



## REPORT

### ON MONITORING THE IMPLEMENTATION OF LAW NO.47/2018 “ON SOME ADDITIONS AND AMENDMENTS TO LAW NO. 9669, 18.12.2006, ‘ON MEASURES AGAINST VIOLENCE IN FAMILY RELATIONS’, AMENDED”

**Monitoring Period: January 2019-December 2020**

*Tirana, August 2021*



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**Tirana, August 2021**

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**ABBREVIATIONS**

<b>ACPS</b>	Assistant Community Policing Specialist
<b>AU</b>	Administrative Unit
<b>CPO</b>	Child Protection Officer
<b>CPS</b>	Community Policing Specialist
<b>CPU</b>	Child Protection Unit in the Municipality
<b>CRM</b>	Coordinated Referral Mechanism
<b>CSO</b>	Civil Society Organizations
<b>DITT</b>	Domestic Interdisciplinary Technical Team against Domestic Violence
<b>DV</b>	Domestic Violence
<b>DVS</b>	Domestic Violence Specialist
<b>GE</b>	Gender Equality
<b>IPO</b>	Immediate Protection Order
<b>JPO</b>	Judicial Police Officer
<b>LCADV</b>	Local Coordinator against Domestic Violence
<b>LPD</b>	Local Police Directorate
<b>OIPP</b>	Order for Immediate Protection Precautions
<b>PO</b>	Protection order

## **INTRODUCTION; PURPOSE AND OBJECT OF MONITORING**

Law no.4/2018 “On some changes and additions to law no. 9669, 18.12.2006, ‘On measures against domestic violence’, amended”<sup>2</sup>, introduced several important mechanisms for the prevention and combating of domestic violence. Their implementation was the object of this monitoring, focusing in particular on the activity of the State Police and local authorities, such as the responsible institutions for risk assessment, issuance of OIPPs and monitoring of protection orders.

The monitoring was focused in Tirana, Durres and Shkodra from January 2019-December 2020. The monitored institutions were mainly the responsible authorities in the State Police, local coordinators against domestic violence and other constituent institutions of the referral mechanism in these municipalities.

Our goal was to monitor, synthesize and discuss findings, and contribute to improving the institutional response to cases of domestic violence, with the aim of preventing and consequently stopping it. The monitoring aimed to identify problems not only in the practical implementation of legal changes to the law “On measures against domestic violence”, but also to identify good practices and experiences, in order to learn lessons and disseminate them.

## **METHODOLOGY**

The methodology was selected in consultation with our partner in the implementation of this project, the non-governmental organization, “The Advocates for Human Rights,” in order to better achieve the purpose and object of this monitoring, as well as to increase the impact of its findings. A group of experts from both organizations was set up at CLCI, which defined all the main objectives and methodology of the work that would be carried out to conduct the monitoring. The selected methodology has combined quantitative and qualitative methods. The work began with preliminary consultations and requests for cooperation from all institutions whose activity would be monitored. At this stage, criteria for support and cooperation were established between our Center and “The Advocates for Human Rights” on one hand, and the municipalities of Durrës, Tirana, Shkodra and the General Directorate of State Police on the other. Building this cooperation was crucial for the whole process of monitoring and for all the project objectives. In addition, the monitoring resulted in some unexpected benefits. Throughout the interviews, these procedures were discussed in more depth. Police and municipal officials confirmed that they greatly benefited from the organized interviews and discussions.

The expert group initially prepared a monitoring file, on which we consulted the working groups.

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<sup>2</sup> See: Law no.4/2018 “On some changes and additions to law no. 9669, 18.12.2006, ‘On measures against domestic violence’, amended, available at:

<http://www.parlament.al/Files/Akte/ligj%20nr.%2047,%20dt.%2023.7.2018.pdf>

The monitoring file was divided into four sections:

1. Interviews with police officers;
2. Monitoring of risk assessment reports and OIPP decisions;
3. Monitoring of risk assessment reports and decisions on protection orders;
4. Interviews with LCADV and/or other employees.

CLCI selected a group of monitors and divided the tasks for conducting the monitoring in Tirana, Durrës and Shkodra, in line with the sections above.

**Activities.** The following activities were carried out to draft this monitoring report. A total of 35 interviews with employees were conducted. Of these, 27 interviews were conducted with police officers in all three districts; 5 interviews were conducted with local coordinators, DVS & GE and specialists in the role of LCADV in the three municipalities; and 3 interviews were conducted with child protection and other specialists.

We summarized this data in the table below, which presents the interviews of specialists by district, as well as the gender of the respondents<sup>3</sup>. We included gender as it reflects the representation and gender balances in these important mechanisms for combating domestic violence.

The findings from the monitoring and interviews were discussed in three roundtables aimed at increasing the accountability of the responsible institutions, paying greater attention to fulfilling individual responsibilities for law enforcement. Discussions were conducted through both online meetings and face-to-face discussion.

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<sup>3</sup> Representation of respondents

	LCADV	CPO	DVS & GE	Other specialists in the role of LCADV	CPS /ACPS	Domestic Violence Specialist	Total
Tirana	2	2			14		<b>18</b>
Gender	2 F	2 F			13 M & F		
Durrës	1	1	1		5		<b>8</b>
Gender	1 F	1 F	1 F		5 M		
Shkodra				1	7	1	<b>9</b>
Gender				1 F	7 M	1 F	
<b>Total</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>26</b>	<b>1</b>	<b>35</b>

All findings from the monitoring constitute the sources we used in drafting this report and its conclusions. In addition to them, previous reports conducted by our organization or other affiliated organizations also served as sources. For instance, the activity monitoring reports of the Coordinated Mechanisms for Referral of Cases of Domestic Violence conducted by the Center “Gender Alliance for Development” were used as a source of information to corroborate our findings. All sources used for this report are referenced in the content and bibliography.

The report is drafted by taking into consideration the most important achievements and issues related to law enforcement and does not intend to address in detail the differences between the three districts.

### **LIMITATIONS AND CHALLENGES OF MONITORING**

The drafting of this report encountered some limitations.

*First*, although law enforcement monitoring was extended to two years, more information was gathered throughout 2020, since 2019 served to familiarize systems actors with the changes and increase employee capacity. In some cases, interviewees claim that progress in the implementation of these changes was achieved only in the current year, i.e. 2021.

*Second*, the interviews at times resulted in contradictory statements, which were not in line with previous statements of the other respondents. This is an expected outcome of monitoring, where there will be some outliers and different practices.

*Third*, some interviewed police officers had no experience in implementing the 2018 domestic violence law amendments.

*Fourth*, one limitation that made work difficult was the Covid-19 pandemic. This delayed our establishment of contacts with employees and reduced the number of persons present when discussing results.



## I. Overview of the DV Law and 2 Joint Instructions

### II. RISK ASSESSMENT

#### 1. *Performance of the legal changes no. 47/2018*

Prior to the 2018 legal changes, police and other institutions waited for the court to issue an Immediate Protection Order before they could intervene to end the violence.\_\_\_\_?. Specifically, the police received the report of violence, made the request for IPO / PO and waited until the issuance of IPO / PO with the court decision (48 hours or 15 days) for the appointment of measures by the court. During this period, it was not clear for police how they should proceed with the victim and the perpetrator.

