



ALTERNATIVE REPORT

Prepared by HRDC

Reporting period 2014-2022

Human Rights in Democracy Centre (HRDC) is a non-profit and non-religious organization established on 2002 whose mission is to work for the protection and promotion of fundamental human rights and freedoms in Albania and to raise the awareness of the society on the state of human rights, with a special focus on the most vulnerable groups in society, such as women / girls, minors, minorities, etc.

One of the objectives of the HRDC is to prevent domestic violence and to provide support services for victims/survivors of domestic violence. The HRDC has continuously contributed to the capacity building of the responsible institutions for the implementation of legislation against domestic violence and gender-based violence. Since 2015, the Center has monitored the decisions of Tirana District Court regarding issues related to the fulfillment of the rights of victims of gender based violence and domestic violence in civil and criminal procedures.¹

HRDC monitors also the implementation of laws in practice and undertakes initiatives to improve legislation in the field of human rights protection, with a special focus on equal treatment, domestic violence and gender-based violence. HRDC is a lobbyist organization accredited by the Parliament of Republic of Albania from 2019 and has contributed to the amendment of Law no. 9669/2006 "**On measures against domestic violence**" amended, bylaws for its implementation and Law no. 10221/2010 "**On protection from discrimination**" amended - has provided suggestions regarding the drafting of Law no. 111/2017 "**On legal aid guaranteed by the state**" and Law no. 22/2018 "**On Social Housing**" and lately to the Criminal Code of Republic of Albania. Considering the adoption of bylaws important for the effective implementation of measures against domestic violence, the HRDC has given recommendations on amending the Decision of the Council of Ministers no. 334/2021 regarding the functioning of the Coordinated Referral Mechanism, HRDC has also given inputs in Action Plans, Strategies, Protocols and Standard Operating Procedures (SOP), in order to adapt them to the latest amendments to the human right legislation and international standards adopted by Albania. HRDC has a good experience in preparing shadow/ alternative reports on GREVIO, CEDAW, UPR, CESC, CCPR, EU progress reports etc. HRDC has given its input on the Directive of the European Parliament and Council on "**Establishment of minimum standards for the rights, support and protection of victims of crime**" (2022) and also on **Directive of the**

¹ <https://www.hrdc.al/index.php/al/sherbime/studime>, https://www.stopvaw.org/uploads/study_hrdc_2016_2017_1.pdf, https://www.stopvaw.org/uploads/study_2015.pdf, <https://www.hrdc.al/index.php/al/sherbime/studime>

European Parliament and Council "On the fight against violence against women and domestic violence" (2022), Amendment of General Recommendation No. 19 of CEDAW Convention (2016).

HRDC has prepared this report with specific information on the implementation of some articles of the Covenant, focused on this issues non-discrimination, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 20, 26 and 27), violence against women and children, including domestic violence (arts. 2,3, 6, 7, 24 and 26), prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 7 and 10).

I. Non-discrimination, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 20, 26 and 27)

In Albania, the most vulnerable categories affected by discrimination are women and the Roma / Egyptian minority. Not without purpose the law no. 10 221, date 4.2.2010 “For protection against discrimination” amended, has placed in the first place of the list of causes of discrimination the race, then the law lists all the other causes of discrimination. The social problems of Roma / Egyptian community are large. Here we can mention unemployment, poverty, school dropouts by children and their trafficking, lack of infrastructure and housing, poor health conditions, etc. Most of this population in Albania lives below the poverty line. Discrimination, lack of regular income and employment, combined with large family members lead to low school attendance, poor health, debt, and poor housing or homelessness. Lifestyle and poverty affect children's education and access to services. Most families in this community, due to their very low economic, cultural and educational level, also suffer from acute social problems such as violence, disrespect for the rights of women and children, divorce, alcohol abuse, difficulties in income management, early marriages and teenage pregnancies, trafficking, prostitution, etc.

Roma / Egyptians can be considered as a discriminated social category in almost all areas such as family, employment, education and services.

