A stylized illustration in shades of blue, grey, and yellow. It depicts a woman on the left and a child on the right, with the child's arms around the woman's neck, suggesting a protective embrace. The background is a textured, mottled brown and orange color.

Seeking protection from domestic violence

A handbook

osce

2008

SEEKING PROTECTION FROM DOMESTIC VIOLENCE:

*A handbook for victims
and non-profit organizations*



2007

**SEEKING PROTECTION FROM DOMESTIC VIOLENCE:
A handbook for victims and non-profit organizations**

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INTRODUCTION

Domestic violence is common in our society. It happens between intimate partners and in families. It occurs in all social classes regardless of age, education, religion, economic status, ethnicity, or cultural identity. While the lack of official statistics makes it difficult to provide an accurate picture of the situation, some 30% of Albanian women perceive that they are victims of this form of abuse.¹

Domestic violence is behavior driven by a need to control. It can range from threats, annoying telephone calls and stalking (such as following the victim to and from work, and threatening her/him), to unwanted sexual intercourse, hitting and, in the worst cases, even death. Domestic violence is usually not a single event and often becomes more severe and frequent over time. Many abusers are not violent in other relationships, such as at work or with friends. They routinely deny the domestic violence and the severity of that violence. When confronted with their abusive behaviour, they tend to blame their partner for provoking it or refuse to accept responsibility for it.

While multiple factors contribute to domestic violence, this is always linked to inequalities and power imbalances in relationships. Often the abuser will say he or she is sorry, and you want to believe the abuse won't happen again. But then, it does happen over and over again. You want to leave, but you are afraid of the consequences. Violence escalates unless steps are taken to change things. Remember: whatever the circumstances, violence is not your fault. No one deserves to be abused verbally or physically! And while the law cannot protect you absolutely from domestic violence, it can help you protect yourself against it.

¹ "Spousal violence affects one in three Albanian wives", available at <http://www.newswise.com/articles/view/513263>.

In December 2006, the Albanian Parliament passed a new law to help the victims of domestic violence, Law no. 9669 of 18 December 2006 “On measures against violence in family relations” (Domestic Violence Law).

The purpose of the law is to prevent and reduce domestic violence in all its forms and to protect those who are victimized by it. Under the law, the civil courts can issue protection measures for victims through a quick, affordable and simple procedure. You can file for a Protection Order or an Emergency Protection Order against your abuser free of charge and without necessarily seeking the help of a lawyer.

While the law has now been strengthened to say that domestic violence is wrong and absolutely unacceptable, domestic violence may still be considered by some, unfortunately, as a “private, family matter”. In such cases, do not be discouraged and be prepared to insist that your rights be respected. There are people who can help you.

The purpose of this handbook is to explain to you what type of abuses are now considered domestic violence by the law, and how this can help you to protect yourself from further injury or even death by requesting the judge to issue protection orders against your abuser. Appendices to the handbook provide you with a list of counseling and shelter services that help victims of domestic violence, and pre-printed forms that you or your lawyer can use to request the court for protection orders.

ACKNOWLEDGMENTS

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The following sources were consulted in drafting this handbook:

USAID and OSCE, *Albanian Benchbook on Protection Orders* (forthcoming)

Pamphlet of the State Bar of California "Can the law help protect me from domestic violence?" (2003), available at

http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10581&id=2181#1

Spousal Abuse: A Fact Sheet from the Department of Justice Canada, available at

www.justice.gc.ca/en/ps/fm/spouseafs.html

U.S. Department of Justice Office of the United States Attorney District of Columbia, Victim Witness Assistance Unit, *Understanding Domestic Violence: A Handbook for Victims and Professionals*.

WHAT IS DOMESTIC VIOLENCE?

The law defines domestic violence as any form of abuse committed by one person against another, which results in a violation of their physical, moral, psychological, sexual, social or economic integrity.

The abuse may happen at any time during a relationship, including while it is breaking down, or after it has ended. This type of violence cuts across all cultural, ethnic, educational and economic backgrounds.

Abusive partners may use a number of different tactics to try to exert power and control over their victims. The abuse may happen once, or it may occur in a repeated and escalating pattern over a period of months or years. It may also change form over time. There are many different forms of domestic violence, and a person may be subjected to more than one form.

Physical abuse may consist of just one incident or it may happen repeatedly. It includes using physical force in a way that injures someone - or puts the person at risk of being injured - including beating, hitting, shaking, pushing, choking, biting, burning, kicking, or assaulting with a weapon. Other forms of physical abuse may include confinement or any dangerous or harmful use of force or restraint.

Sexual abuse and exploitation include all forms of sexual assault, sexual harassment or sexual exploitation. Forcing someone to participate in unwanted, unsafe or degrading sexual activity, or using ridicule or other tactics to try to denigrate, control or limit the person's sexuality or reproductive choices is sexual abuse.

Emotional abuse includes verbal attacks, such as yelling, screaming, name-calling, social isolation, or intimidation. Threats of violence, and taking away children, are very common tactics used by abusers. Other such tactics are damaging one's possessions, or harming one's pets.

Economic or financial abuse includes stealing from or defrauding a partner. Withholding money that is necessary to buy food or medi-

cal treatment, exploiting a person for financial gain, denying access to financial resources, and preventing a partner from working are also forms of economic abuse.

WHAT FACTORS CONTRIBUTE TO DOMESTIC VIOLENCE?

Domestic violence is behavior driven by a need for power and control. While alcohol or drug abuse does not cause domestic violence, being drunk or under the influence of drugs may intensify existing violent behaviours.

Although there are no direct causes of abuse, international research indicates that there are a number of factors that, alone or in combination, are associated with an increased risk of being abused. Some of the risk factors include:

- Being a young person
- Having a partner who drinks heavily
- Emotional abuse in a relationship, which is an important predictor of physical violence
- Marital separation and divorce

WHAT ARE THE CONSEQUENCES OF DOMESTIC VIOLENCE?

Abuse may affect virtually every aspect of an abused person's life. It can harm physical and mental health, the ability to work and earn a salary, and relationships with children and loved ones. Being the victim of abuse can destroy one's self-esteem and self-confidence. In the worst cases, those abused are killed by their abusers, or are driven to commit suicide.

Abuse also devastates those who are not directly victimized by it. Children witnessing violence in their homes may develop serious emotional, developmental, and behavioral difficulties. For example, they are more likely to become emotionally unstable, aggressive and violent adolescents and adults.

Domestic violence also has negative economic implications for the society as a whole. These include costs associated with criminal and civil justice, health and medical costs, reduced labor force, and costs related to social services.

WHO IS PROTECTED UNDER THE LAW?

The law protects a person from violence that takes place between persons who are related, or used to be in a family relation but are no more. It also protects other members of such a person's family or others closely connected to the person when they themselves become victims of domestic violence. Under the law, members of the family are:

- Spouses or cohabitating partners or former spouses or former cohabitating partners
- Brothers, sisters, relatives of a direct blood line, including adoptive parents and children; children and spouses of these people
- Persons related by direct blood line including parents and adoptive children of the spouse or cohabitating partner
- Brothers and sisters of the spouse if these have been living together during the last 3 months
- Children of spouses or cohabitating partners

HOW CAN THE LAW PROTECT ME FROM DOMESTIC VIOLENCE?

Under the new Domestic Violence Law, the civil courts can issue protection measures for victims through a quick, affordable and simple procedure. Protection orders give you a way to take action and protect yourself against violence. They can provide you with some relief by ordering the person who has abused you to do or not to do certain things.

There are two types of protection orders:

A **Protection Order**: is a court order providing certain protection measures for the victim(s) of family violence. The court shall issue the

Protection Order if it finds that there is sufficient basis to believe that the perpetrator may commit an act of family violence or that issuance of the protection order is necessary to protect the security, health or well-being of the victim or related family members.

An **Emergency Protection Order**: is a temporary court order valid until a regular protection order is issued. It can be issued if the abuser presents a “direct and immediate threat to the security, health or well-being” of the victim or his/her family members. The court has only 48 hours to reach a decision after the presentation of a petition for such an order. The court will also set a date for the continuation or dismissal of the order within 20 days from its issuance.

Both orders enter into force immediately after issuance by the court and are valid regardless of whether the abuser has received notification.

WHAT TYPE OF PROTECTION CAN I GET?

There are a number of ways in which a protection order can help you.

While the type of protection can vary depending on the individual circumstances, an Emergency Protection Order may include one or more of the following measures:

- Ordering the abuser to refrain from committing or threatening to commit an act of domestic violence against the petitioner (victim) or other family members of the victim
- Forcing the abuser to refrain from harming, harassing, contacting or communicating directly or indirectly with the victim or any other member of the family
- Removing the abuser from the residence for a certain period of time, determined in the court order, and restricting the abuser’s re-entrance without court authorization
- Prohibiting the abuser to be within a certain distance of the victim or of members of the victim’s family

- Forbidding the abuser to approach/get near the house, workplace, the original family residence or the future couple's residence or that of other persons and moreover the children's school or any other place commonly frequented by the victim, unless this happens for work-related reasons
- Placing the victim and the minors in temporary shelters
- Limiting or prohibiting the abuser to see the victim's child
- Prohibiting the abuser to enter or stay in the temporary or permanent residence of the victim, or in any part thereof, regardless of any property or possession rights the perpetrator may have over these
- Ordering a court-authorized person (member of the police or bailiff) to accompany the victim or the abuser to the victim's residence and to oversee removal of the victim's personal belongings
- Ordering law enforcement officers to seize any weapons belonging to the abuser and found during police checks, or ordering the abuser to surrender any weapons belonging to him or her.