Police officers welcomed the 2018 legal changes regarding the risk assessment and OIPP as helping facilitate their work; specifically, it builds on the existing legal basis authorizing them to protect the victim immediately at the time of a domestic violence report. Police interviewed in the districts of Durrës, Tirana, and Shkodra emphasized the positive impact the risk assessment has had on speeding up interventions and preventing the escalation of domestic violence and aggravation of the situation.

Pursuant to the legal changes of 2018, police now conduct a risk assessment and order the issuance of the OIPP with protective measures that guarantee the safety of the victim.

The monitoring showed that clear progress with the risk assessment and issuance of OIPP became evident only in 2020-2021, almost two years after the legal changes came into force. We conclude that this period reflects the slowness of institutions to implement the legal amendments, and one reason for this delay was the need to prepare structures for the legal changes. A second reason for the delay was the lack of training for systems actors. Community policing specialists in Durrës district explained why risk assessments were not done in 2019, stating, “*the risk assessment was not performed also because we had not received the necessary training.*” As a result of the lack of training, “*In 2019, only IPO / PO forms were completed.*” Despite the overall delays, monitoring nevertheless revealed early implementation of the legal changes in Tirana, later in Durrës, and even later in Shkodra. Now, risk assessments are generally being completed. Since then, the interviewee described the welcome progress they made with risk assessments: “*Risk assessments have started since February 2020. From this month onwards, risk assessments are made for all cases of violence, without exception*”.

**Conclusion:** Regarding this issue, we can draw a preliminary conclusion from the monitoring: the legal changes of 2018 in DV legislation were necessary to increase the effectiveness of protection by the police and local mechanisms against domestic violence. They created a faster legal basis for immediate action to protect victims.

We also found that effective implementation of the legal changes in 2018 was delayed. This occurred due to the slow actions of the responsible institutions for taking measures, namely to prepare and train the staff. Moreover, it turns out that no precautions were taken before the process of approval and entry into force of the law. Specifically, the necessary protocols, trainings and drafts were not prepared in advance. Preparing for the implementation of the act would have helped to make the law effective more quickly.

## ***2. Positive experience in risk assessment and case management***

From monitoring the activity of police officers, we found that currently (during the time of this monitoring), many specialists and assistant specialists of community policing have good knowledge of its legal amendments, including those of 2018. Furthermore, monitoring and interviewing showed that police officers have a clear understanding of the importance of risk assessment. The police officers interviewed understand the performing of risk assessment as a legal obligation. In this regard, the trainings organized by the General Directorate of State Police in cooperation with partners for development, as well as the participation of employees in trainings conducted by civil society organizations, helped greatly.

In most cases, monitors found that the police correctly prepare the complete documentation of the protocol they follow in responding to each case. In the districts of Tirana and Durrës, our findings revealed that the formats approved by the Instruction of ministers for risk assessment and issuance of OIPP are systematically respected<sup>4</sup>.

Moreover, there is good communication between police structures. For instance, in cases where the location of the reported domestic violence is different from that of the victim / abuser's place of residence, police officers have requested information from the relevant police structure of the victim's residence for purposes of risk assessment.

The monitors also documented compliance with and observance of legal deadlines. With regard to the legal deadlines for the issuance of the OIPP, our findings revealed that, in general, the deadlines were met by the state police.

In the districts of Tirana and Durrës, there are police officers who performed risk assessment in all cases, regardless of the type of violence and the level of risk to life. For example, one of the community policing specialists in Tirana answered our question on whether a risk assessment is performed in every case: "We perform the risk assessment in all cases. There is no circumstance

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<sup>4</sup> *Joint Instruction no. 866, 20.12.2018 "On the procedures and model of risk assessment for cases of domestic violence" and Joint Instruction no. 912, 27.12.2018, "On the procedures and model of the order for precautionary measures of immediate protection".*

or cause that prevents us from carrying out the risk assessment. We are aware of our responsibility and consequences in case we fail to prevent violence and the victim faces an even more serious violence.” The same experience was encountered at Police Station no. 3 and no. 5, Tirana: “For all cases of reported domestic violence, a risk assessment has been made” (ACPS, Police Station no.3). “We conduct a risk assessment for each case, even for psychological violence” (CPS, Police Station no.5). At the Shkodra police, no risk assessment was conducted during the monitored period.

We consider the practice of conducting a risk assessment in every case in accordance with the law. Therefore, all police officers should seek to conduct a risk assessment in all domestic violence cases and always before closing such a case.

**Positive examples were also observed in the management of domestic violence cases.** In this regard, effective experiences were facilitated by the Police and the Local Case Referral Mechanism. However, there were differences in treatment, which will be clarified below. In this section, we briefly summarize the description of case management that appeared to embody victim sensitivity by one of the interviewees, CPS, Police Station no. 5 Tirana: “... We evaluate every case of reporting domestic violence that takes place in the operating room through 112, even when the reporting is false. We consider cases of domestic violence as a priority, we calm down the victims, and tell them that the police are their protectors, creating warm conditions for interviews, we ask them about the problems, and events of violence they have had in the past, meanwhile the abuser is accompanied to the police station if he has not left the apartment, we also fill in the PO form, and make the risk assessment.” Another employee emphasized their efforts to minimize delays, explaining, ‘At the moment of notification in the operating room, the patrol immediately passes to the area where the victim lives to check and escort her to the police station.’

**Positive case management is also found in local mechanisms.** Interviews conducted with employees of the Municipality in Shkodra described the typical process for case management: “DITT holds ad-hoc meetings, depending on the cases of domestic violence and the problems any concrete case presents, either within 24-48 hours or within a week after the case is identified. This team meets at the request of the institution, part of the mechanism, which has identified the case. (Eg police, organizations, Municipality, community centers). At the moment of violence report, an initial assessment is made to check the victim’s level of risk; then the detailed evaluation is done according to the needs of the case, while DITT holds the meeting, dividing roles and responsibilities. After assessing the needs of each case, a work plan is drafted and for each separate service, the institutions of the mechanism assess the opportunities and capacities, and in case these institutions do not provide them, support is required from various private or public partners. Every case at the Directorate of Social Services of the Municipality of Shkodra,

as well as the Community Centers "For the Family", (part of this directorate) is handled in full compliance with the relevant legislation”.

**Preliminary Conclusions:** Monitoring revealed many positive experiences in risk assessment and management of domestic violence cases. Success in case management is achieved thanks to the cooperation of the State Police with local institutions within the Case Referral Mechanism, which does not always work properly.

There are various practices that need to be unified, and in some cases, omissions were found, which need to be regulated.

### *3. Unification of practice based on positive experiences*

#### **Preparation of documentation for risk assessment and issuance of OIPP**

During the monitoring, we identified cases that indicated insufficient knowledge of the law and its bylaws for conducting risk assessments. Especially within the police of Shkodra, frequent employee transitions in and out of the domestic violence sector were observed, which creates a gap in knowledge transfer and sustainability. This fact, as well as a lack of training, left some staff members of this structure unfamiliar with the formats and procedures for risk assessment and issuance of OIPPs. Similar cases were identified in Durrës and Tirana. It is necessary for the positive experiences in this regard to be implemented and serve as a basis for unification. This requires not only familiarity with the Law no. 47/2018, but also with two models for implementation that are outlined in ministerial instructions. For these cases, the following models should be used: “Model of risk assessment report” for the case of domestic violence, and “Model of the Order for precautionary measures of immediate protection”. Both are referred to in the two joint instructions of the Minister of Interior and the Minister of Health and Social Protection respectively; Joint Instruction no. 866, 20.12.2018, “On procedures and model of risk assessment for cases of domestic violence” and Joint Instruction no. 912, 27.12.2018, “On procedures and model of the order for precautionary measures of immediate protection”.