Housing

Lack of housing remains a major problem and the situation is aggravated due to the destruction of housing by the earthquake of November 26, 2019. Applying for a rent bonus, as one of the opportunities to benefit from the rent payment, becomes very difficult because most of them do not have a rent contract. Over the years, Roma and Egyptian citizens have expressed concern that it is very difficult to rent a house, due to prejudices against these communities. Social housing is also difficult for not saying impossible for this category. Criteria to be enrolled in this scheme exclude this category due to the inability to prove financial incomes, which comes mainly from informal activity, which mainly consists in waste collection.

Services

Roma and Egyptian do also face some difficulties and obstacles in obtaining some services such as:

- electricity supply, because their economic situation makes it impossible to pay the fee to enter in a contract relation. This obligation is defined in the regulation approved by the Electricity Regulatory Entity (ERE);
- drinking water supply because the lack of sewerage or lighting supply in areas where most of the inhabitants belong to the Roma or Egyptian minorities.

Lack of Education

Although the principle of inclusive education is widely accepted as a philosophy in educational institutions, its implementation faces many obstacles. Their inclusion in basic education remains a challenge for their integration. There is an increase in the number of Roma and Egyptian children enrolled in pre-school and compulsory education but still the phenomenon of dropping out of school because of poverty and informal employment as well as Roma and Egyptian girl's dropouts after the completion of compulsory education or attendance of education system by children of these communities in rural areas remains a challenge to be addressed.

Through partial basic education, known as the second chance, they are given the opportunity to complete compulsory education and then enrol in secondary education, especially vocational education. The implementation of inclusive education policies also requires the provision of quality education, including the level of qualification of educational staff, the creation of equal conditions and opportunities, and the elimination of exclusion of children belonging to Roma and Egyptian minorities in certain schools.

Despite the measures taken according legal framework aimed at promoting the education of children and young people of these communities, the situation requires intervention due to several factors such as the mentality of Roma / Egyptian community themselves, economic difficulties (in many cases children are used as labor force in their families) or differentiated treatment in educational institutions, thus leading to children abandoning school.

Special attention must be shown toward disabled girls or children and disabilities who also belong to other marginalized groups such as the Roma or Egyptian community, who are even more exposed to risk of experiencing harder discriminatory situations. To address the above issues, positive measures should be taken regarding:

- raising awareness in the education system;
- inclusion of concepts and actions against patterns of discriminatory behaviour in the school curriculum;
- implementation of legal obligations on entire population education, especially women and girls, minorities and people with disabilities;
- ensuring the right to education in minority languages and in appropriate ways for people with disabilities.

Unemployment / poverty

Lack of education is directly related to the inability to find a job. People of these communities testify differentiated and discriminatory treatment in state and private institutions, giving them no employment opportunities.

Non-registration of children in kindergartens or schools This is one of the problems that Roma and Egyptian women face. They are denied from child registration with justifications such as lack of documentation or lack of vacancies in relevant institutions. There have been identified several cases

when women have been required to provide proof of employment in a time when members of the Roma / Egyptian community have been excluded from these criteria. Moreover, despite the fact that with the decision of the Municipal Council the children are excluded from kindergarten payment it has been done in some cases.

Moreover, this affects possibility of mother to be employed and to provide monetary income.

Non registering children in the national Civil Registry. On-registration of children remains a major problem for the Roma / Egyptian community. In general, there are cases of children born outside Albania, whose families were deported to Albania without the possibility of obtaining any documents. Children who are unregistered and do not have any rights under Albanian legislation. Because of the economic difficulties, families living far from the administrative centres where they are registered find impossible to register their children in the civil registry.

Impossibility to transfer civil registration. The transfer of civil status, in case of change of residence, requires a certificate of ownership or a Lease Agreement of the apartment where they have moved to. The HRDC notes that most Roma and Egyptians do not have these documents, as many of them live in improvised barracks or illegal premises. The impossibility of transferring the civil status in the residential area brings a number of other barriers and to the impossibility of access to the services provided in the administrative unit, or the health centre of the area where they live.

