**Questionnaire on criminalization and prosecution of rape**

**Definition and scope of criminal law provisions**

1. Please provide information on criminal law provision/s on rape (or analogous forms of serious sexual violence for those jurisdictions that do not have a rape classification) by providing full translated transcripts of the relevant articles of the Criminal code and the Criminal procedure code.

**Section VI of the Criminal Code of the Republic of Albania provides for criminal offenses against sexual integrity, as follows:**

**SECTION VI SEXUAL CRIMES**

**Article 100**

**Sexual or homosexual relations with minors**

(Amended by law no 8733, dated 24.1.2001, Article 15; amended the words in the second and third paragraph by the law no 144, dated 2.5.2013, Article 20)

Having sexual or homosexual relations with minor children, or with a female minor, who is not sexually matured, shall be punished from seven to fifteen years imprisonment. When the sexual or homosexual intercourse was committed in complicity, more than once or by violence, or when the child victim had serious health consequences shall be punished to not less than twenty five years of imprisonment. When that offence brought as a consequence the minor’s death or suicide, it shall be punished to not less than thirty years or life imprisonment.

**Article 101**

**Violent sexual or homosexual intercourse with a minor who is fourteen to eighteen years old**

(Amended by law no 8733, dated 24/01/2001, Article 16)

Having sexual or homosexual relations by violence with children that are fourteen to eighteen years old, who is sexually matured, shall be punished from five to fifteen years imprisonment. When the sexual or homosexual intercourse by violence was done in complicity, more than once, or when the child victim had serious health consequences; this shall be punished from ten to twenty years imprisonment. When that offence brought as a consequence the minor’s death or suicide, this is sentenced to not less than twenty years imprisonment

**Article 102**

**Sexual assault by use of force with mature/adult women**

(Paragraph I, II changed by Law No.8733, dated 24.01.2001 and Article 17; the first paragraph changes by Law No.144, dated 02.05.2013, Article 21)

Engagement in sexual activity by use of force with adult females or between spouses or cohabitants, without the consent of either of them, shall be punishable by three to ten years imprisonment. When the engagement in sexual activity is done by use of force and with accomplices, more than once, or when the victim had serious health consequences; this is punishable by imprisonment from five to fifteen years. When the act has caused the death or suicide of the victim, it is punished with imprisonment for a term of from ten to twenty years.

**Article 102/a**

**Homosexual activity by use of force with adult males**

(Added by Law No. 8733, dated 24.01.2001, article 18; Amended by law 23/2012, dated 01.03.2012, article 10)

Engagement in homosexual activity by use of force with adult males is punished by imprisonment from three to seven years. When the engagement in homosexual activity is done by use of force in complicity, or more than once, or when the victim had serious health consequences; it is punishable by imprisonment from five to ten years. When that act resulted in the death or suicide of the victim, it is punished by imprisonment from ten to twenty years.

**Article 103**

**Sexual or homosexual activity with persons who are incapable of resistance**

(Amended by Law No. 8733, dated 24.01.2001, article 19)

Engagement in sexual or homosexual activity by exploiting the physical or mental disability of the aggrieved person, or because of a profound consciousness disorder, is punishable by imprisonment from five to ten years. When the engagement in sexual or homosexual intercourse is done in complicity, or more than once, or when the victim had serious health consequences; this is sentenced by imprisonment from seven to fifteen years. When that act resulted in the death or suicide of the victim, this is punishable by imprisonment from ten to twenty years

**Article 104**

**Sexual or homosexual assault by use of weapon**

(Amended by Law No. 8733, dated 24.01.2001, article 20) Sexual or homosexual intercourse by intimidating the person with the immediate/ instant use of a weapon is punishable by imprisonment from five to fifteen years.

**Article 105**

**Sexual or homosexual activity by abuse of official position**

(Amended by Law No. 8733, dated 24.01.2001, article 21)

Engagement in sexual or homosexual activity by abusing the relations of dependency and job position, is punishable by imprisonment up to three years.

