

## Domestic Violence

**Submitted by:** The Advocates for Human Rights and Human Rights In Democracy Centre (HRDC).

### MECHANISM

Universal Periodic Review (UPR)

### SESSION

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### DATE OF REVIEW

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**Summary:** Domestic violence remains a widespread problem in Albania. Domestic violence-related deaths represent 37% of all crime-driven deaths. Although Albania has adopted laws and has practices that address domestic violence and sexual assault, gaps remain in the language of the laws and in their implementation. Support services are insufficient.

## Domestic violence remains widespread in Albania.

- Sexual violence remains a taboo topic and the majority of cases go unreported.
- Domestic violence far exceeds all other crimes in Albania as the offense with the greatest number of victims.
- The number of domestic violence criminal prosecutions has increased in recent years, and there has also been an increase in the number of perpetrators prosecuted for repeat offenses and for violating civil orders for protection.

## Support services are insufficient.

- Housing is limited for domestic violence victims. Social housing programs are insufficient to meet victims' actual housing needs. Victims cannot easily access emergency shelter.
- Emergency centers and crisis management centers for sexual violence are not widely available. Only one multidisciplinary center for victims of domestic violence has been opened as of December 2018 for the first 72 hours of crisis. After 72 hours, victims are referred to the Referral Mechanisms in the municipality/administrative units.
- Courts do not cover the costs of required psycho-social assessment reports or psychologist fees to question the victim in court hearings. Despite a provision in the domestic violence law exempting petitioners from court taxes and fees, these expenses fall on the victim.

## Domestic violence victims are denied access to justice.

- Health centers deny victims access to medical reports, despite a provision in the domestic violence law requiring that they issue them. This limits their right to a fair hearing and their right to autonomy in healthcare.
- Despite Law 47/2018 prohibiting the harmful practice of mediation, judges at times continue to mediate. Courts continue to use harmful practices like mediation and conciliation in protection order proceedings.
- Police do not generally request protection orders on their own initiative, despite laws granting them this authority.

### Victims of violence are not able to access remedies for compensation.

- Victims lack access to legal aid attorneys who could provide information on claims for compensation or damages. Although criminal and civil laws provide victims with remedies to claim damages against their perpetrators, there is no evidence that any victims of violence against women have benefitted from these laws.
- Albania has not established a compensation scheme for victims who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources, as is required under Article 30(2) of the Istanbul Convention.

### Recommendations

- Remove restrictions on victim access to shelters and dedicate efforts and funding to increase the number of shelter spaces that are available for victims of domestic violence and their children.
- Ensure that police are adequately trained and have skills to respond, investigate and properly manage cases of violence against women, and to petition for orders for protection.
- Train judges on practices to ensure that they do not dismiss petitions for protection measures solely because the petitioner did not submit written evidence or require evidence of ownership of property used in common.
- Ensure that required rape-crisis or sexual violence referral centers are established in adequate numbers and adequately funded to meet the needs of victims of sexual violence.
- Monitor implementation of amendments to the civil law “On Measures against Violence in Family Relations” (LDV), including the prohibition of the use of mediation and conciliation in cases that involve domestic violence.
- Establish and appropriately fund an effective and accessible system of legal aid for all victims of domestic violence and ensure that victims are informed of their right to access legal aid.
- Train health care professionals in issuing medical certificates to victims of domestic violence and establish policies to ensure the effective implementation of these practices, as required under Article 7 of the LDV.

- Continue to fund psychologist fees when minors are questioned in court, and ensure that courts fund required psycho-social assessment reports and psychologist fees when victims are questioned in court, consistent with Article 14(4) of the LDV exempting petitioners from court taxes and fees.
- Implement judicial practices for the immediate execution of orders for protection measures.