Use of inappropriate terminology

Use of inappropriate discriminatory and prejudicial terminology in the labelling of certain areas inhabited by Roma or Egyptian minorities, or in the official documentation used by the electricity supply service provider; as well as the discriminatory language used in audio visual or social media against Roma / Egyptian minorities by journalists, public figures are also issues identified by the Commissioner for Protection from Discrimination (CPD) during the reporting period.

II. Violence against women and children, including domestic violence (arts. 2,3, 6, 7, 24 and 26)

Lack of a Framework law on gender based violence (GBV)

Albania has ratified a series of international conventions and instruments in the field of human rights protection and promotion, with a particular focus on victims of gender-based violence and domestic violence. There is also an effort to align domestic legislation with the principles and standards of these instruments. Additionally, a number of positive steps have been taken towards fulfilling the obligations arising from them. However, we believe that the adoption of a framework law covering all forms of violence as outlined in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) is a crucial step that has been missed and should be undertaken as soon as possible. Such a law would not only encourage more women and girls to report violence but would also serve to protect their integrity and aid in the rehabilitation of every victim, regardless of the form of violence they have experienced.

In the absence of a special law, other forms of violence have only been subject to criminal proceedings, where abusers have received penalties, while very little has been done regarding the rehabilitation of victims. We believe that the adoption of a framework law for all forms of violence

outlined in the Convention would not only help increase the number of women and girls who report violence but would also serve to protect the integrity and support the rehabilitation of every victim/survivor.

The situation of victims of domestic violence

The situation of victims of domestic violence in Albania is challenging. We can mention here problems with free legal aid, delays in judgement of the cases especially in Appeal Court, also gender approach of professionals including judges has problems, access to services is also a challenge for victims of domestic violence.

Albania is a country with a high incidence of domestic and gender based violence. Most battered women in Albania continue to suffer in silence despite ongoing efforts to raise public awareness about domestic violence and newly created domestic violence legislation and victim support services. The majority of women who experienced domestic violence did not seek help.

For a two-year period (from 2020 to 2021), Human Rights in Democracy Centre has monitored the decisions of the Tirana District Court regarding the justice system's response to gender-based violence and domestic violence and respect of the rights of victims in both civil and criminal proceedings. Despite the positive efforts of the courts in terms of respecting the rights of victims of violence, there are still a number of problems both at the level of interpretation of the law and also in the approach of judges to victims of gender-based violence and domestic violence.

For a two-year period (from 2020 to 2021), Human Rights in Democracy Centre has monitored the decisions of the Tirana District Court regarding the justice system's response to gender-based violence and domestic violence and respect of the rights of victims in both civil and criminal proceedings. Despite the positive efforts of the courts in terms of respecting the rights of victims of violence, there are still a number of problems both at the level of interpretation of the law and also in the approach of judges to victims of gender-based violence and domestic violence.

1. It turns out that the number of cases with the object of issuing IPO/PO, judged by Tirana District Court from 2017 to 2021 remains almost at the same levels. But the ratio of accepted cases and dismissed/refused cases has undergone a significant change. While in 2016-2017 we have 74% of the cases dismissed/refused and 26% of them accepted, for 2020-2021 it turns out that 53% of the cases were accepted and 47% of them dismissed/refused. This increase was first influenced by the change in the legislation according to which the court issues the protection order even in cases where the parties claim that the conflict has been resolved or should be resolved through reconciliation or mediation.

2. There is an increasing trend of criminal prosecution and punishment of perpetrators even in cases where the victim suffered only psychological violence (in 11.5% of cases).

3. A new positive practice is the issuance of IPO/PO from the Court even when the plaintiff has given up or left the trial in absentia in about 15% of the decisions. In this way, the Court has issued

an acceptance decision even though in 27% of these cases the plaintiff has given up and in 73% of them it has left the trial in absentia.

