"Information to the Office of the High Commissioner for Human Rights regarding the report on gender-based killings of women and girls."

1. Specific laws governing, or in contemplation for, the investigation and documentation of the deaths of women and girls that may be, or are, characterized as femicide:

Albania has adopted a solid normative framework that promotes, implements and monitors gender equality and non-discrimination based on gender, in addition to legislation and policies adopted with a special focus on violence against women and domestic violence. The Ministry of Health and Social Protection coordinates and follows the implementation of the National Strategy for Gender Equality 2021-2030 with all responsible institutions in cooperation with civil society organizations and all other actors.

The criminal legislation in the Republic of Albania includes criminal offences, some related to family or intimate relationships, not necessarily family bounds, as provided in the specific section of the Criminal Code. Regarding criminal offences related to femicide, it appears that in the past decade, procedural penal legislation has been improved in this field.

The Criminal Code of the Republic of Albania, in summary, includes the following significant developments:

* Firstly, sexual harassment has been criminalized, as well as sexual violence between spouses or cohabitants in a romantic relationship. A distinction has been made between sexual violence, sexual relationships, shameful or lustful acts, and sexual harassment.
* Secondly, sexual relationships between spouses or cohabitants in a romantic relationship without the consent of one party have been criminalized (Article 102 of the Penal Code).
* Thirdly, a new criminal offence called "Forced Disappearance" has been added, which entails the disappearance of a child, a pregnant woman, or a person unable to protect themselves (Article 109(c)).
* Fourthly, penalties have been increased in cases of trafficking of women and girls for various purposes, including the exploitation of prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar forms of slavery, transplantation or utilization of organs, as well as other forms of exploitation within and outside the territory of Albania (Article 110/a).
* Fifthly, stalking was added as a new criminal offence (Article 121/a) in 2012.
* Sixthly, a new criminal offence called "Domestic Violence" was added in 2012 (Article 130/a).
* Seventhly, a new criminal offence was added: forethought murder due to family relationships (Article 79/c), which carries a punishment of imprisonment not less than twenty years or life imprisonment.
* Eighthly, the criminal offence of infanticide is considered a crime, and the punishment has been increased.
* Ninthly, aggravating circumstances have been added in cases where criminal offences are committed: violating protection orders; taking advantage of family relationships; driven by motives related to gender, gender identity, and/or sexual orientation.
* Tenthly, Article 130 of the Criminal Code stipulates as offences the obstruction or prevention of cohabitation, engagement, or the resolution (divorce) of marriage and intentional efforts to make an adult or child leave the territory of the Republic of Albania to force them into marriage.

The measures and sanctions against perpetrators are provided for in the general part of the Criminal Code. Regarding sanctions for violence against women and children and murder and sexual crimes, the penalties have increased and are more severe than other types of crimes.

"Femicide" is not used in our Criminal Code (CC) or legislation; therefore, it is not specifically defined as a standalone criminal offence. In the criminal legislation of the Republic of Albania, no explicit provisions regulate killings based on gender. However, the Criminal Code (CC) includes several criminal acts that could be considered femicides. Such acts include murder (Article 76 of the CC), intentional homicide about another crime (Article 77), forethought murder (Article 78), murder under qualifying/specific circumstances (Article 79), domestic violence, intentional grievous bodily harm resulting in death, murder committed in a state of severe emotional distress (Article 82), and intentional grievous bodily harm resulting in death (Article 88, paragraph 2). Article 88 of the CC considers as aggravated intentional bodily harm the criminal act when it is committed against multiple persons, the spouse, former spouse, cohabitant, former cohabitant, close blood relation, or close in-law relation to the perpetrator, or when it results in death. Murder due to family relationships is a criminal offence stipulated by Article 79/c of the PC. The victim of this criminal act can be the spouse, former spouse, cohabitant, former cohabitant, close blood relation, or close in-law relation to the perpetrator.

The Family Code of the Republic of Albania contains a series of articles related to domestic violence against the spouse and child/children. It addresses parental obligations, children’s rights in family life, and child abuse and neglect (Article 223 of the Family Code).

The Law on Reproductive Health, concerning violent criminal acts, stipulates that every woman has the right to freely and, without any form of discrimination, pressure, or violence, decide on all matters related to her sexuality and sexual and reproductive health (Article 6).

The legal framework for criminal procedure is based on the legislation of criminal procedure, specifically the Code of Criminal Procedure (CCP) and the Code of Criminal Justice for Minors. Law no. 41/2021 "On some additions and amendments to law no. 7905, dated 21.3.1995, the 'Code of Criminal Procedure of the Republic of Albania,' as amended (CCP)," added and modified several provisions of the Code that will have an impact on criminal proceedings.

During the years 2012-2013, several important amendments were passed regarding sanctions for such criminal acts: the minimum and/or maximum imprisonment sentences were increased for several criminal offences, including murder due to family relationships, domestic violence, and crimes against women and children; previously specified fines in certain specific provisions are no longer applicable as such; for example, in the case of infanticide (Article 81), life imprisonment is stipulated.

