

Information prepared for OHCHR regarding “Femicide”

1. Additional steps taken to create a national femicide watch and/or femicide observatory and/or observatory on violence against women with a femicide watch role; observatories at Ombudspersons’ office or Equality Bodies; academic institutions and/or NGOs, or any plans to create one, as applicable.

Answer:

In Albania, cases of domestic violence / intimate partner violence have several times ended in femicide of women and girls, i.e., in family related femicides/ homicides of women, or intimate partner femicide. However, *state efforts to establish a national femicide watch and/or femicide observatory and/or observatory on violence against women with a femicide watch role have not yet begun.*

Currently, with the *support of a regional project from UN Women, there are two non-profit organizations* (Center for Civic Legal Initiatives and the Observatory for the Rights of Children and Youths), *which are collaborating* with an organization in Serbia, *to set up a national femicide watch and/or observatory on violence against women with a femicide watch role.* This initiative is undoubtedly welcomed and supported by the state and depending on how it will be developed and the first results from its piloting, it will be decided for further steps to be taken in this direction.

Although no additional steps have been taken in this direction, other than as explained above, it is important to note that *data collection on violence against women, domestic violence, or murders of women and men in the family and beyond occurs regularly and in a coordinated manner.* Thus, the Ministry of Health and Social Protection (MHSP) is the main authority responsible for issues of gender equality, gender-based violence and domestic violence and in this context, in addition to coordinating actions as foreseen in strategies and important policy documents, MHSP has the responsibility also for periodic data collection. Data on the basis of 3, 6, 9 months and 1 year are made available to MHSP by the General Directorate of State Police, which based on the Order of the General Director of State Police, No. 1531 dated 24.10.2014 "On the compilation of crime statistics", administers data on violence and other crimes committed in family relationships, as well as data on victims of criminal offenses, disaggregated by gender. Data on a case basis are required and collected in the framework of various periodic state reports regarding the implementation of ratified international instruments, or in the framework of monitoring the implementation of various national strategies and action plans.

An important role in data collection of cases identified and managed in a coordinated multi-sectoral approach through Coordinated Referral Mechanisms at the local level, plays the **REVALB system**, prepared specifically for this purpose. REVALB also collects data on the institutions’ performance, protection orders issued and their monitoring, etc. The system also generates data according to disadvantaged groups such as Roma, persons with disabilities, by age group, division rural/urban area; according to employment, education, etc.

2. New measures taken including research and studies undertaken to analyze femicide or gender related killings of women and girls, or homicides of women by intimate partners or family members and other femicides. If available, please share a copy of such studies.

Answer:

As explained above, data on domestic violence and crimes against the family or against girls and women are collected by the responsible institutions and sent regularly to the Ministry of Health and Social Protection.

In addition to the data collected and reported as requested, from MHSP, Albanian National Institute of Statistics (INSTAT) is also responsible for the regular publication of these data in the annual publications "Women and Men in Albania".

The publication "Women and men in Albania" 2021, can be accessed at the link: <http://www.instat.gov.al/media/8713/burra-dhe-gra.pdf> Statistical data on homicides and family related femicides are given on pages 93-98.

The publication "Women and men in Albania" 2020, can be accessed at the link: <http://www.instat.gov.al/media/7376/burra-dhe-gra-2020.pdf> Statistical data on homicides and family related femicides are given on pages 97-101.

The publication "Women and men in Albania" 2019, can be accessed at the link: http://www.instat.gov.al/media/6413/burra-dhe-gra_2019.pdf Statistical data on homicides and family related femicides are given on pages 89-91.

Also, MHSP in cooperation with INSTAT and with the support of international organizations for years now prepare and publish the periodic national survey on violence against women and domestic violence. The first National Survey on Domestic Violence was conducted in 2007, the second in 2013 and the third in 2018. The 2018 National Survey on VAWG used a similar methodology and data collection tools as the 2013 NDVS to collect reliable data on the nature and prevalence of intimate partner domestic violence, and was extended to collect data on dating violence, non-partner violence, sexual harassment, stalking, and help-seeking behaviors of VAWG survivors.