In addition to the above, a Protection Order can also:

- Order the abuser to allow the victim to possess the commonly used residence or part thereof
- Order the abuser to pay the rent for the permanent or temporary residence of the victim as well as paying support obligations to the victim, children or other members of the family under the victim's responsibility
- Transfer the temporary custody of the children to the victim and temporarily remove parental rights from the abuser
- Decide and order the intervention of public or private social services or of organizations whose objective is to support and shelter subjects of domestic violence
- Order the abuser to effectuate a periodic payment in favour of cohabitating persons who, as a result of the above-mentioned measure, remain deprived of living means. To secure the payment, the court may order the employer of the abuser to transfer the payment directly to the beneficiary
- Send the victim of domestic violence to rehabilitation programmes
- Order the abuser to participate in rehabilitation programmes.

HOW DO I GET A PROTECTION ORDER?

If you have been subject to violence by a family member or someone with whom you are in an intimate relationship, you can request a Protection Order at ANY TIME at ANY CIVIL COURT (family section). In order to do so, you can go to the district court of the place where you live (place of permanent residence), even if you live there only temporarily (place of temporary residence), or to the court of the place of permanent or temporary residence of your abuser.

The hours for district courts are Mondays through Fridays from 8 AM to 4 PM.

If you need immediate help, you may also present the petition at the nearest police unit (that of your place of residence or wherever you are), your unit of local government (municipality, commune), or to the nearest public health center. The police should then contact the judge on call to issue an Emergency Protection Order. When the petition is presented by the police or the prosecutor, the victim's wish to drop the case (and withdraw the request) does not have any effect, and the process will continue.

CAN I RECEIVE PROTECTION EVEN IF I LEAVE MY HOME?

Yes. Protection Orders and Emergency Protection Orders are valid and are enforceable throughout Albania.

WHO CAN ASK FOR A PROTECTION ORDER?

Protection Orders and Emergency Protection Orders are issued after a petition (written request) is filed with the court.

The petition for Protection Orders may be presented by:

- The victim
- The victim's legal representative or attorney
- The police / the prosecutor

If the victim is a minor, the petition for Protection Orders on his/her behalf may be presented by:

- The minor's parent or guardian
- The minor's legal representative or attorney
- The minor's relatives
- Representatives of the Social Services Office at the Municipality or Commune, where you reside temporarily or permanently, when they have knowledge of the violence perpetrated
- Domestic violence victim protection and rehabilitation centres and services recognised/licensed by the Department for Prevention and Reduction of Domestic Violence.

The petition for Emergency Protection Orders may be presented by:

- The victim
- The victim's legal representative or attorney
- The police / prosecutor
- A family member of the victim
- Representatives of the Social Services Department of the municipality or commune, where the victim temporarily or permanently resides who have knowledge of domestic violence incidents that have occurred
- Domestic violence victim protection and rehabilitation centres and services indicated above

WHAT TYPE OF INFORMATION DO I HAVE TO INCLUDE IN THE PETITION?

A petition (request for Protection Order or Emergency Protection Order) must contain:

- Your name (petitioner) and that of your abuser (the respondent)
- The nature of the petition (i.e., the fact that you are requesting a Protection Order)
- The relationship between you and your abuser (e.g., spouses, former spouses, mother/son, mother-in-law/daughter-in-law)
- The facts (the violence of which you were a victim)
- Why you fear for your own well-being
- The specific protection measures you are requesting
- Your (the petitioner's) signature.

In Annexes C, D and E you can find pre-printed forms to request Protection Orders, Emergency Protection Orders as well as modification of a Protection Order.

HOW LONG WILL IT TAKE TO GET A PROTECTION ORDER?

A petition for Protection Order can be presented to the court at any time. When a petition is presented, the court has 15 days to set a hearing and decide whether to grant the Protection Order.

When an Emergency Protection Order is requested, the court decides within 48 hours. If the Emergency Protection Order is granted, the court must then set a hearing within 20 days from its issuance and decide whether to replace it with a Protection Order or not.

The respondent shall be requested to be present at the hearing but if she or he does not come, the hearing proceeds so long as the respondent has been properly summoned. A failure of the postal system is not a reason to postpone a hearing.

DO I HAVE TO GO TO COURT TO GET A PROTECTION ORDER?

Yes. Before the court, you will be known as the petitioner, while the abuser will be known as the respondent.

The court must always give you two copies of the original decision on the protection order (be it a Protection Order or an Emergency Protection Order). Keep one for your own records and the other one to present to the police if and when necessary.

If you or your lawyer do not show up for the court hearing without communicating to the court the reasons of your absence, the procedure is terminated. You can restart it by presenting again the same or another petition.

CAN THE PROTECTION ORDER PROTECT MY CHILDREN?

Yes. You can request that the Protection Order or the Emergency Protection Order also apply to your children. The judge can order the abuser to stay away from the children's school as well as the family home and any other location where you and your children might be in danger. In addition, the judge may limit or prohibit the right of the perpetrator to see the children.

With a Protection Order, the judge may even give you temporary custody of the children.

CAN THE PROTECTION ORDER REQUIRE THE PERPETRATOR TO PAY VICTIM OR CHILD SUPPORT?

Yes, you can request that child support be included in the regular Protection Order (not in the Emergency Protection Order though). The perpetrator can also pay support obligations to you or other family members under your responsibility.

The judge can also assign you sole temporary possession of the family home – regardless of who owns it or whose name is on the lease. The judge can also require that your abuser pay the rent for your temporary or permanent residence.

IF I SEEK A PROTECION ORDER, WILL THE ABUSER GO TO JAIL?

No. A Protection Order is a civil – not criminal – action. It legally bars the abuser from coming near you. Its aim is to prevent future domestic violence, to prevent you and your children from getting hurt. As long as your abuser does not violate the order or face any criminal charges, he or she will not be arrested.

IF I GET A PROTECTION ORDER CAN I STILL INITIATE CRIMINAL PROCEEDINGS AGAINST MY ABUSER?

Yes, you can. Issuance of a Protection Order or Emergency Protection Order does not prevent you from also pressing criminal charges against the abuser with regards to acts or omissions that constitute criminal offences under Albanian criminal law.² For instance, if your abuser has threatened you, raped you, injured you, denied you of necessary living means, or kidnapped your children, you can press criminal charges. Even if criminal proceedings are interrupted (either because you drop the case or the criminal authorities dismiss it), this does not prevent you from seeking a civil Protection Order. Criminal and civil proceedings are independent of each other. This means that, for example, you may still be granted a Protection Order even if the perpetrator is found not guilty by a criminal court. Similarly, you can file criminal charges even if you do not get a protection order. In short, you can take either measure or both.

WHAT CAN MY ABUSER DO AGAINST A PROTECTION ORDER?

If the respondent disagrees with the order, he or she can appeal against it to the court.

The time for appeals of a Protection Order is 15 days. The time for appeals on an Emergency Protection Order is 5 days.

² Any of the following crimes from the existing criminal law can be considered domestic violence when done between family members:

Murder; Threat; Rape; Wounding; Termination of pregnancy without consent; Denial of help; Causing of suicide; Abduction; Trafficking; Forcing into and exploiting for prostitution; Insult and Defamation; Limitation of the freedom of expression/speech, of movement or assembly; Violation of private life; Other obscene acts; Abandonment; Denial of living means; Illegal taking of child; Coercion for cohabitation or termination of marriage; Damage to property or economic well being; Limitation on freedom to administer their income; Robbery/Theft; Serious, non serious or other intentional injury; Serious or non serious injury due to negligence; Trespass; Wrongful use of telephone.

Also, while the following actions are not listed in the existing criminal code, they are considered as domestic violence under the new law: holding monetary means, direct physical, psychological, sexual and economic abuse of children, and putting children in dangerous situations where they witness violence.

An appeal does not affect the implementation of the order, which goes into effect and is executed immediately. This means that, pending the appeal (i.e., even before this is decided), your abuser still needs to comply with the restraining measures indicated in the order.

FOR HOW LONG DOES A PROTECTION ORDER LAST?

The duration of a Protection Order is decided by the court, up to a maximum of 12 months. This term can be extended but you have to apply at least 15 days before the order ends. The court decides also on the duration of an Emergency Protection Order.

IS THE PROTECTION ORDER GOOD OUTSIDE THE CITY, COMMUNE, OR MUNICIPALITY WHERE I LIVE?

Yes, it is. Protection Orders and Emergency Protection Orders are valid and enforceable throughout Albania.

WHEN A PROTECTION ORDER IS ABOUT TO EXPIRE, CAN I GET IT EXTENDED?

Yes, you can. At least 15 days prior to expiration of the Protection Order, you or a person you authorize can go to court and request its continuation. The court examines the request and orders the continuation of the Protection Order if the same circumstances that had determined its issuance persist. The Court's decision to grant or deny your petition may depend on whether you are still being threatened, harmed or in danger and whether or not the Protection Order has been violated.

CAN I GET HELP TO FILE FOR A PROTECTION ORDER?