#### **Carrying out the risk assessment and factors that have hindered it in each case**

During the implementation of legal changes, the State Police should conduct a risk assessment in each case. However, the monitoring and interviewing revealed that police completion of a risk assessment was not consistent. In addition to cases where the risk assessment was performed regularly for each reported case, there were also cases that were treated or closed without conducting a risk assessment. Even in the regions of Tirana and Durrës, there were interviewees who agreed that a risk assessment is not performed in all cases.

Once we identified this gap, our monitoring focused on finding the factors that cause systems actors to bypass or not perform the risk assessment. Police officers answered the following

questions: Are there any circumstances where you decide to not conduct the risk assessment? What are the reasons that prevent you from performing the risk assessment?

Answers varied and cited various reasons. For example, in one practice, police performed the risk assessment only when an IPO was required, but not when a PO was required. This practice was based on the argument that there was no immediate need for protection. Another practical approach was to conduct a risk assessment “only for high-risk cases” and when the case was referred to the JPO. Interviewees in all three districts identified other factors that influenced whether a risk assessment was completed: ‘recurrence of violence by the perpetrator, violent character of the perpetrator, addiction of the perpetrator to alcohol and narcotics, signs of violence on the victim's body, etc.’ We list all the factors mentioned in the interviews below:

**List no 1. Influencing factors that induce police to undertake a risk assessment include:**

- The presence of physical violence;
- evident conflict and a high degree of risk;
- a criminal record;
- previous incidents of domestic violence;
- a previous IPO or PO;
- addiction of the abuser to alcohol and narcotics;
- a belief by the systems actor? that the situation of violence is serious and can escalate;
- signs of violence on the victim's body;
- the presence of children during episodes of violence and violence against children;
- a lack of remorse by the offender;
- an aggravated psychological condition of the victim;
- the perpetrator's reputation in the community;
- the fact whether he owns a weapon or not;
- the employment status of the perpetrator;

From the interviews, we identified the factors that influence police officers not to undertake a risk assessment process.

**List no 2. Influencing factors that dissuade police from completing a risk assessment process include:**

- a belief the victim is abusing this tool to obtain divorce;
- a belief the victim is abusing this tool to for reasons of division of property;
- a belief the case is about abusing the right to protection;
- the abuser and victim do not live in the same apartment;
- the abuser does not pose an apparent danger;

- when the victim refuses to have the risk assessment done, he / she will only make a statement and will not request other measures be taken;
- an expectation? misperception? the abuser will stop the violent acts and will not continue;
- the conflict is resolved by agreement;
- the level of risk is low;
- the case involves psychological violence;
- the police are not convinced that domestic violence took place;
- an isolated case of low-level violence;
- the parties show remorse;

We identified a few more factors, which are mentioned in interviews.

**List no 3. Other reasons for not conducting the risk assessment include:**

- The victim refuses to make a statement for a protection order, or a denunciation in criminal process;
- The victim only wants to put pressure on the perpetrator (these cases are closed with a statement of consent);
- The woman tells the police that her husband will be released from prison in a week and requests a protection order, although there is no evidence she has been subjected to domestic violence;
- When protection is sought from strangers who have harassed them over the phone.

**Conclusion:** All of the above circumstances should be analyzed further. However, we can conclude that some of the reasons listed by the employees for not performing this assessment are not a reason based on best practices and an understanding of the dynamics of domestic violence. For example, cases of abuse by request, or involving abuser remorse should be identified with care. Moreover, the fact that only psychological violence has been exercised is not a valid reason for omitting the risk assessment. Caution should also be exercised in cases where the parties reach reconciliation? before the police respond. There are cases where agreements are not successful, and the violence is repeated.

Some of the reasons mentioned above indicate that police may have carried out a preliminary risk assessment and concluded that the case is low risk. If this is the case, then the police should document the reasons why they believe the case to be “low risk,” the abuser does not pose an apparent danger, that domestic violence never took place, or that it is an isolated case of low-level violence, as well as the actions they took to arrive at that conclusion. This should be documented in the case file and reflected as a brief preliminary risk assessment.

**Recommendation/Further Guidance:** we suggest that the decisions for when the risk assessment is performed in each case should be based on a uniform process that is consistent among all structures of the state police and performed in every domestic violence case.

#### ***4. Sources of information used by the Police in risk assessment***

Monitors asked police officers about the information they relied on in order to conduct the risk assessment. Respondents gave different answers, which we grouped in the list below.

**List no 1. The main sources of information used by the police in risk assessment are:**

- information available as a result of identifying or reporting a case of violence;
- information that can be gathered immediately from questioning the victim;
- information that can be gathered from questioning the abuser;
- interviews with their family members;
- interviews with persons who were present during the conflict;
- confidential sources of information;
- information from the Tims and Adams system;
- information from confidential informants in the community;
- information from the Administrative Unit and LCADV;
- data on the perpetrator in TIMS;
- Information from neighboring residents and the perpetrator's reputation in the community.

**Conclusion:** We consider that, as a whole, the sources of information are diverse and relevant to the risk assessment.

**Recommendation or Further Guidance:** What we suggest is the establishment of consolidated practices where some of the sources of information are used regularly by the police. Thus, in addition to questioning the abuser and the victim, the relatives of both parties should be contacted and questioned. It is also recommended that the police have a protocol to guarantee minimum standards for questioning entities to gather the most relevant information for risk assessment.

#### ***5. Cooperation of the State Police with LCADV / Social Workers during the risk assessment***

Special attention was paid to institutional cooperation, which was one of the most important legal amendments of 2018. Specifically, the questions focused on cooperation between the state

police and local coordinators. We monitored several points amended by the law, as well as the joint instructions of the ministers that were issued for its implementation.

As noted earlier, progress in cooperation over risk assessments took some time to gain traction after the 2018 amendments. By 2021, there was significant improvement in the police cooperation with the LCADV for conducting risk assessments. The employees of the Tirana District Police stated that: *“We are pleased to announce that for 2021 we have improved police cooperation with LCADV in conducting risk assessment and increasing the number of cases for which OIPP has been issued”*. This statement reflects the improvement of risk assessment procedures and better implementation of ministerial instructions to this end. This cooperation was confirmed by other interviewees. For example, the Local Coordinator against Domestic Violence in the Municipality of Durrës stated that: *“For 2021, the risk assessment process has started. As soon as we are notified by the CPS, we report to the Regional Police Directorate and cooperate to conduct a risk assessment on the life of the victim of domestic violence”*.