This study can be accessed at the link: <http://www.instat.gov.al/media/6123/publication-violence-against-women.pdf>

3. Recent developments related to good practices and challenges in implementing an evidence-based response to the prevention of femicide.

Answer:

Prevention of violence against women and domestic violence is one of the main directions of work of central and local institutions, in cooperation with partners of civil society, international organizations, media, academia, etc. It is understandable that the work towards the prevention of violence is entirely based on the data collected and updated, and consequently in these efforts is included the prevention of femicide, as well.

MHSP coordinates every year the organization of the 16 Days of Activism Campaign against gender-based violence. The campaign has already become a tradition to be organized in cooperation with central and local institutions, CSOs, international organizations and many partners and collaborators focused on these issues. Activities at the central level and local self-government level are organized under a single/same slogan. The 2019 campaign, although developed in difficult conditions due to the civil emergency situation with the November 26th earthquake and all the losses and damages it caused, took place under the slogan "Generation Equality against sexual violence!". The 2020 campaign, even in terms of Covid-19, took place under the slogan "Listen! Believe! Support!". While the 2021 campaign that has just ended, took place under the slogan: "Orange the world. "Let's end violence against women NOW!".

In addition to information and education, actions to prevent gender-based violence and femicides in particular are closely linked to the multi-sectoral coordinated response to identify and manage cases where they occur, i.e. at the level of local self-government/in the community.

Effective multi-sectoral efforts at the community level are realized through the functioning of the Coordinated Referral Mechanisms for Cases of Domestic Violence (CRM), led by municipalities (authorities responsible for the establishment and strengthening of these mechanisms) and based on the philosophy of the multi-sectorial coordinated approach. The CRM consists of: a) Steering Committees, b) Multi-disciplinary Technical Teams and c) Local Coordinators and consists of all local institutions responsible for implementing the legal framework in the field of violence against women and domestic violence, including specialized civil society organizations to provide the necessary support services for case management and intervention in the direction of prevention and awareness of society in general.

CRMs have been set up in all municipalities in the country (61 municipalities) and work is underway to strengthen and increase their effectiveness and accountability in the way cases are handled according to their philosophy. For this purpose, DCM 327 was approved, dated 02.06.2021 "On the mechanism of coordination of work between the responsible authorities, on the referral of cases of domestic violence, as well as its processing, on the support and rehabilitation of victims of violence." To improve the effectiveness of the operation of CRMs throughout the country, MHSP has undertaken, inter alia, the following actions:

- Support with mentoring and information of 246 members of 18 CRMs which faced more with case management during the period of limitations due to the Covid-19 pandemic.
- Establishment of a virtual network of local coordinators against domestic violence and organization of online meetings, trainings and ongoing mentoring with this network or with some of its members (e.g. county-based meetings, or problem-based meetings similar in case management). 40 local coordinators were involved in interactive discussions on the importance of creating this network, emphasizing the need to exchange positive experiences but also the challenges encountered in dealing with and managing DV cases, in the online meeting in October 2020. While All 61 CRM local coordinators were involved in online trainings organized for the functioning of the CRM according to DCM 327/2021, during July 2021. This network is also constantly informed about legal changes, positive practices or other important materials for their job.
- Preparation and dissemination for approval by the Steering Committees of three protocols for the management of domestic violence cases in a multi-sectoral coordinated approach, namely: a) Protocol for the management of DV cases at the local level through CRM (September 2020) ; b) Protocol for the management of DV cases at the local level through the CRM during the situation of Covid-19 (July 2020) and c) Protocol for the management of cases of sexual violence against adults at the local level, through coordinated multi-sectorial approach (April 2021). For the effective use of each protocol in daily work, a series of trainings have been organized and are continuing to be organized with CRM members throughout the country.

- Continuous training and strengthening of the capacities of CRM members to effectively handle cases in a coordinated multi-sectorial approach, by addressing the emergency and long-term needs of victims/survivors.
- Updating the data in the REVALB system.
- In six municipalities in the country, work is being done on the model of socio-economic reintegration of victims of gender-based violence, etc.