A free lawyer should be available to prepare the petition and file it. But if not, the petitioner may file the petition on pre-printed forms (Annexes C, D and E) or hand write it in a neat and easily readable style.

Check out whether there are any Non-Profit Organizations in your area offering a service to help people apply themselves (Annex A).

HOW MUCH WILL IT COST ME TO REQUEST A PROTECTION ORDER?

There are no court fees for filing the petition requesting the Protection Order. If the petition is granted, fees can be assessed against the respondent. If the petition is rejected, court fees and legal fees can be charged to the petitioner. The amounts of these, especially legal fees, can vary considerably.

WHEN DOES THE PROTECTION ORDER GO INTO EFFECT?

The judicial decision issuing either an Emergency Protection Order or a Protection Order is an executive title from the moment it is declared by the court and shall be carried out immediately by bailiffs, police, local government authorities, and the abuser.

HOW CAN I PROVE THAT I AM A VICTIM OF DOMESTIC VIOLENCE?

It is very important to keep track of evidence. Evidence may consist of photographs of injuries, past court documents such as decisions issuing protection orders, or prior arrest warrants or any medical records. Evidence helps the court to reach a favourable decision regarding the issuance of a Protection Order. It also helps the prosecutor to convict a defendant in a criminal case, should you decide to bring criminal charges. To keep track of evidence you may:

- Keep a journal with dates and information about what happened and who witnessed it (see Annex H)
- Take photographs of injuries, and put your name and the date on the photographs
- When receiving medical treatment of injuries sustained from domestic violence, make sure to tell the doctor to write down what happened using the name of the abuser
- Keep copies of all court-related documents. Keep a copy of the Emergency Protection Order or the Protection Order with you at all times

- Whenever you talk to the police, ask police officers for their identification cards, get their names, telephone numbers, police districts and other contact information
- When you report an incident, make sure you know whether or not they have filed a report. If so, get a copy of the police report (or, at least, take the report number). Make sure you understand whether you need to follow-up with anything
- If you receive threatening or harassing mail from your abuser, do not throw it away. Make a copy of it and give the original to the police.

WHAT EVIDENCE CAN BE TAKEN AT THE COURT HEARING?

At the hearing for the Emergency Protection Order or Protection Order, the court may consider as evidence witness statements, police reports, medical reports, expert witness declarations, examinations and statements/explanations by the parties, other documents issued by the social workers of the social service department, documents issued by legal persons legally registered. Because you are the one who is asking for the order, you have to go first and show the court that the abuse really happened. That is why it is important to have at least some of the evidence listed above. Once you have done that, the respondent has to try to convince the judge that the violence never happened.

WHO CAN TESTIFY AT THE HEARING?

While examining the petition the court may hear testimony from the following persons:

- The victim, her or his legal representative or attorney
- The perpetrator, his or her representative or attorney
- The prosecutor, when he/she filed the petition
- The representative of the social services department at the municipality or commune of the temporary or permanent residence of the petitioner when the petition is a minor or when the petitioner is legally incapacitated or when the domestic violence affects these categories/persons

- Health centres employees who assisted the victim because of domestic violence
- Any other witnesses deemed necessary by the court.

HOW DO I MAKE CHANGES TO THE ORDER OR GET IT DROPPED?

The only way to modify or terminate the order is to file an appeal. The behavior of the parties or any alleged agreement between them cannot change a court order.

The victim, the victim's representative or the prosecutor, if she or he presented the petition, may present a request for termination or amendment of the order only when there is a "fundamental change" in circumstances. The court decides on the request on the basis of a hearing. The request does not suspend the protection order, which remains effective.

After the hearing, the court may keep the protection order in place, amend it if circumstances have fundamentally changed, or terminate it if the protection measures are no longer needed.

WHO IS NOTIFIED ABOUT THE PROTECTION ORDER?

After issuing the protection order, the order enters into force immediately and the application begins regardless of the notification or lack of it to the respondent. A respondent who failed to appear shall be notified immediately of the order. Within 24 hours, the court shall send copies of the protection order to: the victim and other persons mentioned in the protection order; the prosecutor, when he or she presents a request; the social services department of the municipality or commune of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently; the police department or unit of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently.

WHAT SHOULD I DO IF THE ABUSER VIOLATES THE PROTECTION ORDER?

Basically a breach is anything that is prohibited by the conditions of the Protection Order or the Emergency Protection Order. If your abuser violates the order or you believe that you might be in danger, report this immediately to the police. Remember always to bring with you a copy of your Emergency Protection Order or Protection Order. Show it to the police when reporting the violation. The police must record the fact in a written report, and give you a copy of the report with the incident number.

Forced execution of the court order is carried out by the bailiff services. If the respondent refuses to comply voluntarily, authorities (police, bailiffs) shall proceed with forced execution. What happens to the abuser depends on the specific situation. He or she could be ordered to pay a fine of 50,000 lek or be imprisoned up to 2 years. In addition, the police and prosecutor should bring criminal charges for any criminal offences.

Some examples of breaches are:

- Ringing work or home
- Coming round to the house
- Visiting the children at school
- Threats
- Damage to property
- Physical violence

It is important to report all breaches to the police, even what appear to be minor breaches. If the police have knowledge of a series of minor breaches, it builds up a picture of what is happening. One incident on its own may not look serious enough to take action, but a lot of similar incidents over a period of time could have a serious effect on you. Keep records of any breaches and also contact your lawyer or women's refuge if the order is violated.

If, in breaching the order, an abuser has committed a criminal act, the excuse that the abuser could not control himself or herself is not a defense unless an actual mental illness is diagnosed and in any event can be used only in determining punishment, not guilt. If there is a criminal prosecution, being drunk or under the influence of drugs is also not a defense. If the abuser is purposely drunk, that is an aggravating circumstance. The fact that the violence was within the family, against a child, a pregnant woman or a helpless person should make the punishment more severe.³

WILL A PROTECTION ORDER KEEP ME SAFE?

Not necessarily. Studies in other countries suggest that Protection Orders lower, but do not eliminate, the risk of ongoing violence. Some abusers respect such orders; others do not. In some instances, seeking a protection order may put you in greater danger. You may want to consider moving to a domestic violence shelter or the home of a friend unknown to your abuser. Not leaving an abusive partner, however, could be extremely dangerous in the long term, as domestic abuse often escalates. Trust your instincts and do everything you can to protect yourself and keep yourself safe.

SHOULD I TELL MY EMPLOYER ABOUT THE PROTECTION ORDER OR THE EMERGENCY PROTECTION ORDER?

It is up to you to decide. But there are good reasons for alerting your employer. For example, an unknowing co-worker could give the abuser your personal information, which you do not want him to know. Perhaps you are worried that you will lose your job if you reveal your circumstances. Employers, however, should not fire you simply because you are a victim of domestic violence. And if your supervisors are aware of the potential danger, they will be better equipped to help protect you and your co-workers. For example, company security staff could be warned to be on the lookout for your abuser – and to alert you if he or she approaches the building.

³ Albanian Criminal Code, article 50 (e) and (h).

WHOM ELSE CAN I CALL FOR HELP AND SUPPORT?

There are a number of Non-Profit Organizations working for women's rights and to provide assistance to victims of domestic violence. You can find a list of organizations in Annex A.

ANNEX A**LIST OF ORGANIZATIONS AND SHELTERS WORKING WITH VICTIMS
OF DOMESTIC VIOLENCE****NON-PROFIT ORGANIZATIONS****Tirana****Refleksione Association**

Address: Rr. e Elbasanit, Pallatet Fratari,
Tërshana 2, Kati i I rë, Shk 2,
PO Box 2412/1
Tiranë
Phone/fax: 04 340433/4
E mail: refleksione@icc al.org

Counselling Centre for Women and Girls

Address: Rr. Sami Frashëri, Pall.9, Shk.5
PO Box 2416/1
Tiranë
Phone: 04 233408
E mail: qkgv@albnnet.net

Center for Civic Legal Initiatives

Address: Rr. Vaso Pasha, Pall.12, Shk.1, Ap.1,
Tiranë
Phone/fax: 04 241914
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Human Rights in Democracy Centre

PO Box, 2901,
Tiranë
Phone/fax: 04 230084
E mail: aprroni@yahoo.com; hrdc@interalb.net

Durrës**Social Center for Women and Girls**

Address: Lagjja 11, Rr. Baki Çelmeta (pranë Restorant "Pranverës")
Durrës
Phone/fax: 05223815
E mail: shoqataegrave@yahoo.com

Elbasan

Women's Forum in Elbasan

Address: Lagjja 5 Maji, Rr. Fetah Ekmeciu, Pall.450/1
Elbasan
Phone/fax: 0545 5509, 0545 40051
E mail: forumi_gruaselbasan@yahoo.com

Useful to Albanian Women Association

Address: Lagjja 5 Maji, pranë ish Parkut të Mallrave
Elbasan
Mobile: 0692066599
E mail: manajb@yahoo.it

Shkodra

Woman to Woman

Address: Rr. Marlin Barleti, sipër Kristalit,
përballë Kinema Millenium
Shkodër
Phone: 022 4 1154, 022 4 5234
E mail: gtg@adanet.com.al

Woman's Center "Hapat e Lehtë"