Monitors also asked police officers to describe the process of notifying the LCADV at the relevant local government unit. In addition, the local coordinators of the monitored districts were also asked to respond regarding their participation in the risk assessment, as well as their views on cooperation with the state police. From the answers we received and analyzed, we made important findings that are very useful for the cooperation, as described below:

It was found that proper cooperation between LCADV and the police improves participation in the meetings of the Interdisciplinary Technical Team, the exchange of information in special cases, support for cases that have been forwarded to different centers, the communication between those centers, cooperation in management, etc. To the authors, “proper coordination” means consistent communications from people to LCADVs and/or CPOs in the event an LCADV is not available; a known and regularly updated contact list of all relevant police, LCADV, CPOs and other systems actors involved in the response in the local area; a notification system that functions 24 hours per days, 365 days per year; In all three regions, Tirana, Durrës and Shkodra, there were LCADVs or CPOs who enjoyed continuous cooperation with the structures of the state police, knew each other very well and cooperated for risk assessments and the functioning of the technical disciplinary team of the local referral mechanism. However, it should be noted that there was a shortage in human resources, especially the LCADV, who had not yet been appointed in the Municipality of Shkodra. In other municipalities, the LCADV performed several functions simultaneously, and in Tirana, it was the CPO that cooperated with the police instead.

During interviews, the police officers were asked if they notified the local coordinator in all cases to participate in the risk assessment, as stated in the above-mentioned Ministerial Instruction. Police were also asked to describe their process of notifying the local coordinator to



participate in the risk assessment process. This process is very important as it creates opportunities to better support victims with psycho-social assistance, as well as to coordinate all support services with the local referral mechanism.

Similar questions were addressed to social workers near municipalities, as well as local coordinators.

We found different experiences among interviewees. Nevertheless, important patterns did emerge, and we concluded that there is a need for consistency in procedures, as follows:

**First, regarding the recognition of cooperation procedures by state police officers for risk assessment,** we found that employees generally knew the procedures and were aware of the requirements stated in the joint instruction of ministers. In one case in Shkodra region, the employee was uncertain whether the LCADV should have been notified in order to be present during all risk assessments.

**Second, the observed practices varied regarding police notification of the local coordinator.** According to the Instruction of the ministers, the Police must notify the LCADV. One of the police officers in Tirana confirmed that “LCADV is notified of every case. The exact time of his notification is reflected in the service report.” Our interviews revealed, however, few cases where the LCADV was notified properly and in due time. This was indicated only in a few cases by employees of police stations no. 2, no. 3, no. 5, and no. 6 in Tirana. Here the interviewees stated that: “...they make the notice at any time, even at 10 pm and the coordinator always answers”. In many other cases in Tirana, Durrës and Shkodra, the LCADV was not notified in every case. The reason given for this omission was that many reports were made in the late hours, making it impossible to notify the coordinators who work only during official hours. In the Municipality of Durrës, the notification of and participation by the LCADV in the late hours was also lacking. “*In cases where violence is reported in the late hours, we do not bother the social worker at all, we do not call her. When it is a simple case of violence and we judge that the presence of a social worker is not necessary, we do not call her*”, explained one of the interviewees.

**Third, we found that in many cases, there is no cooperation with the LCADV, but with the CPU instead.** There is close cooperation with the latter, especially in the AUs of Tirana. The law provides for the mandatory participation of CPUs in cases where children have suffered violence. Certainly, the participation of the CPO is always welcome. Moreover, the joint instruction of the ministers provides for the possibility of replacing the LCADV with a CPO when the LCADV is not available. If there is an overlap, or disorganization, it should be resolved by the municipal authorities themselves. The fact that the local specialist helps with the risk assessment and cooperates with the police for risk and case management is a positive aspect. However, we do

not think that a shift in communication from the LCADV to the CPO should be allowed indiscriminately and without a legal basis, since LCADV notification, as provided for in the Joint Instruction, sets in motion the referral mechanism against domestic violence. The CPU itself cannot trigger the referral mechanism.

**Fourth, telephone calling is a uniform practice for notification, which is the fastest and most effective way to notify.** All interviewees confirmed that they do not write any documents for notification purposes. The police in Tirana are still using a non-uniform practice. Some interviews confirmed that the police officers were not directly working for the municipal unit and the coordinator there, but stationed in the Police operative room. They stated that this should serve as the model practice. In other words, it should be the duty of the operating room to notify the LCADV or the social worker.

**Fifth,** with regard to documenting collaborators, monitors decided to see if employees were mutually equipped with the contact information of relevant persons on the issue. We asked if the contacts of the police structure in the Municipality and vice versa were posted. This posting is very important to reduce delays and disorganization. Overall, respondents stated that they were provided with the relevant names and telephone numbers.

In addition, confusion or a lack of transparency on the appropriate contact persons were prevalent in some of the locales. This confusion was, at times, the result of employee departures. For example, there was a case in Shkodra where there is no local coordinator, and the State Police was not aware of her replacement by a social worker for a long period of time. Other times, the confusion was due to the absence of a clear chain of communication. In Tirana, which is a large district with many local units, there is ambiguity with regard to contact persons. For instance, there have been cases where the police officer notifies the Central Municipality and expects the latter to notify the local municipalities. We think that this practice leads to unnecessary delays; therefore, practices and direct contacts should be streamlined and made uniform across all districts.

**Sixth,** with regard to the assistance of the LCADV, there are cases when the communication continues in spite of replacements for contact personnel, i.e. the LCADV is replaced by the municipality social worker or the CPO. This procedure is provided by the joint instruction of the ministers. The CPS police in Tirana explained that: *“I contact the LCADV, if she is not available, she calls the social worker and she replaces her directly”*, (police station no 5). *“The LCADV is replaced by the social worker.”* (Police station Vora) There are cases when the LCADV is not notified, but the operative room is notified instead, which then calls for the psychologists employed by the police. An employee of police station no. 3 Tirana explained: *“In all cases we notify the CPU / CPO, or call the police operating room, which brings us police psychologists. They are always present.”* This procedure is welcome, as it fulfills risk assessment standards.

However, despite the fact that a psychologist assists in the risk assessment, the procedure of a “proper cooperation” remains incomplete because this function interrupts the chain of communication with LCADV and the referral mechanism.

**Seventh**, police officers acknowledged that the risk assessment is sometimes performed in the absence of the LCADV / Social Worker of the municipality. This happens because the police did not notify these employees, or the LCADV or Social Worker did not show up. However, law provides that the police shall not fail to conduct a risk assessment due to the lack of LCADV or social workers.

On the other hand, there were greater difficulties with communication in Tirana. The interviewees from the Municipality of Tirana emphasized that *“As the LCADV interaction takes place with the Local Police Directorate of Tirana, the LCADV has no contacts with the police stations. He contacts the responsible person in the Local Police Directorate of Tirana and the contact point in LPD Tirana, and then continues with the police commissariats/CPS for the management of a specific case”*. This approach is in response due to the high number of cases of domestic violence in Tirana.

From the interviews of social workers, we found that communications with the State Police occurs more frequently for case management and less often for risk assessment. This pattern was also the case in Durrës and Shkodra. For example, in the municipality of Durrës, the police did not notify the LCADV and were not assisted in all cases by the LCADV in the risk assessment. The specialist for gender equality in the AU Sukth, who also performs the tasks of the LCADV near this area, confirmed her response to every police call during the day, but reported she has never been called at night. She stated that she was more helpful in case management and service delivery than the risk assessment process.