**Article 106**

**Sexual or homosexual activity with consanguine persons and persons in the position of trust**

(Amended by Law No. 8733, dated 24.01.2001, article 22)

Engagement in the act of sexual or homosexual intercourse between parents and children, brother and sister, between brothers, sisters, between consanguine relatives in an ascending line or with persons in the position of trust or adoption, is sentenced by imprisonment up to seven years

**Article 107**

**Sexual or homosexual activity in public places**

(Added by Law No.8733, dated 24.01.2001, article 23; Article 107/a is added by Law No. 144, dated 02.05.2013, article 22)

Engagement in the act of sexual or homosexual intercourse in public places or in places exposed to the sight of people constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

**Article 107/a**

Sexual violence Exercising sexual violence by performing actions of a sexual nature on the body of another person through the use of objects shall constitute a criminal offence and is punishable by imprisonment of from three to seven years. When this action is committed with accomplices, against several persons, more than once or against children fourteen to eighteen years of age, it is punishable by imprisonment of from five to fifteen years. When this action is committed against a child under fourteen years of age or a child who is not sexually matured, regardless of whether it is committed by use of violence or not, it shall be punishable with no less than twenty years of imprisonment. When this action as a consequence has brought the death or suicide of the victim, it shall be punishable by not less than twenty five years of imprisonment.

**Article 108**

**Immoral acts**

(Amended by law no.8733, dated 24.01.2001, article 24; Amended by law no. 23/2012, dated 01.03.2012, article 11; Paragraphs added by law no. 144, dated 02.05.2013, article 23)

Commitment of immoral acts with minors under the age of fourteen are punishable by imprisonment of from three to seven years. The same offence, when committed against a minor who has not reached the age of fourteen, with whom the offender has family relations, shall be punishable by five to ten years of imprisonment.” Intentional involvement as a witness, in actions of a sexual nature, of a minor who has not reached the age of fourteen, or a minor who is not sexually mature yet, shall constitute a criminal offence and is punishable with one to five years of imprisonment. The proposal made by an adult person, by any means or form, to meet with a minor who has not reached the age of fourteen or a minor who is not sexually mature yet, with the aim of committing any of the criminal offences foreseen in this Section or in Section VIII, Chapter II of this Code, shall constitute a criminal offence and is punishable with one to five years of imprisonment.

**Article 108/a**

**Sexual harassment**

(Article 108/a is added by law no. 144, dated 02.05.2013, article 24)

Commitment of actions of a sexual nature which infringe the dignity of a person, by any means or form, by creating a threatening, hostile, degrading, humiliating or offensive environment, shall constitute a criminal offence and is punishable with one to five years of imprisonment. When this offence is committed in complicity, against several persons, more than once, or against children, it shall be punishable by three to seven years of imprisonment.”

You can find the criminal code of the Republic of Albania & the code of the Penal procedure, in English version can be found at this link:

<http://rai-see.org/wp-content/uploads/2015/08/Criminal-Code-11-06-2015-EN.pdf>

<https://www.legislationline.org/download/id/8236/file/Albania_CPC_1995_am2017_en.pdf>

1. Based on the wording of those provisions, is the provided definition of rape:
   1. Gender specific, covering women only YES/NO NO
   2. Gender neutral, covering  all persons   YES/NO YES
   3. Based on the lack of consent of victim YES/ NO YES
   4. Based on the use of force or threat  YES/ NO YES
   5. Some combination of the above.  YES / NO YES
   6. Does it cover only vaginal rape?  YES /NO NO
   7. Does it cover all forms of penetration? YES/NO. YES (If yes, please specify). It covers vaginal and anus penetration.
   8. Is marital rape in this provision explicitly included? YES / NO YES
   9. Is the law silent on marital rape? YES/NO YES
   10. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included? YES/NO NO
   11. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?   YES /NO NO
2. Are there any provisions excluding criminalization of the perpetrator if the victim and alleged perpetrator live together in a sexual relationship/have a sexual relationship/had a sexual relationship? If so, please submit it.