Address: Rr. Branko Kadia,
Lagjja 3 Heronjtë, Nr.57,
Shkodër
Phone: 022 44022
E mail: qendragruashk@yahoo.com

"The Door" Association

Address: Lagjja Naim Gjylbegu
Rruga Bujar Bishanaku
Shkodër
Phone: 022 43729
E mail: thedoor@infothedor.com

Refleksione Association Shkodra

Address: Rr. Marlin Barleti, Lagjja Ndoc Madhi, Pall. 166
Shkodër
Phone: 022 48444
E mail: refleksioneshk@albnet.net

Kukës**Women Counseling and Social Service Center**

Address: Lagjja 2, prapa Hotel Gjallicës

Kukës

Phone: 024 24278

Mobile: 0692244911

E mail: wckkukes@yahoo.com

Berat**Women Centre "Kristal"**

Address: Pallati i Kulturës "Margarita Tutulani"

Berat

Phone: 032 31 004

E mail: qkgv@yahoo.com

Social Support for Women

Address: Lagjja Llukan Prifti

Kuçovë

Mobile 0692296445

E mail: teftansgk@yahoo.com

Korça**Korça Women Association**

Address: Bulevardi Republika, Pall. 3, A.1,

Korçë

Phone: 082 43 563

E mail: korcawomen@yahoo.com

Me-the Woman Association

Address: Rr. Rreshit Çollaku

Pogradec

Phone: 083 22 140

Fax: 083 25104

E mail: une_gruaja@yahoo.com

Refleksione Association Pogradec

Address: Rr. Rreshit Çollaku, Lagjja 1,

Pogradec

Phone: 063 22 115

E mail: refleksione@albnet.net

WOMEN SHELTERS

Tirana

Shelter for Women and Girls

Tiranë
Phone: 04 261885

Vlora

“Vatra” Center

Address: Rr. Vlorë Skelë, Pallati i Bankës Italo Shqiptare,
Kati i III të, Vlorë
Phone/fax: 033 24078, 033 28048
E mail: qvatra@icc al.org, qvatra@abcom al.com

Gjirokastra

Gjirokastra Community Center

Address: Lagja 18 Shtatori
Pranë Universitetit “E.Çabej”,
Gjirokastër
Phone: 08468866
Mobile: 0692059427
E mail: idrizi_bardha@yahoo.com

ANNEX B**LAW
No. 9669 of 18.12.2006****“ON MEASURES AGAINST VIOLENCE IN FAMILY RELATIONS”**

Based on articles 78 and 83 point 1 of the Constitution, upon the proposal of 20 000 voters,

**THE PARLIAMENT
OF THE REPUBLIC OF ALBANIA****DECIDED:****CHAPTER I
GENERAL PROVISIONS*****Article 1
Scope***

The purpose of this law is:

1. To prevent and reduce domestic violence in all its forms by appropriate legal measures,
2. To guarantee protection through legal measures to members of the family who are subject to domestic violence, paying particular attention to needs of children, the elderly and the disabled.

***Article 2
Objectives***

1. Objectives of this law are:

- a) To set up a coordinated network of responsible authorities for protection, support and rehabilitation of victims, mitigation of consequences and prevention of domestic violence,
- b) To direct efforts for the set up of responsible structures and authorities at the central and local level in support of victims and prevention of domestic violence,
- c) To empower the judiciary in taking protection measures against domestic violence,
- ç) To ensure/guarantee quick, affordable and simple services to the victims of domestic violence provided by courts and other law enforcement agencies in compliance to the law

Article 3 Definitions

Under the meaning of this law, unless specified otherwise in specific provisions thereof, by the following terms we shall understand:

1. "Violence" is any act or omission of one person against another, resulting in violation of the physical, moral, psychological, sexual, social and economic integrity.
2. "Domestic violence" is any act of violence pursuant to point one of this one article committed between persons who are or used to be in a family relation
3. "Members of the family" are:
 - a) Spouses or cohabitating partners or former spouses or former cohabitating partners
 - b) Brothers, sisters, relatives of direct blood line, including adoptive parents and children
 - c) Spouses or cohabitating partners of persons indicated in paragraph b
 - ç) Persons related by direct blood line, including parents and adoptive children of the spouse or of the cohabitating partner
 - d) Brothers and sisters of the spouse if these have been living together during the last 3 months
 - dh) Children of spouses or of cohabitating partners
4. "Victim" is the person who has been subject to violence indicated in point 1 of this article.
5. "Perpetrator" is the person sued for committing violence in family relations at the competent authorities.
6. "Protection order" is an order issued by a court providing protection measures for the victim.
7. "Emergency protection order" is a temporary court order valid until the court issues a protection order.

Article 4 Subjects

Subjects protected under this law are all persons indicated in article 3 point 3 of this law.

CHAPTER II RESPONSIBLE AUTHORITIES

Article 5 Responsible Authorities

1. The lead responsible authority under this law is "the Ministry of Labour, Social Affairs and Equal Opportunities.
2. Other responsible line authorities are:
 - a) Local government units;

- b) Ministry of the Interior;
- c) Ministry of Health;
- ç) Ministry of Justice

Article 6

Lead Responsible Authority Objectives

1. The lead responsible authority has the following duties:
 - a) To develop and implement national strategies and programmes to offer protection and care to the victims of domestic violence;
 - b) To finance and co finance projects designed for the protection and consolidation of family and for the care of victims of domestic violence;
 - c) To assist the set up of support structures and all of the necessary infrastructure to support and fulfil all the needs of the persons subject to domestic violence, including financial assistance as well as social and health services pursuant to the law;
 - ç) To organise training sessions on domestic violence with social service employees at any local government unit, police structures and employees of NPOs licensed to offer social services;
 - d) To maintain statistical data on the level of domestic violence;
 - dh) To support and supervise the set up of rehabilitation centres for domestic violence victims;
 - e) To support and supervise the set up of rehabilitation centres for the perpetrators of domestic violence;
 - è) To license NPOs that will provide social services to victims and perpetrators.

Article 7

Duties of other Responsible Authorities

1. Ministry of the Interior has the following duties:
 - a) To set up special units at the police departments to prevent and combat domestic violence
 - b) To train members of the police force to handle domestic violence cases
2. Ministry of Health shall set up necessary structures to provide health care in domestic violence cases at the emergency units and at the health care centres in municipalities and communes, with a view to:
 - a) Offer at any time medical and psychological help to domestic violence victims,
 - b) To carry out necessary examinations at any time at respective public health institutions,
 - c) To record domestic violence cases at the appropriate medical documentations, as approved by the Ministry of Health
 - ç) To provide the victim with the respective medical report
 - d) To guide and refer the victim to other support and protection domestic violence services
3. Ministry of Justice has the following duties:
 - a) To train the medico legal experts in recognizing, diagnosing, evaluating and

- reporting on domestic violence and child abuse injuries;
- b) To train the bailiffs on their duty to serve protection orders immediately and to ensure their implementation under Article 23 point 6 and to take appropriate action;
 - c) To budget for free legal assistance mandated under this act and ensure a sufficient number of trained lawyers to provide said assistance.
4. Local authorities (municipalities, communes) have the following duties:
- a) To engage in setting up social services structures for domestic violence cases
 - b) To install regional 24 hour toll free telephone line, which will then establish links to local units, police, medical emergency units and NPOs, thereby coordinating their actions
 - c) Establish social and rehabilitation centres for victims and perpetrators and coordinate efforts with existing ones, giving priority to specialised centres in respective fields.

Article 8

Duties of all responsible authorities

1. Each of responsible authorities has the duty to set up the necessary structures and to nominate those individuals responsible for the implementation of this law. The Ministry of LSAEO shall supervise fulfilment of this obligation.
2. Responsible authorities shall respond to any report filed by the victim or other persons indicated by this law, for cases of violence or threat to use violence, including cases of violation of protection orders and emergency protection orders. These authorities keep due records and issue a copy to the victim or to the person accompanying them
3. Line government authorities utilise reasonable means to protect the victim and prevent ongoing violence through:
 - a) Informing the victim or the person accompanying them on the measures to be taken according to the law and authorities they should refer to
 - b) Informing the victim or the person accompanying them on existing social services and accompanying them to appropriate centres and institutions
 - c) Providing for transportation of the victim and the person accompanying them to medical or social services centres
 - ç) Providing them with the protection of a policeman in life endangering cases
4. When there is reasonable doubt that the perpetrator has threatened to or has committed domestic violence or has violated a protection order, police authorities shall immediately verify and take note of this fact
5. Persons who receive reporting because of their function or authority to implement this law and fail to act in its implementation shall be held administratively and/or criminally responsible, applying sanctions of article 248 and 251 of the Criminal Code
6. Police authorities shall record their findings in a written report and start investigations upon their own initiative (*sua sponte*). The incident number for the report should be given to the victim. The police gives the incident number to the victim.