4. Positive is the fact that with the changes to the law of violence, the court no longer carries out efforts to reconcile the parties as an obligation stemming from the Istanbul Convention, which strictly prohibits this procedure.

5. It is noteworthy that the court has issued IPO/PO for both parties in about 2% of the decisions. Issuing protection orders for both parties creates problems with execution, as in some cases the court imposes contradictory protective measures.

6. According to the DV law the appellate court pronounces its decision within 15 days from the day of the registration of the appeal. But in practice there are many delays in the review of appeal cases, which go up to several months. The consequences fall directly on the victims who has problems with access to services because the court decision has not taken a final form.

7. The right to free legal aid is a condition for everyone to have the opportunity, regardless of economic status, to turn to the court to examine his/her claims. In only 41% of cases, the victim of domestic violence is protected by a lawyer in the civil process for issuing the IPO/PO. From this figure, NGOs cover 60% of the represented cases, the rest belongs to private lawyers 38%, while 2% of the representation is occupied by state lawyers, mainly for minor citizens.

8. The right to a fair trial requires domestic courts to give reasons for their decisions in both civil and criminal cases. If we refer to the reasoning of the decisions, we can say that the Court used the Istanbul Convention as a legal basis in less than half of the decisions (in 47% of the decisions).

9. The court has started to issue rehabilitation measures for the perpetrators, but still in a limited number of cases. Thus, in 9% of cases, the court issued a drug/alcohol rehabilitation measure, in only 1% of cases it issued a rehabilitation measure for perpetrators with mental health problems. The court has ordered the placement of the perpetrator in parenting training programs in 1.5% of cases. The measure of removal from the home of the perpetrator was applied in only 26% of the decisions, although the law stipulates that the court immediately orders the removal of the perpetrator from the home for a certain period of time, when the victim and the perpetrator live in the same place.

10. The court has also imposed measures that are not predicted in the law and are in open contradiction with the legislation against domestic violence, such as the payment of the rent of the perpetrator by the victim or placing the perpetrator in a shelter, at a time when such shelters do not exist.

11. Judges often do not have up-to-date information about support services for victims or perpetrators, therefore the protective measures given in the decision are not in accordance with the needs of the victim.

12. Quite contradictory decisions are observed regarding issues of minors, decisions that do not protect the minor, but on the contrary put them at a greater potential risk for further violence, such as

sleepovers with the abusive parent. Only 57% of abused children have been included in Protection Orders together with their family members who requested IPO/PO. Although the law provides protection for minors, the court did not include in the IPO/PO 43% of these minors who were victims of direct or assisted violence. Only in 14% of the processes the children were assisted by a psychologist during judicial process. The study also identified flagrant violations of the law where minor victims of domestic violence were not protected by a lawyer.

13. In 17% of cases, the court has imposed the measure of "house arrest" for the perpetrators, and this is a very worrying issue, as this measure increases the risk for the safety of the victim, especially in cases where the victim and the perpetrator during this time will live in the same apartment.

14. The court has imposed alternative punishments for violators in 40% of cases. The application of alternative punishments for perpetrators contradicts the right of the victim of domestic violence to be protected by the state, putting her at a potential risk for repeating acts of violence.

15. Although it turns out that 30% of the perpetrators are alcohol or drug users, it is noteworthy that in no case the court (criminal section) decided the measure of drug or alcohol rehabilitation.

16. The participation of victims in the criminal process is relatively low. Only 52% of the victims participated in the court proceedings, the rest left the trial in absentia.

17. Even more disturbing is the fact that only 11% of crime victims have been protected by a lawyer. From the victims who were represented by a lawyer, 44% of them had a state lawyer (appointed by the court) and 56% has chosen a private lawyer.

