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The Albanian state's responsibility for prosecuting perpetrators of violence against women and girls in practice

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Abstract

Rape of women and girls constitutes one of the most serious violations of human rights and a deep social problem in Albania. The Albanian state, as the guarantor of fundamental rights, has the legal, institutional and moral responsibility to prosecute perpetrators of violence and to protect victims. This paper aims to analyze in a concise manner the fulfillment of this responsibility, within the framework of Albania's constitutional and international obligations, in particular under the Istanbul Convention and the jurisprudence of the European Court of Human Rights.

Although positive legal steps have been taken, such as the adoption of the law on measures against violence in domestic relationships and the establishment of protective structures, challenges remain. Practical cases show shortcomings in the investigation, lack of inter-institutional coordination, poor implementation of protection orders and inadequate punishments for perpetrators. These failures constitute a violation of the state's "procedural duty" to protect the life and dignity of women.

In conclusion, the need for strengthening institutional capacities, rigorous law enforcement and increasing social awareness is underlined to effectively combat gender-based violence in Albania. The state has the obligation to act decisively to prevent and combat this form of violence.

Keywords: violence against women, forms of violence, protection of victims, institutional responsibility.

1. Introduction

Violence against women and girls in Albania remains a systemic problem that seriously challenges legal and social institutions (OSCE, 2020). Although significant efforts have been made in the last decade to improve the legal and institutional framework, the problem continues to be widespread in worrying proportions (Ombudsman, 2013). Police statistics show that thousands of cases are reported each year,

but only a fraction of them are prosecuted to the end (OSCE, 2020).

The Albanian state has a legal and moral responsibility to ensure effective protection, prosecution and punishment of perpetrators, as well as to guarantee justice for victims. This paper assesses the extent to which this responsibility has been fulfilled so far and highlights practical cases that illustrate gaps in the implementation of the law. Albania ratified the Istanbul Convention in 2013 (Council of Europe, 2011) and adopted the Law on Measures against Violence in Domestic Relations (Law no. 9669/2006). However, recent reports by GREVIO and the Supreme State Audit Office show that this framework is not always implemented effectively. Analysis of practical cases shows that there is a large gap between the legal norm and its implementation in practice (OSCE, 2020). Reports by the Ombudsman have shown that the police and prosecution often fail to react in a timely manner, leaving the victim defenseless and leading to tragic consequences (Ombudsman, 2013). This situation turns violence against women from an individual issue into an institutional problem, where the state's failure to act constitutes a violation of fundamental human rights (Council of Europe, 2011).

Victims often do not report due to stigmatization, fear or lack of trust in institutions. When reporting is made, the police are often absent from the structures that guarantee protection, privacy and dignity for the victim. Many protection orders have been issued (thousands of cases each year), but they are often not respected by the perpetrators, and effective enforcement by the police and courts is lacking. This leaves victims at constant risk even after the order has been issued. There are conditions where the authorities fail to conduct prompt and effective investigations, or do not collect sufficient evidence, leading to cases being brought to the European Court of Human Rights (e.g., the case of "Tërshana v. Albania") where it was considered that the state had failed to take preventive measures and conduct an adequate investigation. (Council of Europe, 2021).

The responsibility of the Albanian state is present in practice, where there are serious shortcomings that prevent the full protection of women and girls. To improve the situation, the state must take measures to strengthen the capacities of institutions for rapid response and effective protection, educate and raise awareness in society to reduce stigma, guarantee compliance with the protection order, and provide resources for support services for victims, such as psychological and legal protection, shelter, etc.

2. National legal framework for the protection of women

The Albanian legal framework regarding the protection of women and girls from violence is built on several levels, starting from the Constitution of the Republic of Albania, which in Article 18 sanctions the principle of equality before the law and prohibits any form of discrimination, including that based on gender. This provision constitutes the cornerstone for all other legal norms that have as their object the protection of the fundamental rights of the individual, making gender equality and protection from violence a constitutional obligation of the Albanian state (Constitution

of the Republic of Albania, 1998/2016).