Civil-administrative legislation and subordinate acts

Furthermore, some non-criminal measures and sanctions are provided for in other laws, such as Law no. 9669, dated 18.12.2006, "On measures against domestic violence" 70, Law no. 18/2017, "On the rights and protection of children." The new National Strategy for Gender Equality 2022-2030 offers various measures and actions aimed at the protection, prevention, and criminal prosecution of violence against women and girls, as well as integrated policies for victims and potential victims of violence.

Additionally, the Albanian state prioritized the implementation of GREVIO's recommendations in the initial evaluation report of Albania in 2017. During this period, it has approved a series of comprehensive and coordinated measures to combat domestic violence and other forms of gender-based violence against women. The following section provides a concise overview of the main developments in terms of legal measures and policies that have a direct impact in this field.

Law no. 9669, dated 18.12.2006, "On measures against domestic violence," is the main act aimed at preventing and reducing domestic violence in all its forms and providing greater protection for victims. During the reporting period, this law underwent significant changes in 2018 (Law 47/2018) and 2020 (Law 125/2020), fulfilling key recommendations from the Concluding Observations of the CEDAW Committee (2016) and the Initial Evaluation Report of GREVIO (2017) for Albania.

Although this law focuses on the prevention and protection against domestic violence, it also addresses aspects of services for other forms of gender-based violence against women, such as sexual violence.

In implementing Laws No. 47/2018 and No. 125/2020, a series of subordinate acts have also been approved, which clarify and assist in the effective implementation of legal improvements per the Istanbul Convention and GREVIO's recommendations. Among these, special importance is given to Council of Ministers Decision No. 327, dated 2.06.2021, "On the coordination mechanism of work between the responsible authorities for referring cases of domestic violence and the procedures for supporting the rehabilitation of violence victims."

Other important acts approved in the implementation of the aforementioned legal changes are:

* Joint Instruction of the Minister of Health and Social Protection and the Minister of Internal Affairs No. 912, dated 27.12.2018, "*On procedures and the order model for preliminary measures of immediate protection,*"
* Joint Instruction of the Ministry of Justice and the High Judicial Council No. 9, dated 17.06.2020, "*On the determination of rules for creating a special database for domestic violence cases in courts and the unification of their registration.*"
* Standard Operating Procedures (SOPs) in the Field of Health and Social Care Services (February 2020).
* Instruction No. 816, dated 27.11.2018, of the Minister of Health and Social Protection, "*On the approval of standards for the provision of services and the functioning of Crisis Management Centers for cases of sexual violence,*".
* Joint Instruction of the Minister of Health and Social Protection and the Minister of Internal Affairs, "*On the procedures and risk assessment model for domestic violence cases.*"
* Ministerial Instruction No. 744, dated 15.11.2019, "On the approval of minimum standards for social care services for victims/survivors of gender-based violence and domestic violence in public and non-public emergency residential centres (emergency shelters)."
* Protocol for the Management of Domestic Violence Cases at the local level through the Coordinated Referral Mechanism (CRM)
* Management Protocol for Sexual Violence Cases concerning adults at the local level through a coordinated multi-sectoral approach.
* Standard operating procedures for treating domestic violence and gender-based violence cases by healthcare workers within the cooperation framework as members of the coordinated referral mechanism.

Developments regarding comprehensive policies to combat domestic violence and other forms of gender-based violence against women:

The above-mentioned legal framework has been complemented by a series of policies that provide specific commitments and corresponding budget planning for implementing various obligations arising from the legislation. One particularly important policy is:

The Fourth National Strategy for Gender Equality and its Action Plan, 2021-2030 (NSGE 2021-2030), which is based on the objectives of the Government of Albania's program for gender equality and the fight against gender-based violence and domestic violence, the national legal framework, as well as international obligations, paying particular attention to ensuring compatibility with European Union policies within the framework of Albania's integration process.

1. Current practices for collecting, analyzing, and reporting data on deaths that could be classified or are classified as femicide.

The Ministry of Health and Social Protection maintains statistical data on the level of domestic violence nationwide.

The Institute of Statistics (INSTAT) conducts the "*Violence against Women and Girls in Albania*" survey every five years. The data and publications are accessible to the public on the official INSTAT website. The survey measures five forms of violence: (a) intimate partner violence, (b) dating violence, (c) non-partner violence, (d) sexual harassment, and (e) stalking. The types of violence measured include psychological, physical, sexual, economic, and controlling behaviours.

INSTAT receives data on crime statistics and criminal justice from law enforcement agencies and the judiciary system (General Directorate of State Police, General Prosecutor's Office, and General Directorate of Prisons) regarding reported cases of domestic violence as stipulated in the Law on Domestic Violence and (Article 130/a), including information on reported cases to the police, suspects and defendants, data from the judiciary on criminal cases, as well as measures of punishment for individuals convicted of domestic violence.

In the annual statistical report of the Ministry of Justice (MOJ) for the year 2019, a dedicated chapter on domestic violence was included for the first time, with information from all courts operating in the Republic of Albania (RoA). Additionally, the MOJ and the High Judicial Council (HJC) developed and approved Joint Guideline No. 9, dated 07.06.2020, "*On the Determination of Rules for Establishing a Special Database for Domestic Violence Cases in Courts and the Standardization of their Registration,*" which has been amended.

