manufacturing, carrying

⁹⁵ In 2007, the perpetrator had stabbed his first wife to death (she was only 22 at the time), for which he had been convicted and sentenced to a term of 14 years in prison. Whereas in 2003 he was sentenced to two years and eight months in prison for committing the criminal offence of "Illegal deprivation of liberty" (Article 110/2 of the Criminal Code).

buying and selling of cold weapons”, (Article 279/1 of the Criminal Code). The First Instance Court of General Jurisdiction, Tirana, with its Decision No.466, dated 4 March 2023, granted the prosecution application and sent the case for trial.

Observations about the case

The proceedings in this case are still ongoing and several hearings have been held,⁹⁶ some of them were adjourned mainly on the basis of adjournment requests by counsel, absence of the members of the trial panel, transferral of judges, and failure to notify the victim’s family members.

The prosecution application to commit a case for trial contains very little detail about the nature of the perpetrator’s relationship with his partner and whether he had been violent against her and her family members before the incident. The application does not provide any details in relation to the perpetrator’s previous conviction in relation to the criminal offence of domestic violence, or whether his former partner or her family had been granted IPO/POs following their reporting of the violence.

The defendant attended some of the hearings where he made submissions on some health issues and the inadequacy of the prison environment where he is being detained.

Although the court assigned counsel to represent him, the defendant expressed his doubts about the defence counsel was able to mount on his behalf, stating that the criminal offences were so grave that no defence lawyer could possibly defend him.

The family members of the victims A.H. and H.D. are represented in these proceedings by their own counsel, while the family member of the victim V.K. have not participated in the proceedings.

The commission of these killings only a few days after the perpetrator’s release from prison once again emphasises the necessity of taking measures to include abusers in rehabilitation programmes during their time in an IECD and their monitoring after release from prison.

In order to prevent such incidents from happening again, the General Directorate of Prisons must revise its protocols and practice on cooperation with the police structures. In this regard, we are of the opinion that it would be very useful for the prison authorities to prepare an explanatory report on the progress made in the rehabilitation process and on the need for ongoing monitoring of the individuals convicted of criminal offences related to violence against women and domestic violence.

INTERVIEWS WITH FAMILY MEMBERS OF THE VICTIMS

⁹⁶ The Office of the People’s Advocate is currently monitoring the court proceedings in this case.

Following the analysis of the documentation provided by the relevant institutions, a number of family members of the victims were identified as suitable to be interviewed. In the end, two interviews were selected, one adult and one child.

Interview No. 1

In line with the wish of the family member interviewed, the principle of anonymity was applied in the description of the case.

The interviewed individual is a woman 44 years of age; she is the sister of one of the victims; is married with three children, of which two of adult age and one a minor. She states that her knowledge of the incident is based on information she was told by relatives. Following the murder she has been taking care of her sister's children, all of minor age. In relation to her health condition, she says that she is able to work, but after her sister's death she has not been feeling well, she suffers from anxiety and insomnia.

Regarding the socio-economic status of her family, she says that it is very difficult to make ends meet, that it has been particularly hard the past one and a half years, when they took on the responsibility to raise her sister's three children.

Regarding the support provided by various institutions immediately after the incident, she says that she only remembers police officers coming to visit now and then. "I was in shock," she says, "and I don't remember very much from the time."

Regarding any services available or provided to them, she says that a few days after the incident she was contacted by the responsible officials from the local authorities where she lives, who asked to come and see her and her family. After the visit, the responsible officials arranged to put them in contact with an organisation providing support for children, who were going to help them with counselling and food parcels. She says that the support was minimal and very short lived. Regarding assistance with counselling⁹⁷, she says that the children were not able to access that support because of the travel distance and inconvenient appointment times. She says that she has not received any other support from the time the incident happened.

Regarding financial support, she says she will only receive such assistance when she becomes the legal guardian of the children pursuant to a court order. She says that she used her family savings to pay for a private lawyer to assist in the proceedings in relation to her sister's murder and in relation to getting guardianship of the children. However, she says she is not happy with the services as, in her opinion, he has been negligent in his duties in both proceedings.

Regarding her sister's murder, she says that she was never called to give evidence about the incident or about the relations between the parties before the incident. She says that the perpetrator was constantly violent against the victim and the children. Indeed, one year before the killing, she had persuaded her sister to break up with the perpetrator and had tried to help her find a place to live close to the area where she lives. But, she says, her sister decided to get back together with the perpetrator, in the hope that things would change, but violence escalated, and she ended up dead.