Another important instrument is the Criminal Code of the Republic of Albania, which has undergone amendments, adding specific provisions on domestic violence and other forms of gender-based violence. Article 130 of the Criminal Code and Law No. 23/2012, provides for the criminal punishment of violence in family relationships, defining it as a separate criminal offense and not simply as an aggravating circumstance of the crime. This amendment marked an important step towards strengthening the legal protection of women and girls, as it brought legal clarity and enabled a more direct prosecution of perpetrators (Criminal Code of the Republic of Albania, 2012). Likewise, Law No. 9669/2006 "On measures against violence in domestic relations", as amended several times, has established a special protection regime for victims, giving the courts the power to issue protection orders and immediate protection orders. This law does not limit protection only to the punishment of the perpetrator, but also extends it to preventive and protective measures, which aim to avoid direct contact between the victim and the perpetrator of violence, thus providing a comprehensive approach to the protection of victims (Law 0990/2006, Parliament of Albania). Furthermore, Law No. 9970/2008 "On Gender Equality in Society" and Law No. 10221/2010 "On Protection from Discrimination" are two other important instruments that complete the legal framework, guaranteeing gender equality in all areas of social life and giving the state the responsibility to take special measures to eliminate discriminatory practices. Although these laws do not directly address violence, they create a broad context where equality and non-discrimination are fundamental principles, which reinforce the logic of state responsibility in addressing violence against women and girls (Assembly of Albania, Law 9970/2008; Assembly of Albania, Law 10221/2010).

In this way, the national legal framework constitutes a comprehensive legal basis that not only punishes acts of violence, but also conceives the protection of victims as a fundamental right, charging the state with the obligation to ensure effective protection through its legal and institutional mechanisms. However, as international reports have also pointed out, the full and effective implementation of these provisions in practice remains a challenge (OSCE, 2020).

3. International legal framework

In addition to the national legal framework, Albania has undertaken a number of international obligations for the protection of women and girls from violence, which constitute not only political and legal guidance, but also legal obligations related to its status as a member state of the Council of Europe and party to many international instruments. Among these, the Istanbul Convention occupies a central place, as it is the most comprehensive instrument of the Council of Europe for preventing and combating violence against women and domestic violence. Albania ratified this convention in 2012, becoming part of a special monitoring mechanism (GREVIO), which assesses the measures taken by the state's parties (Council of Europe, 2011). Equally important is the role of the European Convention on Human Rights, ratified

by Albania in 1996. Through the jurisprudence of the European Court of Human Rights, a standard has been created that obliges states to take positive measures to protect individuals from violence, interpreting Article 3, which prohibits inhuman and degrading treatment, and Article 8, which guarantees the right to private and family life, in a way that also includes protection from gender-based violence (Council of Europe, 1950).

Similarly, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Albania in 1993, obliges the state to take legal and practical measures to eliminate discrimination and violence against women. The CEDAW Committee, in its general comments, has emphasized that violence against women constitutes a form of discrimination that impedes the full and equal exercise of human rights (United Nations, 1979).

Albania is also a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both ratified in 1991, which oblige the state not only to prohibit violations of rights, but also to guarantee their effective protection through relevant legislation and policies (United Nations, 1966a; United Nations, 1966b).

This international framework not only strengthens Albania's legal obligations in the field of protection of women and girls, but also provides oversight and accountability mechanisms that can hold the state accountable for inaction or poor implementation of the law. International reports on Albania indicate that the main challenge remains the transition from formal ratification of international instruments to their effective implementation at the national level (OSCE, 2020).

4. The Albanian state's responsibility for prosecuting perpetrators

The Albanian state's responsibility for prosecuting perpetrators of violence against women and girls extends to several interconnected levels, stemming from both the national legal framework and international obligations. The Constitution of the Republic of Albania, in Article 15, establishes that fundamental human rights and freedoms are mandatory for public bodies to respect, while Article 18 sanctions equality before the law and prohibits discrimination (Constitution of the Republic of Albania, 1998/2012). In this sense, the state has not only the obligation not to violate rights itself, but also to take measures to protect individuals from violations by third parties, including cases of gender-based violence. The Criminal Code and the Law on Domestic Violence are the main instruments through which the state exercises this responsibility. Article 130 of the Criminal Code criminalizes domestic violence as a separate criminal offense (Criminal Code of the Republic of Albania, 2024), while Law No. 9669/2006 gives courts the power to issue protection orders and immediate protection orders (Assembly of Albania, 2006). However, reports of the Ombudsman have often found that these mechanisms are not effectively implemented and victims remain unprotected (Ombudsman, 2013). Internationally, the Istanbul Convention imposes on the state the obligation to prevent, investigate and punish acts of violence, as well as to provide immediate protec-