*Article 9**Subjects who may report to responsible authorities*

1. In the occurrence of a domestic violence act, the victim may address a request to the nearest police unit (to their residence or wherever they are), to their local government unit (municipality, commune), to public health centre in their residence or wherever they are situated or file a petition at the district court of their permanent or temporary residence or that of the perpetrator, to take the necessary measures.
2. In case they witness a domestic violence case, any person may present a request to the authorities mentioned above to take the appropriate measures

CHAPTER III PROTECTION MEASURES

*Article 10**Protection measures against domestic violence*

1. Protection against domestic violence shall be ensured by/through:
 - a) immediately ordering the defendant (the perpetrator) to refrain from committing or threatening to commit an act of domestic violence against the petitioner (victim) or other family members of the victim as defined in article 3 point 3 of this law or as named in the order;
 - b) immediately forcing the defendant (perpetrator) to refrain from harming, harassing, contacting or communicating directly or indirectly with the victim or other members of their family as defined in article 3 point 3 of this law or as named in the order;
 - c) removing immediately the defendant (perpetrator) from the residence for a certain period of time, determined in the court order and restricting their re entrance without court authorization;
 - ç) prohibiting immediately the defendant (perpetrator) to be within a certain distance to the victim or members of their family as defined in article 3 point 3 of this law or as named in the order;
 - d) immediately forbidding the defendant (perpetrator) to approach/get near the house, workplace, the original family residence or the future couple's residence or that of other persons and moreover the children's school or any other place commonly frequented by the victim, unless this happens for work related reasons;
 - dh) immediately placing the victim and the minors in temporary shelters always keeping in mind the best interest of the child;
 - e) limiting or prohibiting the defendant (perpetrator) to see the victim's child based on appropriate conditions;
 - ë) prohibiting the defendant (perpetrator) to enter or stay in the temporary or permanent residence of the victim, or in any part thereof, regardless of any property or possession rights the perpetrator may have over these;
 - f) ordering a court authorized person (member of the police or bailiff) to accompany the victim or the defendant (perpetrator) to the victim's residence and to oversee

- removal of their personal belongings;
- g) ordering the law enforcement officers to seize any weapons belonging to the perpetrator, found during police checks, or ordering the perpetrator to surrender any weapons belonging to them;
 - gj) ordering the defendant (perpetrator) to allow the victim to possess the commonly used residence or part thereof;
 - h) ordering the defendant (perpetrator) to pay the rent for the permanent or temporary residence of the victim as well as to pay support obligations to the victim, children or other members of the family under their responsibility;
 - i) so long as the protection order is in existence, the property regime shall be in accordance with Family Code articles 57, 58 and 60;
 - j) transferring the temporary child custody rights to the victim and temporarily removing parental rights for the defendant (perpetrator);
 - k) deciding and ordering – depending on the case (under the competence of the court) – the intervention of public or private social services of their place of residence or of organizations whose objective is to support and shelter subjects of domestic violence
 - l) ordering the defendant (perpetrator) to effectuate a periodic payment in favour of cohabitating persons, who as a result of the above mentioned measure, remain deprived of living means. To secure the payment the court may order the employer (of the perpetrator) to transfer the payment directly to the beneficiary. This order shall be an executive title;
 - ll) including the victim of domestic violence to rehabilitation programmes;
 - m) ordering the defendant (perpetrator) to participate in rehabilitation programmes; if the defendant is ordered to a rehabilitation program, the program managers are required to report weekly to the court on whether the perpetrator is attending and participating. If the defendant (perpetrator) is not, upon request of subjects provided in article 13 of this law, the court will summon the defendant and implement respective provisions of the Criminal Code for hindering execution of court orders.
2. Protection orders, by a court decision, may include several of the protection measures mentioned in point 1 of this article
3. Emergency protection orders, by a court decision, may contain several of the protection measures mentioned under point a through g of this article
4. In implementing point g of this article the court keeps in mind:
- a) if the weapons have been seized, they will be returned only after the termination of the protection order and receipt of a court order;
 - b) if weapons have been seized and the person has a weapons authorization card, the court shall notify the appropriate administrative authority or shall suspend the card until termination of the protection order.

Article 11
Effects of the protection order

1. Notwithstanding any other order or decision issued by the court or any other institution, a protection order containing the above mentioned measures shall be issued by the court in the cases provided by this law.

2. The protection order or the emergency protection order upon its issuance or expiration shall not permanently affect property or custody rights.

CHAPTER IV JUDICIAL PROCESS FOR PROTECTION ORDERS

Article 12

Competent authority to issue protection orders for domestic violence cases

1. The competent authority to issue protection orders in domestic violence cases is the district court, family section
The court issues protection orders or emergency protection orders to establish the security measures mentioned under article 10 of this law
2. The interested party may, depending on the case, request the court, in conformity with this law, the issuance of a protection order without prior request for an emergency protection order.
3. After the court has issued an emergency protection order, the interested party may request issuance of a protection order as provided by this act. The subsequent protection order serves to reconfirm the continuance of the emergency protection order and provides for protection measures indicated in article 10 of this law

Article 13

Subjects entitled to request for protection orders

1. The petition for protection orders may be presented by:
 - a) The victim themselves
 - b) The victim's legal representative or attorney
 - c) The police/prosecutor
2. The petition for protection orders on behalf of the minor may be presented by:
 - a) The minor's parent or guardian
 - b) The minor's legal representative or attorney
 - c) Relatives of the minor
 - ç) Representatives of the social services office at the municipality or commune, where the minor resides temporarily or permanently, when they have knowledge of the violence committed
 - d) Domestic violence victim protection and rehabilitation centres and services recognised/licensed by the Ministry of Labour, Social Affairs and Equal Opportunities
3. The petition for emergency protection orders may be presented by:
 - a) The victim him/herself;
 - b) The victim's legal representative or attorney;
 - c) The police/the prosecutor;
 - ç) A family member of the victim;
 - d) Representatives of the social services office of the municipality or commune, where the victim temporarily or permanently resides, who have knowledge of domestic violence incidents that have occurred

dh) domestic violence victim protection and rehabilitation centres and services recognised/licensed by the Ministry of Labour, Social Affairs and Equal Opportunities
4. When the petition is presented by the police/prosecutor, the victim's wish to drop the case does not have an effect on the continuation of the judicial process.

Article 14
The form of the petition

1. The petition for protection and emergency protection orders shall also contain the following:
 - a) Personal data on the family or blood relations between the victim and perpetrator;
 - b) A clear presentation of the facts and circumstances in which the domestic violence incident occurred, including the reasons why the petitioner fears their security, health or well being is in danger from the defendant (perpetrator) as mentioned under article 3 points 1 and 2 of the present law
 - c) Specific protection measures requested
 - c) Petitioner's signature
2. The petition for protection orders may be presented at any time to the court by the persons who are legitimized to do so. Whenever immediate help is requested the petition may also be compiled and presented at the nearest police department and the police officer shall act in conformity with the Law on the State Police
3. The petitioner is assisted by a lawyer free of charge for the preparation of the petition, completing the necessary documents and filing them in the court
4. The petitioner is exempt from court taxes/fees. Upon issuance of the protection order, court expenses are charged on the party who committed domestic violence. When the petition is not sustained the petitioner is required to pay for court expenses.
5. Petitions shall be recorded in a special register to the date of their completion.

Article 15
Evidence during the hearing

1. Necessary evidence may be: witness statements, police reports, medical reports, acts of expertise (expert witness declarations) examinations and statements/explanations by the parties, other documents issued by the social workers of the social services department at the municipality and commune, documents issued by legal persons (NPOs) registered pursuant to legislation in force.
2. When the data in the petition point out that police departments, local government offices or health centres possess written proof of the occurrence of domestic violence, these shall immediately issue a certified copy thereof (with official seal) upon the request from the petitioner or from the court. Failure to issue such a document causes responsible persons to be sanctioned according to the Administrative Procedures Code.
3. When the court does not possess all evidence mentioned in paragraph 2 of this article, it assesses the situation based on the description of circumstances and facts regarding occurrence of domestic violence and takes a decision regarding the petition presented by the party.

*Article 16**The hearing for protection orders*

1. "The court establishes a hearing with regard to a protection order within 15 days from the filing of the petition".
2. While examining the petition, the court may hear testimony from the following persons:
 - a) The victim, her/his legal representative or attorney
 - b) The defendant, his/her legal representative or attorney
 - c) The prosecutor, when he or she filed the petition
 - c) Representatives from the police
 - d) The representative of the social services department at the municipality or commune of the temporary or permanent residence of the petitioner when the petitioner is younger than 18, when the petitioner is legally incapacitated or when the domestic violence affects these categories/persons
 - dh) Health centres employees services and rehabilitation centres employees, who assisted the victim because of domestic violence
 - e) Witnesses deemed necessary by the court
3. When the petition is presented by the police/prosecutor, the victim's wish to drop the case does not have an effect on the continuation of the judicial process.