18. Regarding the gender approach of judges, it turns out that this issue also has problems. Judges tend to look for all possible reasons to mitigate the perpetrator's responsibility and minimize the gravity of their crimes. The court incorrectly analyses mitigating circumstances such as repentance, the victim has forgiven the perpetrator, remorseful attitude, normalization of relations, the victim's willingness to close the case, change of behaviour, the spread of this crime in our country, social economic conditions, etc. The court has also accepted the normalization of relations between the parties as a mitigating circumstance. Also in some decisions we find that the defendant enjoys respect in the community and in the neighbourhood as a mitigating circumstance, based on the opinion on the personality of the defendant, presented in writing by the administrator of the administrative units.

19. Delays in providing victims with copies of court decisions for issuing IPO/PO by the court has led to difficulties and delays in their access to services.

20. In a wrong interpretation of the law, the Court in some cases did not legitimize local self-government institutions (municipalities/administrative units) as plaintiffs in court proceedings for the issuance of IPO/PO and dismissed the trial on the grounds that the court is dealing with a lawsuit that cannot be raised. In addition, the Court has charged the court costs to the plaintiff, an action that discourages these institutions from filing this kinds of lawsuits in the future.

According to statistics for 2023 in Tirana District Court are judged 1290 law suits for protection orders. **In 2023 ,12 (twelve) women were killed by their partners.**

Social Services

International standards provide for the provision of support services to women and girls and to any person in the family who may be subject to violence. Currently, there are local referral mechanisms for reporting gender-based violence in all 61 municipalities of the country. However, these mechanisms and the rehabilitation and reintegration programmes for vulnerable women need to be reinforced.

Social services continue to be donor-driven and often delivered by civil society organisations active in the field. A dedicated state budget and other resources are still needed.

Despite the efforts made by local coordinators and Coordinated Referral Mechanisms members to address the needs of specific cases, victims of violence have not always benefited from support services.

This is mainly due to the limited number of services, required procedures but also lack of proper coordination between state and non-state agencies. Despite the efforts made by the responsible actors, the number of women / girls involved in support programs has been low in relation to the needs. It is necessary to take immediate measures to expand the range of specialized support services, in order to adequately address the identified cases.

Vocational training and employment are very important programs which serve to improve the position of victims of violence and their empowerment. For this issue there is much more to be done. Access to economic assistance to victims of domestic violence has a lot of problems.

Another problem identified is the accommodation of cases of violence in need to emergency housing. Such a support program has not been yet extended to all municipalities of the country. Emergency housing service should not be conceived by municipalities only as a place of residence for the victim / survivor. This service should be provided complete and according to all standards, considering both the support that will be provided during the emergency period, and the provision of qualified staff.

Access to Social housing programs come to the aid of vulnerable groups, especially to victims of domestic violence is difficult. The main programs provided by law are social housing, rent bonus and social loans. These programs are not provided in every municipality and in those provided they are limited quotas.

Pursuant to the legal framework for domestic violence, health institutions provide medical, emotional and psychological assistance. They also have the obligation to record cases of domestic violence in a special documentation and to provide victims of domestic violence with a special medical report, which is a very important document of indisputable value in the process of proving before the court. Health institutions has a lot of problems regarding this issue.

Social Housing Programs

Social housing programs are initiatives aimed at assisting victims/survivors of domestic violence and are regulated by Law No. 22/2018 "*On Social Housing.*"

The main programs outlined in the law include social housing, rent subsidies, and social loans.

These programs are not available in every municipality of the country, and where they are available, they are limited in scope. There are municipalities where no social housing programs are offered.

Although these programs are implemented in the Municipality of Tirana, there is a relatively low number of applications or beneficiaries from the categories of victims/survivors of domestic violence, mainly due to a lack of information and bureaucratic obstacles.

These programs should be easily accessible to victims/survivors, and the criteria and procedures should be simplified in order to provide real opportunities for inclusion in these programs.

Furthermore, the obligation to create specialized housing for victims of domestic violence (as well as other specific categories) outlined in the new "On Social Housing" law has not yet been implemented in any municipality of the country.