tion and support to victims (Council of Europe, 2011). These are positive obligations, which mean that the state cannot remain passive, but must act actively to prevent and stop violence. The European Court of Human Rights, in its jurisprudence, has emphasized that the inaction of the authorities in cases of domestic violence constitutes a violation of Article 3 and Article 8 of the European Convention on Human Rights (Council of Europe, 1950).

Reports by the OSCE and other international organizations have noted that one of the main challenges for Albania is the weak implementation of existing laws and the lack of institutional coordination between the police, prosecution, courts and social services (OSCE, 2020). This gap between norm and practice shows that the state's responsibility should not be seen only as the existence of laws, but also as an obligation to ensure that they function in practice and provide real protection for victims. In this way, the responsibility of the Albanian state extends from the normative to the practical level, including the obligation to prevent, investigate, punish and provide effective protection. Any failure in these areas constitutes not only a violation of national and international obligations, but also a crisis of trust in the state and the rule of law.

Cases

Case 1 – The incident in Shkodra (2012)

One of the most discussed cases is the one that occurred in Shkodra in 2012, when a woman was killed by her husband despite having filed several complaints with the police and requested a protection order. The relevant institutions did not take immediate measures to protect the victim, allowing the repeated violence to end in tragedy. This case was mentioned in the report of the People's Advocate as a clear example of the authorities' failure to implement the law in practice (People's Advocate, 2013).

Case 2 – The event in Elbasan (2019)

Another tragic event occurred in Elbasan in 2019, where a woman was killed by her husband, despite having filed several criminal reports and reported serious threats to her life. Despite warnings, the police did not take effective measures to protect her, leaving the victim defenseless. This case received widespread media attention and was used by civil society organizations to illustrate institutional gaps and lack of coordination between responsible agencies (OSCE, 2020; Albanian media, 2019).

6. Analysis of cases and statistics for 2023–2024

a. Increase in cases and prosecution rate

In 2023, the State Police handled a total of 5064 cases of domestic violence, but only 2334 of them were referred to the prosecution and 699 people were arrested. This stark contrast shows that there is a clear gap between the number of cases reported and those that lead to effective prosecution and punishment (Albinfo.ch, 'Domestic violence in Albania: 5064 cases handled, 2334 to the prosecution, 699 arrested', 2023.)

b. Cases of murder of women (femicide)

The report published in April 2025 showed that during 2024 there were 24 cases of femicide, making the situation worrying at the national level. In 2023, the femicide rate was 0.84 per 100,000 women, an indicator that raises the alarm about the shortcomings in the prevention and protection of women (AlbanianPost.com, '24 cases of femicide in 2024', April 2025).

c. Lack of material support for victims

A BIRN report showed that out of 3,388 domestic violence cases handled over the past three years in Tirana, only 25 victims received a rental subsidy, and only 5 received a housing loan subsidy. This shows a serious gap in the provision of material and social support to victims, often forcing them to return to their abusers (Balkan Insight, 'No Way Out: Support Shortfall Forces Albanian Abuse Victims Back to Abusers', May 2024).

d. Increased reporting and perception of violence

According to Amnesty International, during the first half of 2024, 686 women reported domestic violence, an increase of 30 cases compared to the same period a year earlier. The report also highlights the lack of institutional support, which often forces victims to return to their abusers (Amnesty International, Albania Report, 2024).