*Article 17**Court decision for protection orders*

1. The court shall issue a protection order only against the defendant mentioned in the petition. This order may only include measures described in article 10 of this law. The court shall issue a protection order containing one or more of the measures provided in article 10, if it finds that:
 - a) There is sufficient basis to believe that the respondent may commit an act of family violence
 - b) Issuance of the protection order is necessary to protect the security, health and well being of the victim/s. Based on the court conviction, the protection order may include other persons, family or intimately connected to the victim that may become subjects to domestic violence.
2. A court shall not deny a protection order because of the existence of any other pending action involving any party.
3. The final decision to issue the protection order, which should meet the requirements of article 310 of the Civil Procedure Code, shall also contain:
 - a) The measure determined by the court
 - b) Time limits for this protection order which should not exceed 12 months, but with a possibility of extension
 - c) A remark that violation of a protection order shall be considered a criminal offence under article 320 of the Criminal Code
 - c) A note on the right to appeal the protection order within 15 days from its approval or notification to the parties
4. Issuance of protection order shall be notified immediately to the perpetrator who

was not present at the hearing, according to article 316 of the Civil Procedure Code. The victim shall be provided with two copies of the original decision, one for own record and the other to present to the police if and when necessary

5. The court shall send within 24 hours a copy of the protection order to the following persons:

- a) The victim and other persons mentioned in the protection order
- b) The prosecutor, when they present the request
- c) Social services department of the municipality or commune of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently
- ç) The police department of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently

Article 18

The hearing for emergency protection orders

1. The court reaches a decision with regard to emergency protection orders within 48 hours from the presentation of petition

2. In the hearing for the emergency protection order the court hears the following persons:

- a) The victim, their legal representative or attorney
- b) The perpetrator, their representative or attorney
- c) The prosecutor, if participating
- ç) Other petitioners mentioned in article 13 of this law
- d) Witnesses deemed necessary by the court

Article 19

Issuance of emergency protection orders

1. The court issues the protection order including one or more measures described in article 10 of this law, if it finds that:

- a) There is sufficient basis to believe that the defendant (perpetrator) has committed or threatened to commit an act of family violence
- b) The defendant (perpetrator) presents a direct and immediate threat to the security, health or well being of the victim or of their family members
- c) Issuance of the emergency protection order is necessary to protect the security, health and welfare of the victim or their family members who are protected through this order

2. A court shall not deny issuance of an emergency protection order because of the existence of any other pending judicial process involving any party.

3. The final decision to issue the protection order which shall meet the requirements of article 310 of Civil Procedure Code shall contain:

- a) The measure determined by the court
- b) Time limits for this emergency protection order which expires at the moment a protection order issued by the court is implemented
- c) A remark that violation of an emergency protection order constitutes a criminal offence,

pursuant to article 320 of the Criminal Code

- c) A note on the right to appeal the order within 5 days from its approval or notification to the parties
 - d) The date for the verification of the emergency protection order, which should take place within 20 days from the issuance of the emergency protection order
4. Issuance of emergency protection order shall be notified immediately to the perpetrator who was not present at the hearing, according to article 316 of the Civil Procedure Code. The victim shall be provided with two copies of the original decision, one for own record and the other to present to the police if and when necessary
5. The court sends within 24 hours a copy of the emergency protection order to the following persons:
- a) The victim and other persons mentioned in the emergency protection order
 - b) Petitioners under the meaning of article 13 of this law
 - c) Social services department of the municipality or commune of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently
 - c) The police department of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently
6. The court decision issuing an emergency protection order is considered an executive title and shall be implemented immediately according to the Civil Procedure Code (article 510/e, 516/c and the following)

Article 20

The hearing for the verification of the emergency protection order

1. Once the hearing for the issuance of the emergency protection order terminates the court should proceed with the hearing for the protection order based on the petition mentioned in article 16 of this law. At the end of the hearing the court may:
- a) Decide the withdrawal and termination of the effects of the emergency protection order issued previously by the court when there is no evidence to sustain it
 - b) Refuse to issue a protection order when evidence does not support the previously issued emergency protection order
 - c) Issue a protection order pursuant to article 17 of this law. This court decision may alter terms and conditions of the previously issued emergency protection order, as needed.

Article 21

The appeal

- 1. Special appeal may be filed against the decision for the emergency protection order pursuant to the Civil Procedure Code.
- 2. The court decisions on the protection order or on the emergency protection order may be appealed according to the time limits and rules set out in the Civil Procedure Code.
- 3. The appeal does not affect the implementation of the protection order or emergency protection order.

*Article 22**Circumstances for amendment, termination or continuation of protection orders*

1. In case of fundamental change in circumstances, the victim (or their representative), the perpetrator or if the prosecutor has been participating s/he may present the request for termination or amendment of the protection order
2. Once this request for termination or amendment of the protection order is received the court examines it according to article 16 of the present law. At the end of the examination the court may:
 - a) Decide the protection order should stay in force;
 - b) Decide the protection order should be amended, if circumstances have fundamentally changed; or
 - c) Decide the termination of the protection order if the criteria established under article 10 point 1 are no longer valid because of fundamental change in the circumstances
3. Presentation of the request for the amendment or termination of the protection order does not suspend the implementation of the protection order
4. Fifteen days prior to expiration of the protection order, the victim or the person authorised by them may present the request for the continuation of the protection order. When no such request is presented the protection order terminates automatically on the expiration date.
5. Once the court receives the request for the continuation of the protection order, it examines it according to article 16 of this law. At the end of the process the court may:
 - a) Certify the termination of the protection order up to the expiration date; or
 - b) Decide the continuation of the protection order if the criteria of article 17 point 1 of this law are met.

*Article 23**Implementation of judicial decisions*

1. The judicial decision containing the emergency protection order is considered an executive title from the moment it is declared by the court (or notified to the parties). The court shall issue an execution order at the same time that it issues an emergency protection order.
2. The judicial decision containing the protection order is an executive title and should therefore be carried out immediately by bailiffs according to the Civil Procedure Code, by police departments, local government authorities (municipality, commune) or the perpetrator voluntarily. The court shall issue an execution order at the same time that it issues a protection order.
3. Social workers and members of the police force shall take all necessary steps to ensure immediate and continuous implementation/execution of protection measures determined pursuant to article 10 of this law.
4. Institutions, shelters, service centres, NPOs licensed to offer services shall implement measures established by the court decision and shall coordinate their actions with the local government authorities and police departments, which are the direct implementers of these decisions.

5. Forced execution of the court order shall be carried out by the bailiff services office, pursuant to Civil Procedure Code provisions (articles 510 and the following)

6. When enforcement institutions, including perpetrators, notified of the court orders refuse to comply voluntarily according to paragraph 2 and 4 of this article, authorities shall proceed with forced implementation/execution pursuant to Civil Procedure Code provisions. In these cases sanctions established by article 320, 320/a of the Criminal Code as well as article 606/3 of the Civil Procedure Code shall apply against the persons who do not respect/abide by the court order.

CHAPTER V FINAL PROVISIONS

Article 24 Criminal Proceedings

Issuance of a protection order or emergency protection order does not inhibit interested parties to also initiate criminal proceedings with regard to acts or omissions that are classified as criminal offences.

Article 25 Secondary legislation

The Council of Ministers issues all the necessary secondary legislation to the implementation of this law within 3 months from its entry into force.

Article 26 Entry into force

This law shall enter into force on 1 June 2007.

Decreed by the President of the Republic of Albania, Alfred Moisiu with the decree no. 5182, dated 12 January 2007.

ANNEX C

**PETITION
FOR PROTECTION ORDER**

1. TO THE DISTRICT COURT OF:

(Provide district court name and address)

PETITION/CASE No:

2. PETITIONER¹

| |
|--|
| _____ (Name, father's name, surname) |
| _____ (Permanent/temporary residence address) |
| _____ Telephone: _____ |
| Represented by: |
| _____ (Name of legal or other representative, if any) |
| _____ (Address of representative) |
| _____ Telephone: _____ |

Vs.

3. RESPONDENT

| |
|--|
| _____ (Name, father's name, surname) |
| Permanent residence address: _____ _____ |
| Telephone: _____ |
| Temporary residence address: _____ _____ |
| Telephone: _____ |

4. Indicate name and address of victim(s) if different from petitioner (name, father's name and surname)

5. NOTE: If you fear your security or that of other people under your responsibility may be compromised by providing your address, please provide below another address that you wish to be used for purposes of the judicial proceedings:

Address:

Telephone:

Other contact details:

6. Object of Petition: Issuance of protection order.

7. Legal basis: Law no. 9669, dated 18 December 2006, "On measures against violence in family relations".

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¹ The petitioner may be the victim or other persons authorized to request a protection order on behalf of the victim as indicated in Article 13, section 1 and 2 of the law no. 9669, of 18 December 2006 "On measures against violence in family relations". These persons could be the victim's legal representative, police/prosecutor or, in the case of minor victims, relatives of the minor, representatives of social services or licensed victim's protection centers.

8. Explain what is the family relationship of victim with respondent. (according to the note below): Victim is _____ of the respondent.