⁹⁷ The children were only provided with psychological counselling services by this organisation twice.

On top of the great pain caused by the loss of a loved one, she says that she also had to deal with numerous difficulties, most of all coping with trauma after the incident and caring for her sister's children, who were in a terrible psychological and emotional state.

Regarding media reporting on the case, she says that the reports contained many untruths. She suggests that the media should be more sensitive and more careful when they report news of this kind, to avoid causing more distress to the families, particularly the children.

Regarding the question whether she thought the incident could have been prevented, she says that she tried to convince her sister to end her relationship with the perpetrator but had not succeeded in doing so. She adds that after her sister left the perpetrator about one year prior, she faced major difficulties; she also reported the perpetrator's violence to the police but then withdrew her complaint.

She says that when a woman goes to the police to file a complaint, the police must continue to monitor the case even if the complaint is withdrawn. Had she had the needed support after she reported the abuser to the police, she may not have felt forced to return to the perpetrator.

In the end, the interviewee has one message for women and girls facing violence. She says: "Women and girls must find the force in themselves to report violence and not to give up; they must not stop claiming and defending their rights. They have to fight on, for the sake of themselves and the sake of their children."

Interview with a child affected by femicide

The interview was conducted in cooperation with the Child Protection Unit in the respective municipal authorities and in the presence of a child protection officer.⁹⁸

The child is 14 years of age; at the time of the incident she was 13. She has an older sister and a younger brother, all of minor age. The girl explained that she gets along well with her sister and her brother, her aunt's family, and other relatives on her mother's side. As regards her relatives on her father's side, she says that there had been no contact and that they had shown no interest in the children.

The girl is in good physical and emotional state; she feels safe and protected within her aunt's family, where they moved in after the incident. Currently she is in seventh grade⁹⁹ and attends classes regularly.

Regarding any support provided by responsible institutions immediately after the incident, the girl says that no one had contacted them, "when it happened, we were playing outside in the yard of the apartment building; our (paternal) aunt came to get us and then two days later we moved in with the (maternal) aunt."

⁹⁸ This was the child protection officer who was managing the case; she became familiar with the case after the municipality where the children had been living previously referred the case to her.

⁹⁹ The child explained that she had missed one year of education because her mother had moved to another town, to live with her family of origin together with the children, due to the violence of her father. She had enrolled in a school in the town they had moved to, but when they went back to the town where she was born, the school transfer was not possible.

Regarding the services offered to the children after the incident, the girl says “a few days after the incident happened, people working at the municipality came and visited us, later on they brought someone from an organisation working with children¹⁰⁰ to visit us and help us. The organisation offered some food parcels, and I was taken to their offices twice, where they offered me psychological help.” The girl said that she had not been able to regularly attend appointments at this organisation, because of the travel distance between her place and the location of the organisation and because the classes in her school were held in the afternoons.

As the school the girl is attending does not have a resident psychologist, she has not received any further counselling since.

About her father (who committed the murder), the girl says that he had written them a letter from prison, asking to see them, but the children had refused to go. Regarding her relationship with her father before the incident, the girl says that it was not good, because he was very harsh and would be violent towards them as well.

Regarding the question whether any of the children had been called to give evidence about the incident, she says that her older sister had testified, while herself and her brother had not. Regarding the media coverage of the incident, the girl says that the media reports contained untruths about her mother, and this had caused them a lot of pain. Regarding the question whether the incident could have been prevented, she says that her mother should have broken up with her father and sought assistance.

Regarding any messages she would like to convey to women and children who are abused by their family members, she says: “Violence must not be tolerated, mothers must seek protection for themselves and their children. A family where there is violence cannot be called a family.”

INTERVIEWS WITH PERPETRATORS

The interviews with the perpetrators were made possible with the support of the General Directorate of Prisons. The perpetrators were convicted of killings defined as femicides according to the classifying elements analysed in the present report.

Case No. 1

Judgment No. 660, dated 30 March 2024, District Court, Tirana

Age-group of the perpetrator: 45-59 years of age

Number of children: Two

Education: Higher

Employment status at the time of the incident: in employment

Criminal record: no previous convictions

¹⁰⁰ According to information provided by the CPO, after assessing their needs, the child in question together with her brother and sister, were referred to an organisation involved in providing children services, where they had received psychological counselling and received food parcels.