7. Challenges for the future

The analysis of the situation of violence against women and girls in Albania shows a large gap between the legal framework and its practical implementation. Despite the existence of a series of national laws and international obligations, in practice the protection of victims often remains insufficient. This gap between the norm and reality is one of the greatest challenges facing the Albanian state. A notable problem is the lack of institutional coherence. In many cases, the police, prosecution and courts fail to coordinate properly to guarantee a rapid and effective response. This delay often brings fatal consequences for victims, who remain unprotected even though they have sought help from the authorities. The lack of coordination between institutions has also been evidenced in international reports, where it has been emphasized that emergency shelter and integrated support services are still very limited (OSCE, 2020). The lack of financial and human resources is another serious obstacle. Many municipalities in Albania do not have specialized centers for dealing with cases of violence, and where they exist, they are often insufficient to cope with the number of cases. For example, the number of psychologists and social workers is limited, while the traumas suffered by victims require long-term and professional support. Without a sustainable financial investment, the state cannot claim to be fulfilling its obligations towards women and girls.

Another major problem is related to social culture and patriarchal mentality. Often, violence against women is seen as a private matter and not as a serious violation of

human rights. This approach prevents many victims from reporting, for fear of social stigma or lack of trust in the authorities. This culture of silence is a challenge that cannot be solved by laws alone, but requires a change in mentality through education and public awareness campaigns (UNDP Albania, 2019).

Another challenge is the delay in court proceedings. Numerous documented cases show that courts have delayed the issuance of protection orders or have dragged out the trial of criminal cases, leaving the victim exposed for long periods of time. This problem is related both to the high workload of the courts, but also to the lack of priority treatment for domestic violence cases. On the other hand, an analysis of practical cases shows that the police often do not effectively implement protection orders, leaving victims at risk. This institutional failure constitutes not only a violation of the law, but also a violation of the international obligations that Albania has undertaken. For example, according to the CEDAW Committee, Albania should significantly improve the implementation of protection orders and increase the training of police officers in handling cases of gender-based violence (CEDAW, 2021).

Also, the lack of economic support for victims is one of the main challenges that often forces women to return to their abusers. Without financial and social support, many women have no real opportunity to build an independent life. This has been highlighted in OSCE and UN Women reports, where it has been highlighted that material support mechanisms are still weak and insufficient (UN Women, 2022).

In this context, the real challenge for the Albanian state is to move from formal legislation to effective implementation. Laws exist and are in line with international standards, but they are meaningless if they are not implemented with determination. Moreover, a comprehensive approach is needed that includes not only justice institutions, but also social, health and educational services.

Thus, the analysis of the challenges shows that the problem of violence against women and girls is not only a legal issue, but a complex problem related to lack of coordination, insufficient resources, social mentality and institutional weaknesses. The solution requires a deep reform, not only in the justice system, but also in social policies and public awareness.

In conclusion, the biggest challenge is for the Albanian state to move from declarations and strategies to concrete actions that guarantee real protection for victims. Only then can we speak of a true fulfillment of the state's responsibility towards women and girls in Albania.

8. Conclusion

After a detailed review of Albanian and international legislation, judicial practices and monitoring reports, it is clear that violence against women and girls in Albania constitutes a serious challenge. There is no shortage of laws — Albania has ratified the Istanbul Convention and adopted the Law on Measures against Violence in Domestic Relations — but their implementation, in practice, is often hampered by institutional, procedural and social factors. GREVIO assesses that Albania has made legal progress, but identifies problems such as the lack of reporting of cases, weaknesses in

coordination and insufficient local capacities.

The Law “On Measures against Violence in Family Relations” aims to provide civil protection measures, such as protection orders and the removal of the abuser from the home. This is the primary legal instrument for preventive intervention, but it does not replace the criminal prosecution provided for in the Criminal Code. In practice, protection orders are often not implemented or face disrespect from abusers or procedural obstacles from institutions. In the Albanian Criminal Code, domestic violence is treated as a criminal offense — including beating, threatening and intentional injury by a spouse, ex-spouse, cohabitant, or other relatives. However, legal changes do not automatically guarantee effective punishment: many cases remain unresolved, procedures are delayed, and sentences are often not in line with the circumstances of the offense.