Moreover, she emphasizes that she has not played a prominent role in conducting risk assessments. *“When I went to the police, the assessment was almost complete. I have read and agreed with the risk assessment and the level of risk. Yes, I have contributed to linking risk assessment to OIPP measures.”* This experience is not productive. The purpose of the joint instruction of the ministers is the assistance provided by the KVDHF or the social worker, in order for the risk assessment report to be as effective as possible. Thus, the purpose is not just the signing of the report, which is not even a legal obligation.

The cases when the police did not notify LCADV were: on holidays, in the late hours/outside official hours, in cases of psychological violence and low-risk cases, as well as situations where LCADV lives far away and would have difficulty responding in a timely fashion. This level of cooperation was confirmed both by interviews with police officers and with the local coordinator against domestic violence and the specialist against DV in Sukth.

These problems were also confirmed by all respondents in the Municipality of Shkodra. Moreover, as we already mentioned, a local LCADV coordinator had not yet been appointed in this municipality at the time of fact-finding. The police officers also did not have contacts with the social worker who could perform the LCADV's functions. Indeed, the lack of contacts for social workers of the Municipality was one of the concerns raised by the state police.

**Conclusion:** The monitoring estimated that it was not until 2021 that established cooperation between the structures against violence in the state police and the LCADV began. Procedures and practices for this cooperation need improvements and to become more uniform. These procedures are not consistent in all municipalities, and even within the same municipality, we found different practices. It is not sufficient for the state police alone to approve protocols; there is a need for greater involvement by local coordinators and referral mechanisms. Furthermore, there is a need to review the issue of the LCADV for Tirana, given its size and many administrative units.

A list of contacts available in the municipality and state police is necessary in order to notify the persons responsible for risk assessment in cases of domestic violence. This list should also be valid for the police operating room, in order to notify them immediately on an urgent basis. Police employees emphasized that municipal social services should ensure the participation of the LCADV or its replacement with social workers whenever police request their assistance with the risk assessment, 24 hours per day, as well as during the holidays.

The municipality of Shkodra needs to appoint a Local Coordinator against Domestic Violence as soon as possible.

Careful reading of the legislation and consistent implementation of the DCM “*On the mechanism of coordination of work between the responsible authorities, on the referral of domestic violence cases, as well as the processing, to support the rehabilitation of victims of violence*”, will bring improvements to the work and cooperation between the Police and LCADV.

#### ***6. Police-CPU / CPO cooperation for risk assessment***

All interviewees were asked about the process for notifying the Child Protection Officer in the Municipality when a juvenile has faced domestic violence. The monitoring revealed a large difference between cooperation practices for risk assessment and those for case management. Risk assessment practices are still unconsolidated; however, cooperation in case management has a clearer process.

Especially in Tirana, CPSs stated that, in the case of abused juveniles in family relations, they do not take any action without the presence of the CPO or the police psychologist. As we have

pointed out in this Municipality, the CPO in the administrative units also performs the duty of the local coordinator of domestic violence. One of the CPSs in Tirana stated that: *“We are very concerned about the cases of juveniles and we do our best for the CPO to be present in the risk assessment process”*. Another CPS explained that *“LCADV/CPO supports CPS in interrogating the victim and the juvenile, calming the victim, and also we take into account her opinion regarding the level of risk. When the victim and the juvenile look at a girl / woman in the role of social worker / LCADV / CPO, they feel more comfortable, safer, speak more freely, and fearlessly express the problem of violence.”*

There are cases, however, when systems actors perform procedures differently from one another. Thus, police officers in all three districts have acknowledged there are cases when they do not notify the CPO, especially at night. *“During the night we never disturb them. We notify them after we have completed the case handling procedures. Most cases are reported overnight and we do not notify them at all. In the morning, we inform the municipal unit about the case of violence”*. There are also cases where the CPO is notified but only after the procedures have been completed in the presence of the Police psychologist. *“After finishing the procedures, we notify the CPO in the municipal unit. In cases of children, the psychologist from the police is present”*.

Unfortunately, there are cases when cooperation for risk assessment is low to non-existent. This was confirmed in some cases by child protection staff. For example, when asked if they are contacted by the police to conduct a risk assessment, the child protection worker in Administrative Unit 6 replied that the worker, *“...is not contacted by the police in all cases for conducting risk assessment for juvenile victims of domestic violence. All cases handled by the CPO in this Administrative Unit have been sent to the Police Station by the CPO himself”*. Whereas, the CPO in Administrative Unit no.11, Tirana did not assist the police in assessing the risk in any case of domestic violence during 2020, and during 2019, only one case was identified.

Another gap we found was the absence of cooperation with the CPO in cases where children did not suffer direct violence. *“The CPO is always called for direct victims of domestic violence, whereas when children are witnesses of domestic violence, we do not call the CPO.”* In fact, the law against domestic violence provides for the referral of a case of violence to the CPU, not only when violence was committed against children, but also when violence was exercised in the presence of children. (See: Article 13/1, paragraph 4).

**Conclusion:** Unifying and improving procedures for cooperation between the state police and the CPO, especially when assessing the risk of domestic violence against children, remains an important task. The monitoring showed that these procedures are not uniform in all municipalities and, even within the same municipality, we found different work practices.

Recommendation or Guidance: For this cooperation to succeed, there is a need for more active participation of the CPO employees themselves. In addition to the implementation of legislation against domestic violence, better recognition and more careful implementation of legislation for the protection of children's rights is needed.

### **III. Issuing and implementing the OIPP**

#### ***1. Issuing the OIPP***

The OIPP issuance comes immediately after the risk assessment. Police officers in Tirana and Durres stated that this order is issued: 1) after the risk assessment is performed, and; 2) the result indicates either a medium or high risk. In cases where the risk assessment indicates a low risk, the police officer does not issue the OIPP. Police officers are convinced that the issuance of the Order for Precautions for Immediate Protection (OIPP) has helped prevent domestic violence and is a tool that increases the safety of victims. One of the interviewed employees stated that: *“It is a great thing for us to assess the risk and OIPP; we already have a legal provision that allows the police to intervene with rapid measures to protect the victim.”*

Shkodra Police did not issue any OIPPs during 2020 and continued with the previous practices of requests for POs and IPOs from the Court.

During monitoring, we found that police impose protective measures for OIPP in proportion to the needs and the situation of the victim. None of the safeguards is seen as a last resort by the police officer, but they are instead selected in proportion to the level of risk. This was also confirmed by the employees of the Municipality of Durrës. For example, the LCADV in Durrës and the specialist against domestic violence in the Sukth AU confirmed that the safeguards included in the OIPP reflected the level of risk.

Respondents emphasized that they particularly appreciate the measures that should be taken in accordance with the risk of lethality for the victim. They consider the abuser “leaving the abuser's apartment as the first measure that should be given”. This option is now legally available after the 2020 legal amendments. On the other hand, interviewees raised concerns about the implementation of this measure, as it can cause issues with the abuser’s accommodation. An employee of the Shkodra State Police said: *“I think that there should be shelters of accommodation for perpetrators, just as there are for victims of domestic violence. Forcing him out of the apartment and leaving him without accommodation, at night, in the cold, worsens his psychological condition and increases the risk for the victim”.*

The interviews revealed cases when the police officer asks the victim before deciding on protective measures to ensure they are in proportion to the situation and the victim’s needs. However, the OIPP is issued regardless of the will of the victim. Thus, for example, Durrës

police officers have clearly shown that the police proceed with the issuance of OIPP, even in cases where the victim does not want this order.