According to the information contained in the court judgement, the family of the convicted person lived in good economic conditions.

In this case, the team responsible for carrying out the interview found that the prisoner who had been planned to be interviewed was not able to answer the questions in the questionnaire that had been prepared beforehand, due to mental health issues. The court judgment described that the prisoner in question had been the subject of a psychiatric examination and report. The report prepared by the experts reads: “After the incident, the perpetrator exhibits signs of stress and trauma-related disorder, but at the time of the commission of the criminal offense he was not suffering from any mental health issues that would have affected his judgment and conduct.” On that basis, the perpetrator was assessed to have had full responsibility for the crime committed.

At the meeting, the perpetrator was visibly in a grave psychological and emotional state. He was not able to understand the purpose of the interview and it was not possible to conduct a normal conversation with him.¹⁰¹ According to the information provided by the prison staff, the prisoner was taking his medication regularly and was under the care of the psycho-social staff of the facility.

These cases show that such incidents carry extremely grave consequences for the mental state of the perpetrators. The directors of the prison facilities informed us that, due to their aggravated mental state, some of them have even attempted suicide in prison.

Case Study No. 2

Judgment No. 406, dated 17 July 2024, District Court, Elbasan

Age-group of the perpetrator: 45-59 years of age

Number of children: Three

Education: Basic (8-vjeçar)

Marital status: married

Employment status at the time of the incident: in employment

Criminal record: No previous convictions

He was convicted and sentenced to life imprisonment by a judgment of the First Instance Court of General Jurisdiction in Elbasan in relation to the criminal offence of “Homicide within a domestic setting” (Article 79/c of the Criminal Code), the killing of his sister-in-law. The perpetrator pleaded guilty and expressed remorse for what he had done. He claimed that he committed the crime in self-defence.

The prisoner states that he enjoyed good health before the event, while after it he had been in hospital for several days, due to his aggravated psychological and emotional state. Regarding his relations with family members after the incident, he says that his two sons have visited him in prison.

He was also working in the prison facility where he is serving his sentence, because, in his words, working helps him recover from the trauma he suffered after the incident. He says that he

¹⁰¹This finding was presented to the prison administration, with a recommendation to reassess the mental state of the convicted person, in order to address the individual's issues as necessary and to prevent any other incidents from occurring in the prison facility.

is frequently seen by the medical staff at the prison and takes medication regularly for high blood pressure.

The prisoner says that he was not examined by a psychiatrist during the criminal proceedings as, according to him, his health condition had stabilised at that time.

Regarding the question whether he had had any addictions before the incident, he says that after the death of his first wife of a grave illness, he started drinking heavily. About one and a half years after his first wife died, he married again. He says that the marriage was a good one, they led a quiet ordinary life and got along well together. However, according to him, his wife's sister would interfere now and again. Because of this, he would often have arguments with his sister-in-law. He says that on the day of the incident he had been drinking with friends after work and when he returned home, his wife was not in. He had gone out to look for her in the neighbourhood and had found her, together with her sister, grazing the animals. After an argument with his sister-in-law, during which, according to him, both of them had used offensive words, the situation precipitated and violence was used, and the perpetrator hit the victim with an axe causing her death. He then surrendered himself to the police.

Regarding the question whether he was read his rights after the incident, he says that he was informed of his rights but, given the grave state he was in, he did not understand them that well.

In response to the question whether he had any complaints about his right being violated by the police, prosecutors, courts, or prison authorities, he says that they all treated him correctly. He particularly appreciates the support he has received in the prison facility in Elbasan and the very good relations he had with the prison staff and other inmates.

The prisoner has reservations about counsel assigned to him by the court, who, according to him, had not met him before the trial and was not fully engaged in representing him.¹⁰² The court-assigned counsel is duty bound to meet the defendant and carry out an effective representation, in line with the principle of equality of arms and the right to adversarial proceedings.

In this respect, it is **recommended** that mechanisms be put in place mechanisms to monitor the services provided by court-appointed counsel, as well as build their capacities, in order to ensure effective representation in court.

During the entire interview, the prisoner expressed his profound remorse for what he had done, often saying that his life was now over, after the incident. In relation to the motives behind the crime, he said that the incident happened in the heat of the moment, in the course of the argument, and because he had been intoxicated. "Had I not been drunk, I would have never committed such a crime," he said.