No. There is no legal provision in the criminal legislation of the Republic of Albania which immunizes or excludes from criminal responsibility the person who commits one of the sexual crimes (Section VI) in terms of marriage, cohabitation, partnership, etc.

On the contrary, Article 102 of the Criminal Code provides that, "... Engagement in sexual activity by the use of force with adult females or between spouses or cohabitants, without the consent of either of them, shall be punishable by three to ten years imprisonment. .. ".

In these cases, the object of the crime is the legal relationship established to ensure the freedom and sexual inviolability of spouses or cohabitants from criminal acts that violate their sexual sphere.

In violent sexual relations between spouses or cohabitants, each of the spouses or cohabitants can be an active subject. What stands out is the fact that in this case the legislator acknowledges that in this relationship the active subject can be both female and passive male. In this crime figure, the purpose of the detention goes beyond protecting the sexual freedom of the spouses or cohabitants, wanting the legislature to protect marriage and through it the family as well as cohabitation, the latter often conceived as a link before marriage.

Sexual activity is closely related to the person and should be protected as a particularly delicate aspect of individual autonomy, which can lead to an effective remodeling of the most effectively guaranteed right to sexual self-determination, such as who demonstrates personal will against committing an act. sexuality has the right to defend itself against it regardless of personal behavior towards the initiatives of the active subject.

Sexual intercourse between spouses without their consent or through violence constitutes a form of domestic violence. Law no. 9669, dated 12.12.2006 "On measures against domestic violence" defines domestic violence as "any act of violence (ie any action or inaction of one person against another that results in the violation of his physical, moral integrity, psychological, sexual, social, and economic) exercised between persons who are, or have been, in a family relationship ”.

1. What is the legal age for sexual consent?

Sipas legjislacionit Shqiptar ekzistojnë 4 etapa të mbrojtjes së moshës

According to Albanian legislation, there are 4 stages of age protection

Children up to 14 years of age

Adolescents between the ages of 14 and 16

Adolescents between the ages of 16 and 18

Adults aged 18 years and older

**Children up to 14 years of age**

In Albania, it is forbidden for adults or adolescents to have sex with children up to the age of 14. If adults or adolescents still do this, it is punishable. If two children have sex with each other, they are not punished. Because children up to the age of 14 are not criminally liable.

**Adolescents between the ages of 14 and 18**

Adolescents over the age of 14 are seen with a kind of sexual maturity and self-responsibility. For this reason, teenagers between the ages of 14 and 15 have the right to have sex with each other. Of course this only applies if both people want it.

However, it is forbidden when adults or adolescents over the age of 18 have sex with adolescents under the age of 18, in case this adolescent under the age of 18 is entrusted to an adult for education, training and care. .

This means, for example, that teachers and educators, trainers and educators, educators and educators or foster parents should never have sex with adolescents under the age of 18.

Adults over the age of 18 should not take advantage of the fact that a teenager or adolescent under the age of 18 cannot judge accurately if she or he or she really wants to have sex. They should not convince teenagers of this.

From the age of 18, adults have the right to decide for themselves whether, with whom and when they want to have sex. But they should not have sex with children.

But adult women and men who educate or educate adolescents (ie teachers and educators, trainers and educators, educators and educators or caregivers) - are punished if they have sex with adolescents under the age of 18, or benefit from the fact, that adolescents are dependent on the relationship of education or schooling that exists between them.

**Adults over 18 years of age and older**

Since the age of 18, people in Albania have been called majority. For this reason they can have sex with each other if both people want it. Prohibited is sex between older siblings or sex between parents and their adult children.

1. Are there provisions that differentiate for sexual activity between peers? If so, please provide them.

In fact, in the Albanian legislation we do not find legal provisions that directly regulate the issue of age for sexual maturity and freedom of sexual activity, but from the interpretation of criminal legislation that provides for prohibitions and criminal offenses against sexual freedom, as well as civil/family legislation which provides the legal capacity and capacity to act, we can make a categorization of age groups regarding sexual freedom and age of sexual maturity.