In cases where the OIPP was not issued and the reasons for non-issuance, several interviewees provided the following responses:

- The OIPP is not considered necessary;
- There is no risk to merit the issuance of an OIPP;
- The victim and the perpetrator do not live in the same apartment.

The authors note that caution should be exercised if they do not issue an OIPP based on separate residences. The fact that the victim and perpetrator do not live together does not diminish her risk of violence or threats from him.

## ***2. Procedures for the implementation of the OIPP until the decision of the Court***

Implementing the OIPP is a complex process and requires the cooperation of all institutions, in case the defendant does not voluntarily comply with it. There are several procedures performed by the structures against domestic violence at the State Police in Tirana and Durrës in order to implement the OIPP. This was clearly mentioned by the interviewees. Some of the practices were similar, but there were also differences between them.

The actions performed by the State Police in Tirana, in relation to the entities that implement OIPP, are listed below:

- **With regard to institutions:** *“We inform the head of the administrative unit and the confidential sources of information in the community;”* (ACPS, police station no.6). *“The police patrol is asked to monitor the area where the victim lives; he often communicates by phone with the victim to make sure she is alright; the execution of the order is monitored / controlled remotely, by asking the family members and the community”.*
- **With regard to the victim:** *“We give the phone number (of the victim) and also inform her about 112 to notify in any case that she is threatened by the perpetrator or when he violates protective measures”* (CPS, police station. No.5). *“...We immediately send the victim to the hospital to receive medical assistance if needed; Issue an order to perform the act of expertise to the forensic doctor; We direct the victim to go to the health center for a medical examination and to file the document issued by the doctor in court. (ACPS, police station no.6.). The victim and the perpetrator are immediately informed verbally and given a copy of the order; the service patrol is notified to monitor the area where the victim lives and to maintain constant contact with the victim, as well as occasional visits to her apartment by the police after the issuance of the OIPP; (Shkodra Police Station).*
- **With regard to the perpetrator:** *The perpetrator at the time of notification of the OIPP gives a written statement through a record where he declares that he is aware of the order and undertakes to not violate the protection measures. The perpetrator is notified*

*of criminal liability if he violates the order; we inform the victim about the OIPP, accompany the perpetrator and notify him about the OIPP, we fill the request for evaluation of the measures and the form for issuing OIPP to the court. The victim and the perpetrator receive copies of the OIPP; the perpetrator is warned about the violation of the order and the consequences that follow in case of its violation.*

One challenge is holding abusers accountable when they hold harmful attitudes and refuse to cooperate. One interviewee described cases when the abuser confirms that his intention to continue to use violence against the victim (e.g in one case the abuser said: *“You have nothing to do with this, the woman is my property, I can do what I want with her, you have no right to interfere, I will beat her as much as I want!”*)

- **With regard to LCADV:** the LCADV / social worker is notified of the OIPP by phone. The role of the LCADV is necessary for the measures to implement the OIPP as they relate to the provision of victim services.
- **With regard to prosecution:** The monitoring showed coordination between the CPS and JPO regarding referral of the case for criminal prosecution. Shkodra Police stated that it refers the case, when elements of the criminal offense are found by the JPO, notwithstanding a victim’s refusal to file a criminal report. The Tirana and Durrës police also state that *“The elements of the criminal offense are assessed by the JPO. If the case needs to be prosecuted, the officers refer it to the prosecution”*; *“In severe cases of violence we send it directly to the JPO to receive a criminal report even when the victim is reluctant to do so.”*
- **Timely procedures.** Monitoring revealed that the OIPP is issued on time, in compliance with the deadlines provided by law. We also perceive that if the OIPP cannot be issued on time, it is better to not use it at all, since other protection orders issued by the court can be used, especially the PO.

**Conclusion:** First, we think that it would be effective, but also in compliance with the law, for a risk assessment to be performed in each case. With the risk assessment results, systems actors can assess whether the OIPP should be issued as urgent protection, or whether the PO will be requested by the Court. We think that the request for IPO may not be the most effective option, as it assumes there is an emergency; an emergency, however, can be addressed more quickly through an OIPP and again following court proceedings.

**Recommendation / Guidance:** We conclude that, following the risk assessment, the State Police should decide either to: 1) issue the OIPP and follow further proceedings before the Court, or; 2) request the PO from the court. In addition, risk assessment provides additional documentation of the situation, which could further assist the litigation process.



#### **IV. Enforcement of court decisions for PO, IPO**

The execution of court decisions for the PO and IPO has features that distinguish it from other court decisions. One of these differences is the implementing authority. In the case of protection orders, the main institutions responsible are the State Police, local authorities and the bailiff. In these conditions, it is important to consolidate the activity of the state police and the LCADV, as well as the cooperation between them and the bailiff service.

##### ***1. Activity of the State Police***

In Tirana, monitoring showed that the state police has specific duties and performs them with special attention to the observance of court protection orders by the parties. We collected less data from the police in the districts of Durrës and Shkodër.

With regard to the court issuing a copy of the IPO / PO, respondents pointed out that the victim and perpetrator are called to be informed about it--even though they may have already been notified during the hearing or received a copy of the decision from the court secretariat. A record is kept stating the parties are aware of the court decision to issue the IPO / PO and relevant measures. The victim is asked if the perpetrator has respected the order so far and if she will undertake to immediately inform the police if the measures are violated. The abuser commits to obeying the order of the court. Police officers noted cases where the victim of domestic violence was a foreign national, and in these cases, they notified interpreters during the interrogation. This procedure is followed even when the perpetrator is arrested and in prison, because the victim can be harassed and threatened by him through phone messages or indirect threats by people close to him. In this case, the victim is summoned and documentation is kept in her presence.

When the permanent residence of the victim and the perpetrator is different from where the violence occurred, the local police station is notified. This is executed by the operating room notifying the local CPS near that police station or directly by phone.

Other actions performed by the area CPSs to comply with the protection orders are escorting the victim, if necessary, inspecting the apartment if there are suspicions of a weapon, an occasional visit to the apartment by the area patrol, and asking the victim if she was disturbed by the abuser.

##### ***2. Monitoring the implementation of PO by LCADV***

The legal changes of 2018 set forth special tasks for social workers with regard to monitoring the implementation of protection orders. Lorena Bardeli, head of the Directorate of Social Services, Housing and Public Health, Shkodra Municipality, states: “*Monitoring the implementation of protection orders is a legal obligation that must be performed.*” To draw conclusions, we followed the model offered by the Municipality of Shkodra. Although no LCADV has been appointed for this Municipality yet, the Office of Social Services monitors compliance with the IPO / PO by the parties. During 2020, LCADV sent 91 monitoring reports to the police.

In these reports, social workers document the support and services provided, monitoring results, case needs, as well as sending a copy of the report addressing them to the responsible institutions, as well as any challenges encountered during the process under the court measures to protect the victim. They respect the 60-day deadline for the preparation of the monitoring report. When the LCADV becomes aware of the PO violation, the implementation monitoring report is submitted to the police immediately, without waiting for the 60-day deadline. The LCADV should also convene a DITT meeting, sharing this information with all members, in order to take coordinated action.