The Integrated System of Criminal Justice Data for Minors was established for the first time, serving as a database for criminal justice information on minors, including minor victims.

The REVALB system plays an important role in collecting data on cases identified and managed through coordinated multi-sectoral referral mechanisms at the local level. REVALB is a system specifically designed for this purpose.

1. Special investigation procedures or protocols adopted by police, prosecutorial or judicial investigating officers, or forensic, scientific, and medical personnel in cases of potentially unlawful deaths that may be or are characterized as femicide.

The changes made in 2018 to the Law on Measures against Violence in Family Relationships have expanded and clarified the responsibilities of institutions to strengthen protective measures and procedures for a more effective response to domestic violence and the protection of victims through the issuance of the Order for Preliminary Measures of Immediate Protection (PMIP), preceded by a risk assessment for each case being handled. The changes guarantee the responsibility of every institution or authority to address domestic violence, to which the victim seeks assistance, for protection regardless of the victim's place of residence or location.

Furthermore, the changes made in 2020 improved the legal framework in several directions, such as: court orders as a protective measure for domestic violence, ordering the immediate removal of the perpetrator from the residence for a specified period of time when the victim and the perpetrator live under the same roof; inclusion in the instruction for preliminary measures of immediate protection, the immediate removal of the perpetrator from the residence when the victim and the perpetrator live under the same roof, except in cases where the perpetrator is a minor, elderly, or a person with disabilities until the court issues an immediate protection order or a protection order; the police's application to the court for the issuance of a protection order without prior request for an immediate protection order, if a state of emergency has been declared in the area, and so on.

The amendments to the Code of Criminal Procedure have improved the position of victims in the criminal process and have ensured them a series of rights both during the investigation phase and the criminal trial.

To improve and regulate the internal functioning of the courts, the High Judicial Council, in 2019, as part of increasing the accountability and professionalism of the judicial authorities in the administration of juvenile justice cases, approved Directive No. 79, dated May 30, 2019, "*On the appointment of judges for the adjudication of juvenile justice cases.*"

1. Any observed challenges or barriers in adopting special investigation procedures or protocols for investigating femicide.

The Parliament of Albania has provided recommendations "*to take measures to improve the quality of investigations into criminal acts of domestic violence and crimes against minors, as well as to continue monitoring the implementation of general guidelines in this regard, including aspects related to the creation of new statistics and periodic reporting of accurate statistical data,"* as well as "*to improve the quality of investigations and intensify the criminal policy for perpetrators of domestic violence.*"

The General Prosecutor's Office has approved the general guideline No. 4/2021, dated 09.07.2021, and guideline No. 2/2022, dated 29.07.2022, "*On the priority recommendations of the Council of Ministers in the fight against crime for 2021 and 2022 in the general jurisdiction prosecutors' offices.*"

These normative acts, among other aspects, have directed institutional policies for the unified pursuit of priority recommendations in the fight against crime through administrative and procedural measures, ensuring the effective implementation of procedural rights of the accused, persons under investigation or suspicion, as well as victims, for the recommended priority criminal acts, including domestic violence.

Furthermore, the enforcement of an effective criminal policy has been guided, analyzed, evaluated, and justified in procedural acts/requests/conclusions, both legal conditions/criteria, in the intensification of criminal policy, both for the determination of personal security measures and the manner of determining the type and extent of punishment for the recommended priority criminal acts, aiming to increase the effectiveness in the fight against crimes against minors, domestic violence, gender-based violence, and sexual crimes.

In accordance with international standards for the protection of victims, the Victim Assistance Office was established within the General Prosecutor's Office in January 2016. In implementing Article 68 of Law No. 97/2016, "*On the Organization and Functioning of the Prosecution in the Republic of Albania*" (amended), coordinators of victims of domestic violence (Victim Coordinators) have been appointed and operated within the general jurisdiction prosecutor's offices since 2019. These coordinators provide assistance and advice to crime victims, with a special focus on victims who are minors, women, persons with disabilities, victims of domestic violence, victims of violence or sexual exploitation, human trafficking victims, and so on.

The General Director of the State Police, through Order No. 1118, dated November 13, 2017, has approved standard procedures for "Handling cases of domestic violence," according to which every police officer intervenes in cases of domestic violence: a) to prevent and address domestic violence in all its forms, using the means provided by Law No. 9669, dated December 18, 2006, "On measures against domestic violence," as amended, and Law No. 108/2014, "On the State Police," as amended; b) to ensure legal protection, particularly safety, for family members subjected to domestic violence, paying special attention to children, the elderly, and persons with disabilities; c) to refer the perpetrator to the justice system; d) to prevent the escalation of violence by intervening in the early stages of domestic violence.

Furthermore, the legal amendments made to the Law on Domestic Violence in 2018 and 2020, as well as the adoption of sub-legal acts for risk assessment and UPPMM (Emergency Protection Orders), impose a series of important obligations on the police, ensuring immediate and effective protection of victims while paying special attention to children, the elderly, persons with disabilities, and every individual subject to this law. These amendments also aim to ensure the immediate punishment of perpetrators.