A very important moment that affects the prevention of femicides and the good management of cases based on the needs of survivors of violence, is related to the risk assessment and the issuance of the Order for Precautionary Measures of Immediate Protection (OPMIP). The state police has the legal responsibility to conduct the risk assessment and the issuance of the OPMIP and in the risk assessment process, the importance of cooperation with the Local Coordinator against domestic violence is emphasized, in case of adult victims, as well as the necessity of the presence of a Child Protection Specialist for juvenile victims. In the framework of the intervention with the Swedish Community Policing Program (SCPA), it was possible to evaluate the way of completing the risk assessment reports by the police officers and their cooperation with the Local Coordinators, in implementation of Joint Instruction of the Minister of Interior and the Minister of Health and Social Protection, no. 866, dated 20.12.2018 "On the procedures and model of risk assessment for cases of domestic violence"¹, as well as the Joint Instruction of the Minister of Interior and the Minister of Health and Social Protection, no. 912, dated 27.12.2018 "On the procedures and model of the order for precautionary measures of immediate protection"². The findings from this report were used to improve the capacities of police officers and employees in a training cycle that started in September 2021 and will continue throughout 2022. So far, about 240 police officers have been trained for this purpose.

Despite the training, the issuance of OPMIPs by the police remains a challenge, mainly related to the mentality and gender stereotypes of the position of women and men in the family relations (as OPMIP contains measures that order the immediate removal of the abuser from the house/apartment, despite the fact that he might be the owner).

4. On recent jurisprudence or case law on femicide.

Answer:

"Murder" as a criminal offense, the forms and ways of its punishment are regulated respectively in the Criminal Code³ and in the Criminal Procedure Code.⁴ "**Femicide**" is not a term used in the Criminal Code or part of domestic legislation; consequently, **it is not envisaged as a special criminal offense.**

In the administrative-civil legislation **there is a law dedicated to the treatment of domestic violence**, but still in Albania **there is no law for all forms of violence against women**, or for gender-based violence. Law 9669, dated 18.12.2006 "On measures against violence in family relations", as amended, provides for the protection of DV victims through: the Order for Precautionary Measures of Immediate Protection (OPMIP), the Immediate Protection Order (IPO) and the Protection Order (PO) for all DV forms, as well as for the protection of all family

¹ Published in the Official Gazette no. 204, of 2018, published on 26 February 2019

² Ibid

³ Approved by law No. 7895, dated 27.01.1995 (amended in 2017)

⁴ Approved by law No. 7905, dated 21.03.1995 (amended in 2017)

members who may be abused. Risk assessment prior to the issuance of OPMIP/IPO/PO is considered a necessity. A protection order may include, inter alia, the removal of the perpetrator from the victim's apartment (regardless of his ownership), the prohibition of the perpetrator approaching the victim/victim's family beyond a certain distance, the prohibition of the perpetrator to enter or stay in the temporary or permanent residence of the victim or in any part of it, the participation of the perpetrator in rehabilitation programs, etc. Violation of the protection order is a criminal offense. The issuing of OPMIP/IPO/PO does not prevent the victim from initiating criminal proceeding under the Criminal Code. When the request is made by the police or the prosecutor, the withdrawal by the victim does not lead to the dismissal of the case.

In criminal legislation, **physical and psychological DV** is recognized as a criminal offense (Article 130/a added in 2012 and updated in 2013 and 2020).

The Criminal Code also provides for offenses such as:

- termination of pregnancy without woman's consent;
- sexual/homosexual relations with minors;
- forced sexual/homosexual intercourse with minors 14-18 years old; as well as with adults (or between spouses/cohabitants);
- sexual/homosexual intercourse with persons incapable of protection; by threatening to use a weapon; by abuse of official position; with consanguine persons and persons in the position of trust;
- sexual violence;
- sexual harassment;
- trafficking;
- prostitution;
- exploitation of prostitution;
- pornography;
- stalking;
- maltreatment of children;
- coercion or obstruction of cohabitating, concluding or dissolving a marriage;
- dissemination of racist or xenophobic materials; and insulting due to racist or xenophobic motives, through the computer system;
- Incitement of hatred or disputes (on the grounds of race, ethnicity, religion or sexual orientation, as well as intentional preparation, dissemination or preservation for purposes of distributing writings with such content, by any means or forms), etc.