To the question whether he thought the incident could have been prevented, he says that he should have avoided conflict and should have sought help to deal with his drinking issues.

¹⁰²Article 6 of the ECHR guarantees an accused the right to defend himself or herself in person or through legal assistance of his/her own choosing, or if he/she does not have sufficient means to pay for legal representation, to be given it free when the interests of justice so require.

Regarding the message he would like to convey to women and girls facing violence, he says that violence should not be tolerated and everyone who finds themselves in such situations must seek help to find a solution and to prevent such grave incidents.

Regarding the message he would like to give to people who are violent towards women and girls, he says that:

“In no circumstance should a man exercise violence against a woman. If the relationship is not working, each of them must seek help to find a solution.”

DRAFT

REFERENCES

Domestic sources

- Constitution of the Republic of Albania
- Criminal Code of the Republic of Albania.
- Criminal Procedure Code of the Republic of Albania.
- Code of Criminal Justice for Juveniles.
- Law No.9669, dated 18 December 2006 “On measures against violence in family relations”, as amended, and secondary legislation for its implementation.
- National Strategy on Gender Equality, 2021-2030, and its Action Plan.
- Cross-Sectoral Strategy on the Protection of Victims of Crime 2024-2030.
- The Report entitled “Murders (Femicides) and Attempted Murders of Women and Girls in Albania 2017-2020”.
- Annual reports of the General Prosecution Office on the situation of criminality in 2022 and 2023.
- Report of the People’s Advocate “On minimum living standards in Albania”, 2021
- Report of the People’s Advocate “On the situation of domestic and violence against women in Albania in the period January 2020 - September 2021”
- Special Report of the People’s Advocate “Analysis of the effectiveness of justice for children in the areas of child protection and family matters”, 2024.
- INSTAT Report “Men and women”, 2023.
- Annual Reports of the High Council of Justice, 2022 and 2023
- Free Legal Aid Directorate, Annual Performance Evaluation for 2022 and 2023.
- Study conducted by the Human Rights in Democracy Centre: “The judicial system as a precursor in protecting the rights of victims of gender-based violence and domestic violence”; monitoring period 2020-2021, 2022.

International Sources

- Convention on the Elimination of All Forms of Discrimination against Women, ratified by Albania with Law No. 1769, dated 9 November 1993.
- The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), ratified with Law No. 104/2012, dated 8 November 2012.
- DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.
- Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence.
- General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19”.
- *Building trust by delivering support, protection and justice*, Albania First Thematic Evaluation Report, September 2024.
- *Analysis of 2021 femicide and attempted femicide cases in Georgia*, prepared by the public Defender of Georgia in the framework of the UN Joint Programme “On Gender Equality” with financial support from Sweden.

- *Defining and identifying femicide*, a literature review, prepared by the European Institute for Gender Equality (EIGE), 2021.
- *Establishing a Femicide Watch in Every Country*, published by the Academic Council on the United Nations System (ACUNS) and Vienna Liaison Office, volume VII, 2017.
- *Femicide as a Form of Gender Based Violence*, Fanny Johansson, 2021.
- Femicide Census 2021, prepared by Femicide Census Organisation.
- *Femicide: a classification system*, prepared by the European Institute for Gender Equality (EIGE), 2021.
- *Improving legal responses to counter femicide in the European Union*, prepared by European Institute for Gender Equality (EIGE), 2023.
- *Measuring Femicide in EU and internationally* (EIGE), 2021.
- *Measuring femicide in Italy*, prepared by the European Institute for Gender Equality (EIGE), 2020.
- Joint Report by the United Nations Office on Drugs and Crime (UNODC) and UN Women, entitled “Femicides in 2023: Global estimates of intimate partner/family member femicides”, 2024.
- UNODC and UN Women Joint Report “Gender-related killing of women and girls”, Global estimates of female intimate partner/family-related homicides in 2022.
- *Statistical framework for measuring the gender-related killing of women and girls (also referred to as “femicide/femicide”)* Prepared by the United Nations Office on Drugs and Crime and the United Nations Entity for Gender Equality and the Empowerment of Women Endorsed by the United Nations Statistical Commission at its 53rd Session on 28th February-2nd March and 4th March 2022

Case law

- Judgments of the European Court of Human Rights.
- Judgments by the Appeals Court of General Jurisdiction.
- Judgments by First Instance Courts of General Jurisdiction.