**According to Albanian legislation, there are 4 stages of age protection**

Children up to 14 years of age

Adolescents between the ages of 14 and 16

Adolescents between the ages of 16 and 18

Adults aged 18 years and older

1. Provide information on criminal sanctions prescribed and length/duration of such criminal sanctions for criminalized forms of rape.

This information regarding criminal sanctions and the duration of imprisonment for criminal offenses against freedom and sexual integrity committed by force, are provided in Article 100, paragraph 2& 3, Article 102 paragraph 2 & 3, Article 102 / a paragraph 2&3 and Article 107 / a paragraph 2, 3 & 4 of the Criminal Code of the Republic of Albania.

**Article 100**

**Sexual or homosexual relations with minors**

(Amended by law no 8733, dated 24.1.2001, Article 15; amended the words in the second and third paragraph by the law no 144, dated 2.5.2013, Article 20)

Having sexual or homosexual relations with minor children, or with a female minor, who is not sexually matured, shall be punished from seven to fifteen years imprisonment.

When the sexual or homosexual intercourse was committed in complicity, more than once or by violence, or when the child victim had serious health consequences shall be punished to not less than twenty five years of imprisonment.

When that offence brought as a consequence the minor’s death or suicide, it shall be punished to not less than thirty years or life imprisonment.

**Article 102**

**Sexual assault by use of force with mature/adult women**

(Paragraph I, II changed by Law No.8733, dated 24.01.2001 and Article 17; the first paragraph changes by Law No.144, dated 02.05.2013, Article 21)

Engagement in sexual activity by use of force with adult females or between spouses or cohabitants, without the consent of either of them, shall be punishable by three to ten years imprisonment.

When the engagement in sexual activity is done by use of force and with accomplices, more than once, or when the victim had serious health consequences; this is punishable by imprisonment from five to fifteen years.

When the act has caused the death or suicide of the victim, it is punished with imprisonment for a term of from ten to twenty years.

**Article 102/a**

**Homosexual activity by use of force with adult males**

(Added by Law No. 8733, dated 24.01.2001, article 18; Amended by law 23/2012, dated 01.03.2012, article 10)

Engagement in homosexual activity by use of force with adult males is punished by imprisonment from three to seven years.

When the engagement in homosexual activity is done by use of force in complicity, or more than once, or when the victim had serious health consequences; it is punishable by imprisonment from five to ten years.

When that act resulted in the death or suicide of the victim, it is punished by imprisonment from ten to twenty years.

**Article 107/a**

Sexual violence Exercising sexual violence by performing actions of a sexual nature on the body of another person through the use of objects shall constitute a criminal offence and is punishable by imprisonment of from three to seven years.

When this action is committed with accomplices, against several persons, more than once or against children fourteen to eighteen years of age, it is punishable by imprisonment of from five to fifteen years.

When this action is committed against a child under fourteen years of age or a child who is not sexually matured, regardless of whether it is committed by use of violence or not, it shall be punishable with no less than twenty years of imprisonment.

When this action as a consequence has brought the death or suicide of the victim, it shall be punishable by not less than twenty five years of imprisonment.

1. What does the legislation in your country provide in terms of reparation to the victim of rape and/or sexual violence after conviction of the perpetrator?

**Aggravating and mitigating circumstances**

Article 58, letter g of the Criminal Procedure Code of the Republic of Albania (The rights of the victim of the criminal offence), provides that: "The victim of the criminal offense is entitled ... to ask a compensation for the damage and be accepted as a civil plaintiff in the criminal process; ... ".