Another important aspect **is the cooperation of local authorities with community centers and NGOs that provide services in this field.** This cooperation has helped identify problems during the implementation of protection orders. *“Every case at the Directorate of Social Services of the Municipality of Shkodra, as well as the Community Centers "For the Family", part of this directorate, has been handled in full compliance with the relevant legislation and in cooperation with institutions / CSOs part of the CRM, therefore we appreciate that the treatment of each case has been successful”.*

**Cooperation with civil society organizations** is stronger in the municipalities of Durrës and Tirana. Such cooperation with civil society is reflective of good practices that involve NGO service providers in the overall response to domestic violence, as civil society often best know and understand victims’ needs. In the Municipality of Durrës, the interviews revealed cooperation of the CPO with the Community Center *"Today for the Future"*, the Association *"Gender Peace, Security"*, and others. However, in these Municipalities, the practice of frequent monitoring of POs by LCADV has not been consolidated into a consistent practice yet. We can conclude that the monitoring is random and undocumented without the report that is required by law. The reasons for not conducting monitoring of the implementation of POs include: a change of residence, change of telephone numbers, workload, the pandemic and earthquake, all of which have made it difficult to prepare reports during the monitoring period.

**Conclusion:** The structures against domestic violence at the State Police exercise operational activities and have frequent contacts to monitor the physical safety of persons who have protection orders. There remains a need to link these activities with those carried out by social workers of local authorities to monitor the implementation of the PO within a period of 60 days. It was unclear to us what was being done with the monitoring reports for the State Police and the joint actions being taken with DITT. There remains much work for the Municipalities to consolidate and improve monitoring practices for the implementation of the PO, with a view to making them more systematic and effective.

**Recommendation / Guidance** To promote effectiveness, it is necessary not only to identify problems with the implementation of the PO, but also to take the necessary measures to address

them. In this regard, the implementation of the DCM on the mechanism of referral of domestic violence is of great importance.

## **V. ISSUES AND CHALLENGES IDENTIFIED AT THE TECHNICAL LEVEL IN THREE MUNICIPALITIES.**

### ***TIRANA***

#### **State Police**

The monitoring found several challenges for police officers on issues subject to monitoring, pursuant to Law no. 9669, dated 18.12.2006 “*On measures against domestic violence*” amended. Descriptions of these challenges are below:

- There is a lack of adequate facilities for the police to host the victim of domestic violence and her children, as well as a lack of computers, printers and photocopiers, which are necessary to conduct this work;
- Community policing specialists face a heavy workload in addition to handling domestic violence cases. The interviewed police officers stated that they deal with a high number of cases of domestic violence each day and face several cases at the same time.
- The work with perpetrators needs to be strengthened. Moving the abuser out of the apartment is a measure that positions the police officer in a direct encounter with the abuser. The abuser, in turn, may not understand that this measure is provided by law for the protection of the victim of domestic violence.
- The lack of free psychological services and at all hours for cases of domestic violence often compels police officers to assume the role of psychologist for victims;
- Police officers stated that the heaviest burden for dealing with cases of domestic violence has fallen on the police, from the moment of filing the claim for an IPO / PO to the monitoring of implementation of protective measures. They are carrying out these tasks without the active participation of other authorities that is provided under the law.
- It is challenging for police officers in Tirana to deal with cases where the perpetrators are persons with immunity, including MPs or judges.
- There are cases where the victim makes a notarized statement where she relinquishes protection from the OIPP or IPO / PO and submits it to the police, claiming that the conflict has been resolved.

#### **Municipality**

- The high number of reported cases of domestic violence is a challenge for the CRM at the Municipality of Tirana with regard to case management, as well as for the LCADV, regarding the monitoring of implementation of protection orders.

- There were delays in sending a copy of the PO decision by the court, which impacts the monitoring of the case and the safety of the victim of domestic violence.

## **DURRËS**

### **State Police**

- Police lack adequate facilities for hosting victims of domestic violence and their children. One of the community policing specialists said: *“We are currently accommodating the victims in an office on the first floor of the police station, where the interview is interrupted several times from people’s movements; this affects the psychology of the victim, makes her interrupt the narrative and flow of events. The calmer the environment, the better the interview goes.”*
- There are also shortcomings in computers, printers, photocopiers, etc. The workload faced by the CPS and ACPS is another challenge for police officers. One of the community policing specialists said during the interview that: *“We are sometimes forced to leave the case halfway, without concluding all documents, for an event that may occur”*.
- There is a lack of information about the exact names of shelters for abused women, their contacts, and other organizations that can provide services to victims of domestic violence;
- Another challenge the police highlighted is identifying cases where they perceive the victim is abusing the right to protection from genuine cases of domestic violence. *“We have cases where the “victims” come and ask whether they also get a house, economic assistance, or whether their husband will be imprisoned, in case they obtain a PO. Afterwards they leave and do not make a statement.”*

### **Municipality**

The monitoring found several challenges for **LCADV and / or the domestic violence specialist** on issues subject to monitoring, pursuant to Law no. 9669, 18.12.2006 “On measures against domestic violence” amended. Some of them are:

- The high number of domestic violence cases is one of the challenges of the CRM in this municipality.
- Human resources to address domestic violence are limited. There are shortages in social workers, who can replace the Local Coordinator against Domestic Violence in case the LCADV is unable to respond to the police request to assist them in the risk assessment. There are also shortages of specialized staff in the Administrative Units, who are responsible for dealing with cases of domestic violence.

- The Domestic Violence Specialist at the administrative unit Sukth opined that she felt more helpful in case management and service delivery than in the risk assessment process.
- Monitoring revealed that the police did not always send copies of the OIPP to the LCADV. The LCADV did receive a copy of the OIPP in those cases where he was present in the risk assessment.
- The number of CPOs in the Municipality of Durrës is not in compliance with law no. 18/2017 “On the rights and protection of the child”, which requires that the number of CPOs corresponds to the number of children (one CPO per 3000 children).
- Monitoring revealed that the CPO does not participate in the risk assessment when the victim has minor children, on the grounds that these children are with one of the parents.
- The earthquake and the pandemic have affected the effectiveness of the Coordinated Mechanism in cases of domestic violence. This challenge also manifested in the GADC Gender Development Alliance Center monitoring reports<sup>5</sup>.
- One of the interviewed employees stated that changing residences, the victim's phone numbers changing, their workload, the pandemic and earthquake are some of the circumstances that made it difficult to prepare a monitoring report.
- Lack of rehabilitation programs for men is one of the challenges of the CRM at the Municipality of Durrës.
- The staffing changes of community policing specialists affected the cooperation of the police with the Local Coordinator against Domestic Violence and the Specialist against Domestic Violence<sup>6</sup>.

## **SHKODRA**

### **State Police**

- There is a lack of continuous training for the police regarding the practical aspects of the implementation of law no. 9669, 18.12.2006, “On measures against domestic violence”, amended.
- There are victims of domestic violence who choose not to seek protection. After being informed of their rights to protection from domestic violence, some victims do not want to file a complaint or fulfill the requirements for a protection order.
- The burden of preparing requests for immediate protection orders and protection orders has fallen exclusively to the police, even though the law provides for other entities that can support the preparation of these requests.

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<sup>5</sup>[https://www.gadc.org.al/media/files/upload/Raporti%20Final%20i%20Perbashket\\_Unë\\_COVID-19.pdf](https://www.gadc.org.al/media/files/upload/Raporti%20Final%20i%20Perbashket_Unë_COVID-19.pdf)

<sup>6</sup> From the interview with the Specialist against domestic violence in Sukth.