Compensation of victims of domestic violence

Referring to the compensation of victims of crime, we emphasize that Albania has ratified the *"European Convention on the Compensation of Victims of Violent Crimes"*. Thus, victims of criminal offenses are entitled to compensation for damages suffered, including material and non-pecuniary damages. The criminal and civil legislation of the Republic of Albania also provides for some types of compensation for victims of crime; in addition to compensation from the perpetrator, the victim can also be compensated through a state scheme. The law stipulates the establishment of a Special Fund for Crime Prevention, which serves, among other things, to help victims of crime, including victims of trafficking, as well as to promote social programs for this category. In practice, the implementation of this provision has been found to be inefficient, as the law has not directly provided for how a victim can benefit from this fund, through the administrative or criminal and civil process. There are still no cases in which victims of domestic violence have benefited from the state compensation scheme fund.

Online Violence Against Women and Girls

Just as the internet, social media, and mobile connectivity have rapidly expanded their reach, online violence has emerged and spread alarmingly. Violence against women has penetrated the online space, targeting women and girls in many forms, including harassment or stalking, blackmail, hate speech, and other forms of online violence.

Cyber violence is an increasing problem worldwide—especially since the Covid-19 pandemic—and is often gender-based, disproportionately affecting women and girls. Cyber violence hinders the full achievement of gender equality and violates the rights of women.

Cyber violence against women and girls (CVAWG) is a new dimension of gender-based violence.

If we refer to Albania, we can say that online violence through technological devices is a continuation of the physical violence that harms women. A regional United Nations study on gender equality shows that 41% of Albanian women active on the internet have experienced some form of technology-based violence in their lifetime, mostly committed by strangers. However, there have also been reports of violence by partners, ex-partners, other family members, as well as supervisors or colleagues at work. The probability of experiencing the dark side of technology is four times higher for those aged 18-24 compared to those over 65 years old. The risk of exposure to violence is higher

for women who spend more time online, as well as for those with a public profile on virtual platforms. A larger number of online followers also increases the likelihood of violence. Observations made on social networks show that commentators do not only abuse public figures but also their fans, engaging in insults with one another. According to the same study, Instagram is the most violent platform for Albanian women. TikTok and Facebook are also common spaces where the right to free speech and privacy are abused. To increase online security, the women surveyed in the study show that most have found solutions by blocking virtual abusers, and only **7% of them have reported online violence to the police. Albania still lacks a strategy to combat online violence against women.**

Albanian criminal legislation includes several criminal offenses related to cybercrime, but there are no specific provisions for online gender-based violence. It would also be appropriate to draft a specific law on online violence. Cyber violence against women and girls is a new dimension of gender-based violence that should also be reflected in the criminal legislation.

Free Legal Aid

It is essential that victims of domestic violence have full access to legal and psychological services from the moment they report the violence, during the judicial review of their case, and until their full rehabilitation. If a victim of domestic violence is professionally advised before deciding to approach the court, they will be able to better understand their situation and the legal tools available under current legislation, as well as the potential effects these tools could have in preventing and protecting them from further violence.

Currently, courts have started to accept applications for secondary legal aid and exemptions from court fees and expenses. However, there are still challenges, mainly related to the interpretation of the law by the courts, which sometimes results in illegal practices and delays in processing cases.

There are unjustified delays in the adjudication of cases that involve the provision of primary and secondary legal aid for victims of domestic violence, especially in the judicial processes concerning the issuance of protective orders (IPO/PO). These requests lose their purpose when they are accepted by the court after the judicial process has concluded, as this process typically has short timeframes for adjudication. There is a need for legal adjustments to address this issue.

Significant gaps in the protection and rights of victims of domestic violence

Failure to Recognize and Respect Victim Rights

In many cases, procedural authorities do not recognize or respect the rights of crime victims, failing to comply with Code of Criminal Procedure and General Guideline No. 17, dated 23.12.2020, "On the effective investigation and prosecution of criminal offenses against women, domestic violence, and hate-based violence."