**The right to compensation**

Whenever possible, child victims should be reimbursed so that they can receive full compensation, reintegration and rehabilitation. Procedures for conducting and conducting compensation should be accessible and sensitive to the age of the children. Compensation may include compensation from the perpetrator of the crime imposed by the criminal court, assistance from the state's compensation program for victims and compensation, which must be compensated for in civil proceedings. Where possible, access to social and educational reintegration spending, medical treatment, mental health care and legal services is needed. Procedures should be initiated to carry out the mandates (orders) for compensation and payment of compensation before the imposition of sentences.

**Compensation procedure**

Within the budget of the Ministry of Justice, funds are allocated for compensation of the child victim or injured by the act, which by law is foreseen as a criminal offense of violence and other acts of individual or group violence.

The Minister of Justice, after obtaining the opinion of the State Council in advance on the prevention of child delinquency, issues an annual program with which he plans the resources and the way of spending the funds. Administrative-technical issues for the payment of funds are performed by the Ministry of Justice.

A child who by a final court decision is proven to be a victim, respectively damaged by any action, which by law is foreseen as a criminal offense or misdemeanor with elements of violence, to which the property-legal claim is recognized, may file a request for indemnity to the relevant court, when due to factual and legal obstacles the property-legal claim cannot be realized by the property of the perpetrator of the criminal offense or other act of violence and when more than more than the decision on property-legal claim has passed six months.

In addition to the child, the request can be made by the child's parents, ie tutors.

The court will issue a decision for compensation in the amount of the approved property-legal claim, without increase based on the interest or other additional expenses regarding the realization of the request. If the court rejects the request, the child victim has the right to appeal to the Court of Appeals within eight days of the decision being rejected. The decision of the Court of Appeals is final. The court submits the final decision on the payment of compensation to the Ministry of Justice, which carries out the payment. The Ministry of Justice notifies the court of the payment made, which issued the decision at least one month after the payment was made.

If the indemnity is paid by the means determined by the provisions of the law on children's justice, the court submits the decision for compensation to the State Attorney for the initiation of the procedure for realization of the obligatory payment of compensation from the property of the perpetrator. No appeal is allowed against this decision, which is made in accordance with the provisions of the Law on Enforcement.

**Article 50**

**Aggravating circumstances**

(Amended letter “b”, added up letter “h” and “i” by law no 8733, dated 24.1.2001, Article 5; amended letter “dh” by law no 9275, dated 16.9.2004, Article 8; added up letter “j” by law no 9686, dated 26.2.2007, Article 6; added up letter “ç/1” and “e/1” and amended letter “g” and “j” by law no 144, dated 2.5.2013, Article 6)

The following circumstances aggravate the punishment:

a) When the offence committed is based upon futile motives;

b) When the offence is committed for rendering criminally liable or hiding the criminal liability of a third person, or for avoiding the conviction for another criminal offence, or for gaining or providing wealth benefits for oneself or for third parties, or any other material benefit;

c) When the criminal offence is committed savagely and ruthlessly;

ç) When a crime is committed after a conviction was decided for a previously committed crime;

ç/1) commission of a criminal offence after subjecting the person under electronic monitoring; d) When actions that aggravate or increase the consequences of a criminal offence are committed;

dh) The commission of the criminal offence by abusing the public office or the religious service.

e) When the offence is committed against children, pregnant women, or other people who, due to different reasons, cannot protect themselves;

e/1 commission of a criminal offence during or after the issuing of a court order of protection against domestic violence;

f) When the offence is directed against representatives of other states;

g) When an offence is committed through profiting from family, cohabitation, friendship, hospitality relations;

gj) When the offence is committed in complicity;

h) Committing the criminal offence more than once;

i) When the offence is committed using weapons, military ammunitions, explosives, flammable, poisonous, and radioactive substances;

j) The commission of the offence due to motives related to gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious, or philosophical convictions, health status, genetic predispositions or disability.