- Lack of structures to accommodate the perpetrator is one of the challenges faced by police officers. It has made it difficult to issue the OIPP and take measures to remove the perpetrator from the apartment.
- The police officers in Shkodra report that their workload, and the short amount of time they have to deal with a case of violence, is challenging. One of the police officers interviewed states that sometimes five conflicts of domestic violence can arise within a space of 30 minutes.
- There is a lack of sufficient logistical support, such as transport, vehicles, food, water, and hotel accommodation for the victim of domestic violence and children. There is a lack of adequate facilities for interviewing a victim of domestic violence. The lack of offices for CPSs and the accommodation of 32 CPSs in one office also poses a challenge.

### **Municipality**

- There is a lack of human resources and specifically of a CAFC in this municipality. This gap is still prevalent, even though in the absence of the CAFC, sector specialists, the head of the sector and community centers were engaged to assist.

## **VI. RECOMMENDATIONS**

### **1. *Regarding the implementation of legislation against domestic violence:***

- It is necessary for all systems actors to know the legislation better, especially law no. 47/2018, as well as bylaws that have been issued for the implementation of the law “On measures against domestic violence”. Education of the law for systems actors should be ongoing and regular, in particular to account for staffing transfers and changes.
- To promote understanding of the law, we recommend that the Assembly and other bodies take measures for better recognition of draft laws and fulfillment of training plans of responsible staff even before the act enters into force. For future legal reforms, the Assembly should consider mandating a stakeholder engagement process, made of up multidisciplinary actors and civil society, prior to the law’s entry into force to plan implementation of the law and ensure that Albania and local cities have an effective, systemic response to domestic violence. Local authorities should continue to take measures for the implementation of the Decision of the Council of Ministers No. 327, 02.06.2021 “*On the mechanism of coordination of work between the responsible authorities, for the referral of cases of domestic violence, as well as its processing, to support and rehabilitate victims of violence*”.

## ***2. Regarding the activity of the State Police:***

Continue staff trainings, especially for new CPSs, to increase their knowledge of law no. 47/2018, as well as of legal acts for its implementation, such as Joint Instruction no. 866, 20.12.2018 “On procedures and model of risk assessment for cases of domestic violence”, Joint Instruction no. 912, 27.12.2018, “On the procedures and model of the order for precautionary measures of immediate protection”, Decision no. 327, 2.6.2021, “On the mechanism of work coordination between the responsible authorities, on the referral of cases of domestic violence, as well as its proceedings, on the support and rehabilitation of victims of violence”, etc. Such trainings should be led by or done in consultation with NGOs that best understand victims’ needs.

Continue strengthening specialized structures against domestic violence within the State Police, increasing the number of CPSs and the participation of women.

Take all necessary measures to ensure the risk assessment is carried out in each case of reported domestic violence and consistently assesses the factors provided in Joint Instruction no. 866, 20.12.2018, “On the procedures and model of risk assessment for cases of domestic violence”. In cases where a risk assessment is not carried out in a domestic violence case, mandate documentation of the reasons why and the actions taken to reach the decision to omit a risk assessment.

Take all necessary measures to cooperate with the LCADV and CPO for risk assessment and case management of domestic violence.

Take all necessary measures for cooperating in the referral mechanism against domestic violence for every case of domestic violence.

Issue OIPPs whenever there is an immediate risk based on the assessment and victim consent is present; this approach will minimize direct claims in court for IPO, which must be sought only after the OIPP is issued. In cases of low and not immediate risk, a PO can be requested directly to the court.

Improve and develop uniform practices of risk assessment, issuance of OIPP and case management, based on legal changes no. 47/2018.

Address all challenges of a technical nature that hinder the risk assessment and case management of domestic violence, providing the necessary, qualified human resources that have sustainability in function, as well as important technical conditions, offices, materials, equipment computers, etc.

### ***3. Regarding the activity of local government:***

Ensure the appointment of local coordinators in accordance with the law “On measures against domestic violence”; appoint the LCADV in the municipality of Shkodra without delay; enable the appointment of more than one local coordinator based on standards approved by the Council of Ministers for CRMs.

Avoid duplication of tasks and functions for the LCADV, which is a full-time position that is dedicated to domestic violence and violence against women. The position of the LCADV should be separate from the position of the Gender Equality Specialist or other positions.

Identify other opportunities for cooperation with the State Police for risk assessment and case management of domestic violence, especially through the involvement of the LCADV and the Interdisciplinary Technical Group of the local referral mechanism. Explore regular ongoing meetings with police and other systems actors involved in responding to domestic violence, with a view toward assessing systemic challenges in the law with a view toward continual reform.

Train human resources operating in this field on the legislation against domestic violence, in consultation with with NGOs serving victims of domestic violence.

Strengthen cooperation of the LCADV with the state police on risk assessment.

Strengthen cooperation of the local coordinator (LCADV) with the state police on the management of domestic violence and violence against women cases.

Develop a system to make sure they are notified if the police respond during the night or weekends.

Expand the role of the LCADV in coordinating DITT.

Expand the role of LCADV in monitoring implementation of the PO. Cooperation with police in monitoring implementation is crucial, as is preparing monitoring reports on cases of domestic violence with protection orders and sending them to the police within the deadline. When there is information about violations of protection measures, the LCADV should notify the police immediately.

Expand services and strengthen human resources in each administrative unit in order to prevent and manage cases of domestic violence at this level.

Strengthen community centers in order to prevent cases of domestic violence and provide various services or programs, as well as outreach about the legal rights provided under the law.



#### **4. Regarding technical challenges:**

Establish appropriate facilities for police to receive and interview victims of domestic violence and / or their children or their companions. Create a friendly, victim-centered environment when interviewing a victim of domestic violence, which is very important in order to obtain the information needed to conduct a risk assessment.

Strengthen the logistical support for the CPS of Domestic Violence Assistance, which includes providing the CPS with an office, computer, and printer for the preparation of complete documentation.

Provide access to means of transport and fuel, etc., which facilitates the work of the police and LCADV in accordance with the law.

#### **5. Others:**

Organize trainings, in consultation with NGOs serving victims, with the participation of the police and the LCADV, as well as other DITT members of the CRM on an ongoing basis, especially when legal changes that affect their work are adopted.

Set up accommodation structures for perpetrators, in order to better monitor the case and increase safety for victims, minimizing the recurrence of incidents of violence against the victim or others. Such accommodation structures should not divert needed funds for victim services.

Organize on-the-job trainings, during which the trainer accompanies police while they work, follows the specific case and instructs the police officer on how to implement the law effectively for these cases.

Ensure that a Social Worker or LCADV has a regular presence? at the police premises in order to contribute to the risk assessment process without delay.

Financially support the establishment of programs for perpetrators, including accommodation structures for abusers who were ordered to leave the apartment through a police / court order for the issuance of a Protection Order or Immediate Protection Order. Such programs should be in compliance with best practice standards<sup>7</sup>.

Promote and recognize employees who fulfill their legal obligations and take action in cases of violation of obligations imposed by law.

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<sup>7</sup> See <https://www.theadvocatesforhumanrights.org/Publications/Index?id=195> for a description of best practice standards for perpetrator treatment programs.