Police Inaction in Domestic Violence Cases

There are still cases when the police continue to apply the wrong practice of not actively pursuing domestic violence cases (Article 130/of the Penal Code), leaving it up to the victim whether or not to

file a complaint against the abuser. Often, victims hesitate to report the abuser and may only request the issuance of a protection order (IPO/PO).

Failure to Apply Rehabilitative Measures for Abusers

There is a failure to apply rehabilitative measures for abusers, both by the police and the courts. Although prosecutors have become more active in referring abusers to rehabilitation programs, unfortunately, prosecutors do not have the legal authority to mandate abusers to follow these programs—only the courts have this power.

Voluntary Rehabilitation Programs for Abusers

Programs for the rehabilitation of abusers are seen as optional rather than mandatory, as required by law. Additionally, there is a noticeable lack of dedicated programs for abusers.

Issues with Economic Aid for Victims

There are issues regarding the provision of economic aid to domestic violence victims, as well as the allocation of rent subsidies to this target group. Some municipalities and administrative units refuse to provide economic assistance to domestic violence victims who also benefit from another social scheme (such as economic aid as family in need or disability pensions).

Failure to Inform Victims of the Release of Offenders(perpetrators)

Concerning the respect of victims' rights during investigations, problems include the failure to inform victims about the release of the perpetrator by the police or the prosecutor's office. Additionally, personal protective measures that jeopardize the victim's safety are sometimes assigned.

Failure to Notify Victims During Trial Phase

During the trial phase, there are several problems, including the failure to notify victims about the start and conclusion of hearings. The right to be heard in court is often exercised only in the presence of a lawyer; in the absence of legal representation, this right remains purely formal.

Secondary Victimization and Need for Protection

There are recommendations for stronger measures to protect victims from secondary victimization in key institutions, including the use of video equipment in all courts and mechanisms to reduce repeated interviews and medical examinations.

These problems highlight significant gaps in the protection and rights of victims of domestic violence, particularly regarding access to justice, institutional responses, and the implementation of rehabilitative measures for both victims and perpetrators. Addressing these issues is essential to ensure a more effective and victim-centered legal and support framework.

Key challenges for victims of domestic violence

- Limited focus on early education on gender equality and healthy lifestyles
- Persistence of deeply rooted gender stereotypes and harmful social norms
- Limited focus on perpetrator rehabilitation programs

- Low levels of reporting of cases of violence against women and online violence
- Gaps in response to GBV more evident in times of emergency,
- Limited accessibility to services from women from disadvantaged communities
- Remaining incompatibilities of criminal legislation with international standards
- Limited legal and psychological support to victims during the investigation and prosecution of cases of VAW
- Risks of limited access to justice for victims of VAW following the new judiciary territorial organization
- Lack of due diligence to effectively prosecute VAWG cases
- Lack of a comprehensive legal framework to address all forms of VAW
- Limited financial and human resources in the gender equality machinery
- Lack of a synchronized system for data collection
- Limited public funding for VAW services and awareness raising

III. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 7 and 10)

Judicial problems of women in sentencing centers

The HRDC has identified several problems in the detention system. Here we can mention:

Failure of announcements for the extension of the preliminary investigation

For many detained women the case has not been sent to court within 3 months from the date of their detention / arrest contrary to Article 324 of the Code of Criminal Procedure, they were not notified by the prosecutor for extension of term of the preliminary investigation, or its termination. This fact confuses women / girls in detention regarding the progress of their case.

Violation of right of the defendant to access the evidence against her

This is a problem posed by majority of women / girls in detention system. They claim that they are not aware/familiar with the evidence that accusation party dispose against them. This fact poses a serious problem, because if the defendants are not aware of the evidence that the prosecution has gathered against them, it is more difficult for them to defend themselves in the right time.

Failure to provide defendants with a copy of their statements

Many women / girls in detention, mainly those who are not represented by a private lawyer, have claimed that they are not provided with a copy of their statement and in many cases do not even have information about charges.