NOTE: Members of family are (a) Spouses or cohabitating partners or former spouses or cohabitating partners, (b) Brothers, sisters, relatives of direct blood line, including adoptive parents and children, (c) Spouses of persons provided above, (d) Persons related by direct blood line, including parents and adoptive children of the spouse or the cohabitating partner, (e) Brothers and sisters of the spouse if these have been living together during the last 3 (three) months, (f) Children of spouses or cohabitating partner

9. Additional information on the victim:

| | |
|--------------------------------------|--|
| Date of birth | |
| Place of birth | |
| Civil status | |
| How many children | |
| How many children with respondent | |
| Profession | |
| Employment | |
| Citizenship | |
| Has title over the common residence? | |
| How many dependants | |
| Income | |

10. Additional information on the respondent:

| | |
|--|--|
| Date of birth | |
| Place of birth | |
| Civil status | |
| How many children | |
| How many dependants | |
| Profession | |
| Employment | |
| Employer's address | |
| Citizenship | |
| Possesses or has access to the following weapons | |
| Has title over the common residence? | |
| Income | |

11. Other ongoing processes involving the victim or their children and the respondent:

| Case name | Case number | Competent court |
|-----------|-------------|-----------------|
| | | |
| | | |
| | | |

12. Facts and circumstances. Clearly and carefully explain facts and circumstances of domestic violence incidents between victim and respondent (attach additional sheets if necessary):

Incident no. 1

Date:

Place of incident:

Act or omission committed:

Against whom (list):

Effects on victim(s) (list):

Additional description of incident:

People present during the incident (list):

Incident no. 2

Date:

Place of incident:

Act or omission committed:

Against whom (list):

Effects on victim(s) (list):

Additional description of incident:

People present during the incident (list):

Incident no. 3

Date:

Place of incident:

Act or omission committed:

Against whom (list):

Effects on victim(s) (list):

Additional description of incident:

People present during the incident (list):

13. Explain reasons to clarify the damage to victim's security, health or well being:

14. Evidence (list here supporting evidence and attach documents to this petition):

Police case number:

Copy of police report

Medical report

Medico legal act of expertise

Certificates from domestic violence service providers (list):

Expert evaluation (list): (e.g. psychologist, pet specialist etc.)

Witness statements (list):

Other evidence (list): (e.g. victim's diary, children's paintings, pictures of injuries, e mail communications, SMS, tape recordings etc.)

15. Petitioner respectfully requests the Court to order protection for the following persons:

| Name | Date of birth | Relationship to respondent |
|------|---------------|-------------------------------|
|------|---------------|-------------------------------|

16. Petitioner respectfully requests the court to order the following measures in its protection order: (tick more than one if applicable)

Respondent not to commit a domestic violence act against persons mentioned above

Respondent refrain from threatening persons mentioned above

Respondent not to harm, harass, contact or communicate with the persons mentioned above

Respondent to be leave residence (address)

by (time) and not to return without subsequent court authorization

Respondent not to approach closer than _____ (distance) persons mentioned above

Respondent not to go to:

- School (name) of: _____, _____ at (address)
- Kindergarten (name) of: _____, _____ at (address)
- Work (name) of: _____, _____ at (address)
- Home (name) of: _____, _____ at (address)

To relocate the following persons to: (a shelter/temporary residence) _____ under the responsibility of (name of organization/authority) _____

Respondent to contact (name of child) _____ only (when, day of week, time limits) at (place) _____ or by (means of contact) _____

Prohibit respondent to enter or stay at residence of (name) _____ at (address) _____

Authorise (position/authority) _____ to accompany (who) _____ to victim's residence and accompany removal of their personal belongings

Respondent to hand over all weapons to (name of institution/officer) _____

Respondent to allow petitioner to possess the common residence at (address): _____

Respondent to pay monthly (amount) _____ to (name) _____ for rent

Respondent to pay monthly (amount) _____ to (name) _____ as support obligation for persons mentioned above

Respondent to refrain from disposing of marital property

Removing parental responsibility of respondent over their children (names): _____

Granting temporary custody rights over their children (names) _____ to the petitioner

Ordering social services (names) _____ to provide the following to the persons above (list services that victim wants)

Order respondent's employer (name) _____ to pay monthly (amount) _____ to (whom)

Involving the victim in rehabilitation programmes

Ordering the perpetrator to participate in rehabilitation programmes and ordering programme to report weekly to the court as to respondent's participation

17. Duration of protection order

Petitioner name: _____

Date: _____

Petitioner signature: _____

Representative name:
(if applicable)

Representative signature: _____

ANNEX D**PETITION
FOR EMERGENCY PROTECTION ORDER****1. TO THE DISTRICT COURT OF:**

(Provide district court name and address)

PETITION/CASE No:**2. PETITIONER¹**

| |
|---|
| _____ |
| (Name, father's name, surname) |
| _____ |
| (Permanent/temporary residence address) |
| _____ |
| Telephone: _____ |
| Represented by: |
| _____ |
| (Name of legal or other representative, if any) |
| _____ |
| (Address of representative) |
| _____ |
| Telephone: _____ |

Vs.

3. RESPONDENT

| |
|--------------------------------|
| _____ |
| (Name, father's name, surname) |
| _____ |
| Permanent residence address: |
| _____ |
| Telephone: _____ |
| _____ |
| Temporary residence address: |
| _____ |
| Telephone: _____ |

4. Indicate name and address of victim(s) if different from petitioner (name, father's name and surname)**5. NOTE:** If you fear your security or that of other people under your responsibility may be compromised by providing your address, please provide below another address that you wish to be used for purposes of the judicial proceedings:

Address:

Telephone:

Other contact details:

6. Object of Petition: Issuance of emergency protection order.**7. Legal basis:** Law no. 9669, dated 18 December 2006 "On measures against violence in family relations".

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¹ The petitioner may be the victim or other persons authorized to request an emergency protection order on behalf of the victim as indicated in Article 13, section 3 of the law no. 9669, of 18 December 2006 "On measures against violence in family relations". These persons could be the victim's legal representative, police/prosecutor or, in the case of minor victims, relatives of the minor, representatives of social services or licensed victim's protection centers.

8. Explain what is the family relationship of victim with respondent.
(according to the note below):

Victim is _____ of the respondent

NOTE: Members of family are (a) Spouses or cohabitating partners or former spouses or cohabitating partners, (b) Brothers, sisters, relatives of direct blood line, including adoptive parents and children, (c) Spouses of persons provided above, (d) Persons related by direct blood line, including parents and adoptive children of the spouse or the cohabitating partner, (e) Brothers and sisters of the spouse if these have been living together during the last 3 (three) months, (f) Children of spouses or cohabitating partner

9. Additional information on the victim:

| | |
|-----------------------------------|--|
| Date of birth | |
| Place of birth | |
| Civil status | |
| How many children | |
| How many children with respondent | |
| Profession | |
| Employment | |
| Citizenship | |

10. Additional information on the respondent:

| | |
|--|--|
| Date of birth | |
| Place of birth | |
| Civil status | |
| How many children | |
| Profession | |
| Employment | |
| Employment address | |
| Citizenship | |
| Possesses or has access to the following weapons | |
| Has title over the common residence? | |

11. Other ongoing processes involving the victim or their children and the respondent:

| Case name | Case number | Competent court |
|-----------|-------------|-----------------|
| | | |
| | | |
| | | |

12. Facts and circumstances. Clearly and carefully explain facts and circumstances of domestic violence incidents between victim and respondent (attach additional sheets if necessary):

Incident no. 1

Date:

Place of incident:

Act or omission committed:

Against whom (list):

Effects on victim(s) (list):

Additional description of incident:

People present during the incident (list):

Incident no. 2

Date:

Place of incident:

Act or omission committed:

Against whom (list):

Effects on victim(s) (list):

Additional description of incident:

People present during the incident (list):

Incident no. 3

Date:

Place of incident:

Act or omission committed:

Against whom (list):

Effects on victim(s) (list):

Additional description of incident:

People present during the incident (list):

13. Explain reasons to clarify the damage to victim’s security, health or well being:

14. Evidence (list here support evidence and attach documents to this petition):

Police case number:

Copy of police report

Medical report

Medico legal act of expertise

Certificates from domestic violence service providers (list):

Expert evaluation (list): (e.g. psychologist, pet specialist etc.)

Witness statements (list):

Other evidence (list): (e.g. victim’s diary, children’s paintings, pictures of injuries, e mail communications, SMS, tape recordings etc.)

15. Petitioner respectfully requests the Court to order protection for the following persons:

| Name | Date of birth | Relationship to respondent |
|------|---------------|----------------------------|
|------|---------------|----------------------------|

16. Petitioner respectfully requests the court to order the following measures in its emergency protection order: (tick more than one if applicable)

Respondent not to commit a domestic violence act against persons mentioned above

Respondent refrain from threatening persons mentioned above

Respondent not to harm, harass, contact or communicate with the persons mentioned above

Respondent to be leave residence (address) by (time) and not to return without subsequent court authorization

Respondent not to approach closer than _____ (distance) persons mentioned above

Respondent not to go to:

- School (name) of: _____, _____ at (address)
- Kindergarten (name) of: _____, _____ at (address)
- Work (name) of: _____, _____ at (address)
- Home (name) of: _____, _____ at (address)

To relocate the following persons to: (a shelter/temporary residence) under the responsibility of (name of organization/authority)

Respondent to contact (name of child) _____ only (when, day of week, time limits) at (place) _____ or by (means of contact)

Prohibit respondent to enter or stay at residence of (name) (address)

Authorise (position/authority) _____ to accompany (whom) to victim's residence and accompany removal of their personal belongings

Respondent to hand over all weapons to (name of institution/officer)

17. Duration of emergency protection order

Petitioner name:

Date:

Petitioner signature:

Representative name:
(if applicable)

Representative signature:

ANNEX E

**PETITION
FOR MODIFICATION OF A PROTECTION ORDER**

1. TO THE DISTRICT COURT OF:

(Provide district court name and address)

PETITION/CASE No:

2. PETITIONER¹

Vs.