1. Does the law foresee aggravating circumstances when sentencing rape cases? If so, what are they?
   1. Is rape by more than one perpetrator an aggravating circumstance?  YES/NO

**Yes.** The Criminal Code of the Republic of Albania provides for serious circumstances for sexual crimes (Section 6), which are as follows:

1. when the criminal offense is committed in collaboration;

2. when the criminal offense is committed more than once;

3. when the criminal offense is committed accompanied by violence;

4. when the criminal offense has brought serious consequences for the health of the victim,

5. when the criminal offense has resulted in the death of the victim;

6. when the criminal offense has brought the victim's suicide;

In these cases, the perpetrator is more severely punished for the sexual crime he has committed.

1. Is rape by more than one perpetrator an aggravating circumstance? YES/NO

**YES.**

1. Is rape of a particularly vulnerable individual an aggravating circumstance, or the imbalance of power between alleged perpetrator and victims? (for example, doctor/patient; teacher/student; age difference) YES/NO

**NO.**

1. Is rape by spouse or intimate partner an aggravating circumstance? Does the law foresee mitigating circumstances for the purposes of punishment? YES/NO If yes, please specify.

**NO.**

**Article 48**

**Mitigating circumstances**

(Two paragraphs added up by law no.144, dated 02/05/2013, Article 5)

The following circumstances mitigate the punishment:

a) Where the offence is committed due to motivations of positive moral and social values;

b) Where the offence is committed under the effect of a psychiatric distress caused by provocation or the unfair actions of the victim or some other person;

c) Where the offence is committed under the influence of wrong actions or instructions of a superior;

ç) Where the person who has committed the offence shows deep repentance;

d) Where the person has recovered the damage caused by the criminal offence or has actively helped to eliminate or reduce its consequences;

dh) Where the person surrenders to the competent authorities after committing the criminal offence;

e) Where the relationship between the person having committed the criminal offence and the victim has gone to normal. The mitigating circumstance envisaged in letter “a” of the first paragraph of this Article shall not mitigate the sentence in the event the criminal offence is committed under the circumstances envisaged in letter “j” of Article 50 of this Code. The mitigating circumstance envisaged in letter “e” of the first paragraph of this article, shall not mitigate the sentence of a person who commits a criminal offence against children or a criminal offence related to domestic violence.

1. Is reconciliation between the victim and the perpetrator allowed as part of a legal response? YES/NO  If so, at what stage and what are the consequences?
   1. Regardless of the law, is reconciliation permitted in practice? YES/NO and what is the practice in this regard?

NO. The Albanian criminal legislation stipulates that in the case of offenses prosecuted at the request of the accused victim, the court summons the victim and the person against whom the request for trial has been made and proposes a settlement of the case amicably. If the victim withdraws the claim and the accused pleads guilty, the court decides to dismiss the case. Otherwise she sets the date of the hearing and lets them know that they can be helped by counsel.

In this respect, all criminal offenses provided for in Section VI "Sexual Crimes" of the Criminal Code are criminal offenses which are mainly prosecuted by the prosecution, therefore they are not subject to reconciliation.

Is there any provision in the criminal code that allows for the non-prosecution of perpetrator? YES/NO If yes, please specify.  **NO**

* 1. if the perpetrator marries the victim of rape? YES/NO **NO**
  2. if the perpetrator loses his “socially dangerous” character or reconciles with the victim? YES/NO **NO**

**Prosecution**

1. Is rape reported to the police prosecuted ex officio (public prosecution)? YES/NO **YES**
2. Is rape reported to the police prosecuted ex parte (private prosecution)? YES/NO **YES**

1. Are plea bargain or “friendly settlement” of a case allowed in cases of rape of women? YES/NO **NO**

1. Are plea bargain or “friendly settlement” of a case allowed in cases of rape of children? YES/NO **NO**

1. Please provide information on the statute of limitations for prosecuting rape. **NO**

1. Are there provisions allowing a child who was the victim of rape and to report it after reaching adulthood?   YES/NO **YES**

1. Are there mandatory requirements for proof of rape, such a medical evidence or the need for witnesses?  YES/NO If yes, please specify. **YES**

Evaluation of typical evidence of sexual crimes.