Ineffective defence by mainly appointed lawyers

The appointed lawyer has the obligation to meet defendant and establish trust for an effective defense. Women / girls, who are represented by appointed state lawyers, claim that they did not meet such lawyers or they met defendants only once in the detention premises. Meetings happened only in court sessions, in cases when lawyers show up. Poor effectiveness of lawyers' performance affects in its

foundations the penal process regarding application of standard of Equality of Arms as a Standard of Fair Trials.

Failure to accompany detainees to court hearings

There have been repeated complaints about the non-escort of detainees to court hearings especially in the cases of women / girls with justification that it is unnecessary since their lawyer shows up in legal proceedings.

Other problematics

Other problematics identified by the HRDC during the monitoring sessions in this institution are related to the extension of the days of their stay in the Institution, problems related to the transportation of detainees from different cities to attend court hearings, non-payment of work, problems related to the provision of health services in the institution, the provision of meals, provision of heating and hygienic-sanitary products.

In particular, regarding the employment of women/girls in the institution, we found that women / girls employed in detention facilities receive only reduction of their sentence, respectively 3.9 days per month and do not receive monetary reward or inclusion in insurance schemes. This causes non-recognition of working time in the institution and is not included in their working years (insurance)²

In 2018, the Commissioner for Protection against Discrimination (CPD) figured out discrimination of persons convicted or detained due to their social status in the field of employment. They face unfavourable and discriminatory treatment, compared to any other employee, contrary to the obligation arising from the Labour Code and the legislation for the employment of these persons. The Administrative Court of First Instance³ confirmed the decision of the CPD⁴. The Prison Administration should keep a special Register for salaries and contributions as well as another register so that the employee can record all the data needed such as the date of starting work, type of work and its duration. Professional training programs should be provided for prisoners, especially for young people and women. Prisoners should have at least one day off and dedicated time for education and other activities.

Regarding the health service, we encountered problems related to the provision of medications, because in the case of identification of a health problem, the doctor of the Institution completes only the prescription, and orient the defendant to provide medicines through family members. In some cases, handled by the CPD it has been found discrimination through "...failure to treat with medication or non-completion of treatment plan as prescribed by the doctor. detention institution has the responsibility to provide the drug not the individual, whose conditions make impossible to provide

² *Convicted persons who perform different jobs in prison are not treated equally and are discriminated against in relation to other citizens employed outside the prison. In the interpretation of the legal provisions, they are considered "employees" and must be treated in accordance with the Labour Code of the Republic of Albania, as amended; as although a significant number of persons sentenced to imprisonment currently work in prisons, they are not treated by the prison administration in the same way as other citizens employed outside the prison. Convicted persons working various jobs within the prison staff should be rewarded with a minimum wage.*

³ *CPD, decision no 100, dated on 5.04.2018.*

⁴ *Administrative Court of First instance – Decision no. 4172 dated 19.11.2018*

the medication ”. CPD has considered discrimination the fact that the detainees were not been provided with specialized health examinations⁵.

The above mentioned issues affect more women / girls belonging to the Roma / Egyptian community due to their educational and socio-economic level. We have noted some cases when Roma / Egyptian women did not have the necessary information regarding the sentence given by the court, the right to appeal to the Court, legal deadlines, etc.

HRDC considers of special importance issue of accommodation of people with mental health disorders. Persons for whom court ruled "compulsory treatment" and "temporary hospitalization". They should not be accommodated in the penitentiary institutions which are under the dependence of Ministry of Justice – they should be accommodated/treated in health institutions (Ministry of Health and Social Protection supervision).

It is also necessary that prisoners should be accommodated as close as possible to their place of residence; prisoners belonging to vulnerable categories should be supported for their reintegration into society and treated in accordance with the requirements of national and international human rights standards, by taking measures based on their specific needs whilst they serve in institution.

⁵ CPD. Decision no 113, dated 22.6.2016; Decision no 34, dated 26.5.2017; Decision no 140, dated on 9.12.2017