One of GREVIO’s criticisms of Albania is that, while the legal framework has been adopted, there is a lack of effective coordination between institutions such as the police, prosecution, courts, social services, and civil society organizations. The report notes that there are efforts to create a “coordinated referral mechanism” across municipalities, but implementation varies from one area to another. This lack of coordination can translate into procedural delays, a lack of communication between system actors, and a fragmented response to victims.

One of the obstacles that prevents victims from leaving abusive relationships is the lack of economic resources. Any suggestions for emergency housing, rental subsidies or financial support must be intertwined with institutional implementation and realistic budgeting. Economic and psychological dependence, which often forces the victim to return to the abuser.

Procedural obligations relate to the standards that the ECHR (European Court of Human Rights) has established: that the state, when it is aware of a risk e.g., concrete denunciation, threats, must take immediate and effective action to prevent harm. When the investigation is not complete, fair, independent, or prompt, the state may be liable for procedural violations. In Albania, some judicial practices do not address this aspect in depth, with no decisions analyzing whether the authorities have met this international standard. For example, proposals for amendments to the Code of Criminal Procedure include prohibiting the use of summary judgment for acts of domestic violence, in order to avoid further delays and avoidance of responsibility. Even with legislation that ensures gender equality and anti-discrimination measures, traditional practices and cultural norms often prevent the reporting of violence and the criminalization of aggressors. This constitutes a major obstacle: even when the law exists and the institution has the capacity, cultural resistance negatively affects implementation.

References

National legislation

Constitution of the Republic of Albania, adopted in 1998, as amended.

Criminal Code of the Republic of Albania, amended by Law No. 23/2012.

Law No. 9669/2006, "On measures against violence in domestic relations", as amended.

Law No. 9970/2008, "On gender equality in society".

Law No. 10221/2010, "On Protection from Discrimination".

International instruments

Council of Europe Convention "On preventing and combating violence against women and domestic violence" (Istanbul Convention), ratified by Albania in 2012.

Council of Europe. (1950). European Convention on Human Rights. Strasbourg: Council of Europe.

United Nations. (1979). Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). New York: UN.(ratified by Albania in 1993).

Council of Europe. (2011). Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Strasbourg: Council of Europe.

United Nations. (1966a). International Covenant on Civil and Political Rights. New York: UN.ratified by Albania in 1991.

United Nations. (1966b). International Covenant on Economic, Social and Cultural Rights. New York: UN., ratified by Albania in 1991.

Judiciary

European Court of Human Rights, Opuz v. Turkey, judgment of 9 June 2009.

European Court of Human Rights, Xh. v. Albania, decision of 2018.

Shkodra Judicial District Court, criminal decision no. 256, June 2012 (case of murder of wife by rapist).

Elbasan Judicial District Court, criminal decision no. 489, August 2019 (wife murder case).

Reports and studies

People's Advocate, Annual Report on Domestic Violence in Albania, Tirana, 2013.

OSCE. (2020). Report on the implementation of the law on domestic violence in Albania.

UN Women, Study on Violence Against Women in Albania, Tirana, 2022.

UNDP Albania, Report on the perception of gender-based violence, Tirana, 2019.

Amnesty International, Albania Report, 2024.

BIRN, No Way Out: Support Shortfall Forces Albanian Abuse Victims Back to Abusers, May 2024.

Albanian Post, Report on femicide in Albania, 2024.

Albinfo.ch, Domestic violence in Albania: 5064 cases handled, 2334 in the prosecution, 699 arrested, 2023.

UNDP. (2022). *Commentary on the Law on Measures against Violence in Family Relations*. <https://www.undp.org/albania>

GREVIO. (2024). *Report on Albania on the implementation of the Istanbul Convention*. <https://www.coe.int>

European Court of Human Rights. (2009). *Opuz v. Turkey, Application no. 33401/02*.

Council of Europe. (2011). *Istanbul Convention on the Prevention of Violence against Women*.

UN Women. (2022). *Study on violence against women in Albania*.

Amnesty International. (2024). *Report on Albania*.

CEDAW Committee. (2021). *Recommendations for Albania on gender-based violence*.

Albanian media. (2019). *Various reports on the Elbasan event*.

AlbanianPost.com, '24 cases of femicide in 2024', April 2025.