Child protection is also provided for in the Law on the Rights and Protection of the Child, as well as in the Juvenile Justice Code.

There is a lack of legal provisions for certain offenses, such as ***female genital mutilation*** or ***forced sterilization***, as an obligation deriving from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Also, the necessary legislative measures have not been taken yet, to fulfil the recommendation of the Committee of the Parties 12,IC-CP/Inf (2018), especially when it

comes to "in the case of rape involving children aged 14 to 18, it does not depend on whether or not the victim has reached puberty."

5. Data, if available, on:

- a. Intimate-partner femicides / homicides of women**
- b. Family-related femicides / homicides of women**
- c. Other femicides / gender-related homicides of women**

Answers:

In 2018, there were 51 cases of intentional homicide, with 68 victims, of whose 53 men / boys and 15 women / girls. Out of a total of 51 cases of intentional homicide, 11 cases (or 19.6%) are murder caused by family relationships, with 20 victims, of whom 8 men / boys (or 42.1%) and 12 women / girls (or 57.9%).

In 2019, there were 58 cases of intentional homicide, with 65 victims, of whose 52 men / boys and 13 women / girls. Out of a total of 58 cases of intentional homicide, 14 cases (or 24.1%) are murder caused by family relationships, with 17 victims, of whom 5 men / boys (or 29.4%) and 12 women / girls (or 70.6%).

In 2020, there were 52 cases of intentional homicide, with 61 victims, of whose 52 men / boys and 9 women / girls. Out of a total of 52 cases of intentional homicide, 6 cases (or 13.5%) are murder caused by family relationships, with 7 victims, of whom 1 man (or 11.1%) and 6 women / girls (or 88.9%). Of the 6 women killed, 3 were wives.

For the period January 1 - September 30, 2021 there were 15 murders murder caused by family relationships with 15 victims, of whom 10 were women / girls (67%) and 5 men / boys (or 33%) Out of 10 women killed, 8 were wives / ex-wives.

For more information, kindly see also the data in the following charts:

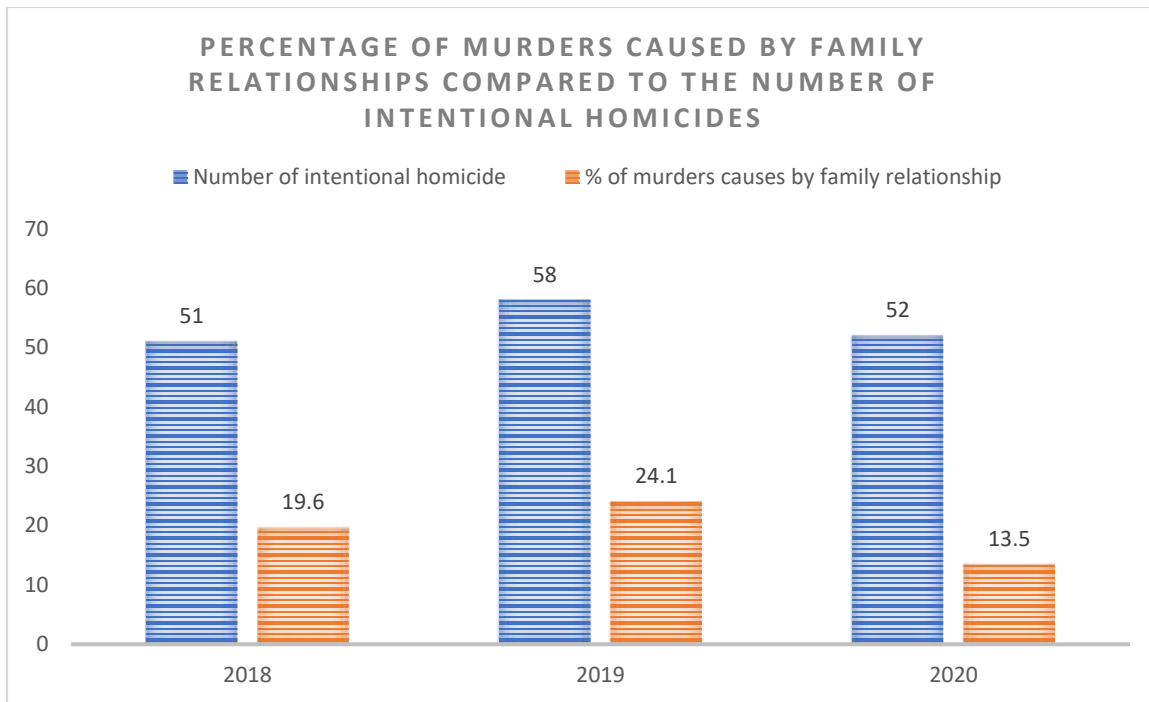


Chart 1: Source: INSTAT publication "Women and men in Albania 2021", p.96

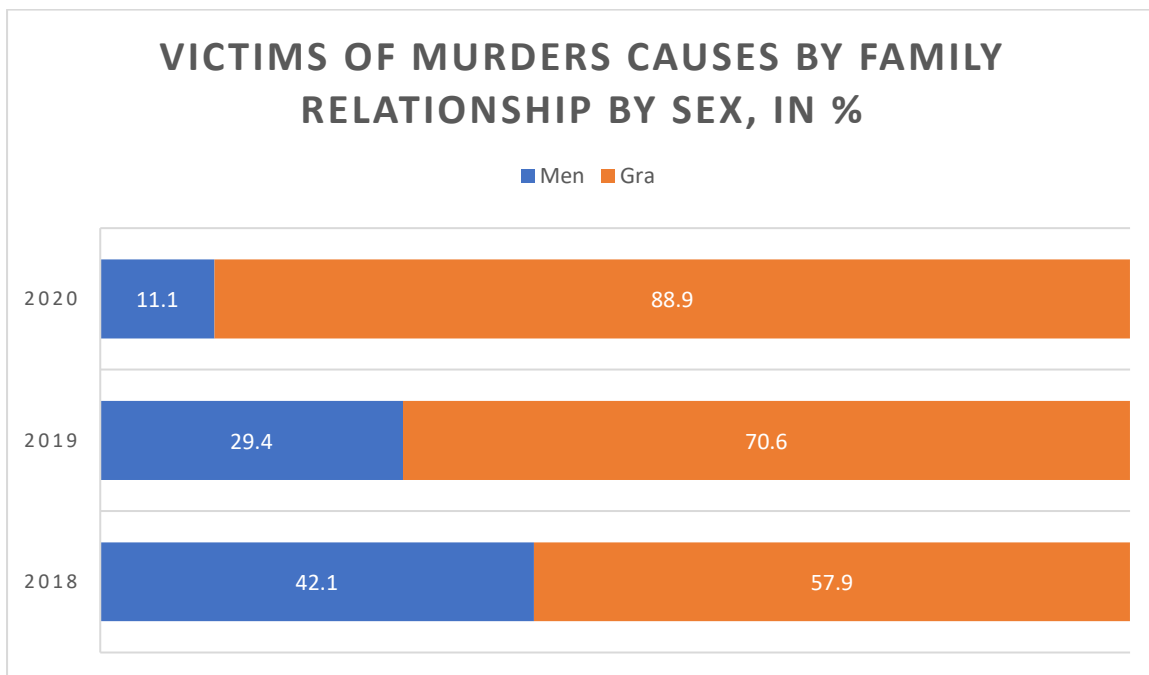


Chart 2: Source: INSTAT publication "Women and men in Albania 2021", p.97