Practice has shown that the investigation and indictment of sexual crimes has not been easy due to the nature of the criminal offenses, which in many cases is accompanied by a lack of evidence. The situation is more complicated when there is a single piece of evidence, such as only the statements of the injured party, missing the signs of violence, biological materials, etc. In such cases the standard of proof is "low".

The term standard of proof, or as it is otherwise known, "standard of proof", refers to the extent or degree of fulfillment of the burden of proof. It is the system of measurement of the degree of security or probability that the evidence provides to the court to accept as truth certain facts, the standard by which the court must be persuaded through the evidence provided by the party bearing the burden of proof in the process.

In determining a criminal charge, the court must apply the standards of a due process of law. This obligation derives from Article 42 of the Constitution of the Republic of Albania and Article 6 of the ECHR. The ECtHR has also developed the standard of proving a criminal charge against a person beyond any reasonable doubt. A person cannot be found guilty if all the elements of the criminal offense have not been proven beyond any reasonable doubt.

1. Are there rape shield provisions aimed at preventing judges and defense lawyers from exposing a woman’s sexual history during trial? YES/NO

**YES.** Law No. 9887, dated 10.3.2008 "On the Protection of Personal Data" ;

1. Are there procedural criminal law provisions aimed to avoid re-victimizations during the prosecution and court hearings? YES/NO. If yes, please specify.

**War and/or conflict**

1. Is rape criminalized as a war crime or crime against humanity? YES/NO

**NO.**

1. Is there a statute of limitations for prosecuting rape in war or in conflict contexts? YES/NO

**NO.**

1. Is there explicit provisions excluding statutes of limitation for rape committed during war and armed conflict? YES/NO

**NO.**

1. Has the Rome Statute of the International Criminal Court (ICC) been ratified? YES/NO

YES. The Republic of Albania has ratified the Rome Statute of the International Criminal Court

December 23, 2002 with Law no. 8984, dated 23.12.2002 On the Ratification of the Statute of Rome for the International Criminal Court.

**Dated 23.12.2002**

1. Please provide data on the number of cases of rape that were reported, prosecuted and sanctioned, for the past two to five years.

Sexual crimes registered in the Republic of Albania, by years

**2015 149 Sexual Crimes**

**2016 120 Sexual Crimes**

**2017 113 Sexual Crimes**

**2018 110 Sexual Crimes**

**2019 155 Sexual Crimes**

Source of information, Republic of Albania Institute of Statistics (Institute of Statistics - Tirana Rr. Vllazë Huta, Building 35, Entrance 1, Tirana, Postal Code 1017 Email info@instat.gov.al Phone +355 (4) 2233356/2233358) Other.

1. Please explain any particular and additional barriers to the reporting and prosecution of rape and to the accountability of perpetrators in your legal and social context not covered by the above.

In scientific studies related to Sexual Crimes in Albania, problems arise, as follows:

1. There is a very significant and unexplained discrepancy between the registration of the case in the police, its criminal prosecution by the prosecution and the sentencing.

2. During the ten years taken for study (2008-2018), it turns out that only 44% of the accused perpetrators of criminal offenses have been convicted, while 56% of them are in a free state and may pose a constant risk to produce new victims.

3. Keeping data in unregistered registers is a problem for the analysis of sexual crimes. Police and the Prosecution report on the basis of the victim, but not on the cases - while the Court reports only on the basis of the cases, but much less on the data of the victim.

4. There is no state policy to protect victims of sexual violence today and to compensate them for the harm caused to them. Moreover there is a serious lack of social services for the protection, treatment and rehabilitation of victims of sexual crimes;

5. Despite the constant changes, the Criminal Code still does not contain some criminal offenses of a sexual nature, which have become the main risk for violence and sexual exploitation of children in Albania;

6. There is an urgent need to establish a special unit in the State Police and well-coordinated with the Prosecution, for the criminal prosecution of sexual crimes;

7. The establishment of the National Register of Sexual Crimes is a necessity that should be addressed as soon as possible by the Assembly.