3. RESPONDENT

| |
|--|
| _____ (Name, father's name, surname) |
| _____ (Permanent/temporary residence address) |
| _____ Telephone: _____ |
| Represented by: |
| _____ (Name of legal or other representative, if any) |
| _____ (Address of representative) |
| _____ Telephone: _____ |

| |
|---|
| _____ (Name, father's name, surname) |
| _____ Permanent residence address: |
| _____ Telephone: _____ |
| _____ Temporary residence address: |
| _____ Telephone: _____ |

4. Indicate name and address of victim(s) if different from petitioner (name, father's name and surname)

5. NOTE: If you fear your security or that of other people under your responsibility may be compromised by providing your address, please provide below an address that you wish to be used for purposes of the judicial proceedings:

Address:

Telephone:

Other contact details:

6. Object of Petition: Modification of protection order.

7. Legal basis: Law no. 9669, dated 18 December 2006, "On measures against violence in family relations".

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¹ The petitioner may be the victim, his/her legal representative, the perpetrator or the prosecutor if he/she has participated in the process. See Article 22, section 1 of the law no. 9669, of 18 December 2006, "On measures against violence in family relations".

8. The court has previously issued (check and complete the appropriate):

An emergency protection order, decision no. _____, date _____

A protection order, decision no. _____, date _____

9. The order indicated above expires on:

10. Petitioner requests that the Court modify the order indicated above because there has been a substantial change in the victim's/petitioner's circumstances. That change is (describe):

11. Because of the change in circumstances indicated above petitioner respectfully asks the Court to modify its previous order in the following elements (Circle and fill in the appropriate. Add elements as necessary):

a. The subjects it protects, by adding/removing (name) _____, date of birth _____, relationship to respondent _____ on the list

b. The protection measures, by modifying the amount of support obligations to (amount) _____ per month

c. Extending the duration of the protection order up to (date)

d. Other (specify):

12. Evidence (list here support evidence and attach documents to this petition):

Police case number:

Copy of police report

Medical report

Medico legal act of expertise

Certificates from domestic violence service providers

(list):

Birth certificates

Expert evaluation (list): (e.g. psychologist, pet specialist etc.)

Witness statements (list):

Other evidence (list): (e.g. victim's diary, children's paintings, pictures of injuries,

e mail communications, SMS, invoices, tape recordings, etc.)

Petitioner name:

Date:

Petitioner signature:

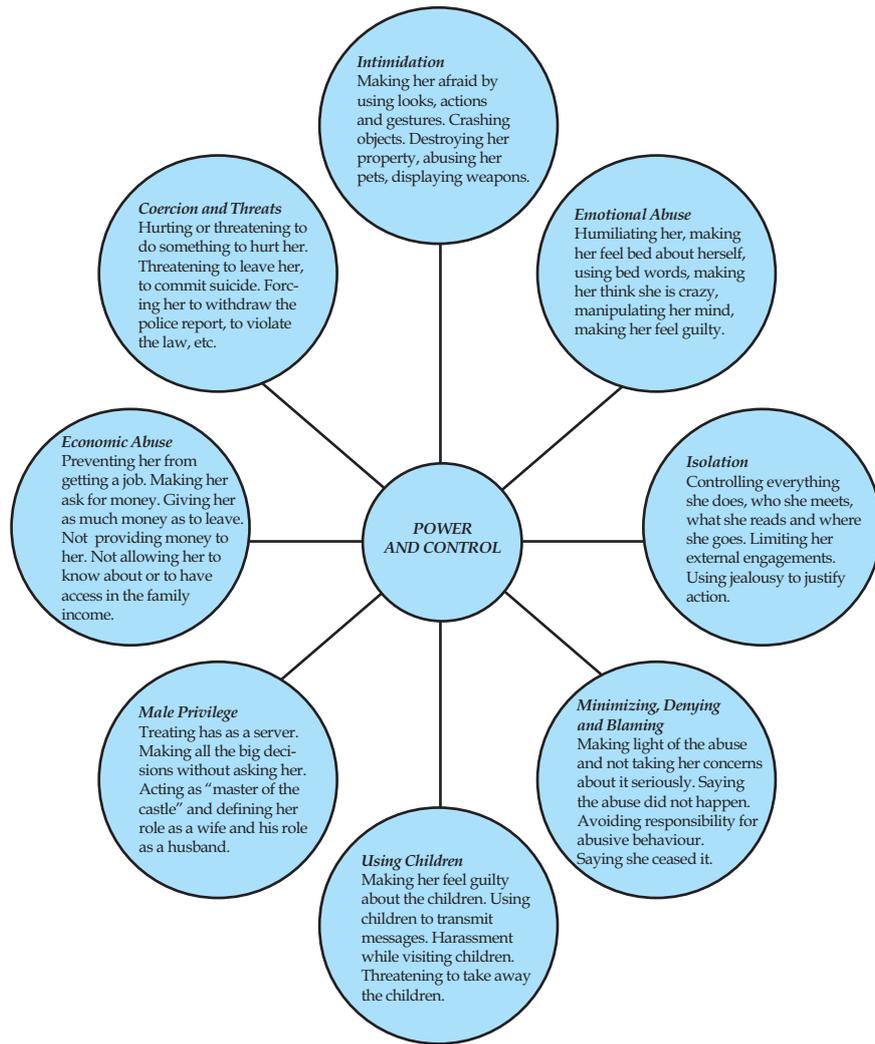
Representative name:

(if applicable)

Representative signature:

ANNEX F

POWER AND CONTROL WHEEL



ANNEX G

TYPES OF SPOUSE ABUSE

| PHYSICAL ABUSE | SEXUAL ABUSE | PSYCHOLOGICAL ABUSE | SOCIAL ABUSE |
|--|--|--|--|
| <ul style="list-style-type: none"> • THREATS - To use a gun, knife, etc. - To kill - "You'll never get away from me" • ACTIONS - Pushing - Shoving - Holding down - Slapping - Punching - Chocking - Beating - Kicking - Burning - Biting - Spriting - Hitting with objects such as lamps, phone, etc. - Targeted hitting—breasts, genitals, the abdomen of pregnant women • INFLECTED INJURES - Bruises - Black eyes - Cuts/Lacerations - Internal injuries - Broken bones | <ul style="list-style-type: none"> • Touching the partner in ways that make him/her feel uncomfortable • Treating the partner like a sexual object with no concern for their his/her feelings or desires • Expecting sex as a duty • Withholding sex as punishment • Being intentionally promiscuous • Engaging in sex after violence: "Please forgive me" • Accusing the partner of being a whore if he/she desires or enjoys sex, sadism, etc. • Humiliating a woman by selling her to friends, tying her • Committing incest with her children • Using violence with sex: hitting, choking, eating, before or during sex • Beating after sexual intimacy • Allowing the partner no control of his/her body or space | <ul style="list-style-type: none"> • INSULTS - Using jokes that demean a woman/man - Using put-downs - Calling a person stupid, incompetent, ugly - Labelling a person crazy; bitch, whore • THREATS - To destroy property - To get the children if the woman/man attempts divorce - To commit suicide • ISOLATION - Separating the person from family and friends - Denying the person access to his/her car - Controlling the phone - Checking up on her/him • BLAME - Blaming the other for your violence - Hurting the children and blaming the other - Humiliation - Ripping clothing - Burning possessions - Injuring or killing pets | <ul style="list-style-type: none"> • Society reinforces role of women/men • Society encourages sexism with sexual jokes, put-downs, embarrassing comments. • Family, friends, professional, aid in isolation of women • Others blame victims, even labelling them bitch, crazy, whore, masochist, perpetual victim, liar, hysterical, exaggerator. • Law fosters woman's dependency on a man • The isolation is reinforced: <ul style="list-style-type: none"> -Police ignore clues -Medical people take lies at face value or say it is a private matter -Society blames mothers for ills of the family |

Source: U.S. Department of Justice Office of the United States Attorney District of Columbia, Victim Witness Assistance Unit, *Understanding Domestic Violence: A Handbook for Victims and Professionals*.

ANNEX H

VICTIM'S DIARY OF ABUSE AND HARASSMENT

What happened:

Type of harassment:

- Phone Letter In person Other

Where did the harassment occur?

Address:

Date:

Time:

Witnesses:

Name:

- 1)
- 2)

Phone:

- 1)
- 2)

Address:

- 1)
- 2)

Contact with police:

Officer's name and badge number:

Date:

Time:

Police report number:

How police were contacted?:

Collected evidence:

- took photographs of bruises kept copy of all notes
 took photographs of disarray of home saved answering machine messages

ANNEX I**CHECKLIST OF WHAT YOU NEED TO TAKE IF YOU LEAVE**

(It is best if you leave either the originals or copies with a friend/relative/neighbour so that when you leave you don't have to worry about collecting papers)

- Driver's license, registration and other picture identification;
- Restraining order and courts papers;
- Phone book with all important numbers;
- Contact information of police officers (address, phone) whom you have contacted in previous similar incidents;
- Birth certificates your own and your children;
- Money, ATM cards, and credit cards;
- Rental agreement and house deed;
- Bank books and check books;
- Welfare papers;
- House, work and car keys;
- Medications for yourself and you children;
- Medical records;
- Social security cards yours and your children's;
- School and vaccination records;
- Work permit;
- Passports yours and your children's;
- Divorce papers;
- Jewellery;
- Children's toys.

Important phone numbers

- Police commissariat;
- Police officer you have worked closely with;
- Women's shelter;
- NPOs (if you have been previously assisted by them);
- Prosecutor (if criminal charges were filed against the abuser);
- Minister;
- Other.

