



The alignment of the Albanian Criminal Code with international standards on domestic violence

Ermira Tafani

Research Center on Law and Economics, University “Aleksandër Xhuvani”, Elbasan, Albania

Abstract

Aligning Albanian laws with international norms was one of the responsibilities of the new democratic state that emerged in the early 1990s following the fall of the communist regime. Modeled on more developed democracies, the new Criminal Code of the Republic of Albania was adopted in 1995. As a newly formed democratic state, Albania has needed to update and modify this code over time to comply with international agreements to which it is a party. The Council of Europe's Istanbul Convention on Preventing and Combating Domestic Violence and Violence Against Women is one significant example. Some organizations, such as UN Women and the Group of Experts on Action against Violence against Women and Domestic Violence, have assessed that the Albanian Criminal Code does not fully reflect the requirements of this Convention. Through descriptive and comparative study, this paper seeks to identify the shortcomings in the Republic of Albania's Criminal Code regarding the criminalization of domestic violence and to offer specific suggestions for change.

Keywords: Criminal Law - Albania; descriptive and comparative examination; Istanbul Convention; preventing and combating, suggestions for change.

1. Introduction

The most important legal instrument within the context of domestic violence is the Istanbul Convention on preventing and combating domestic violence and violence against women. (Council of Europe, 2011, A). Other important documents of the European Parliament and of the Council on the topic are Directive 2012/29/EU on minimum standards on the rights, support and protection of victims of crime, including domestic violence (European Parliament and the Council of the European Union, 2012) as well as Directive 2024/1385/EU concerning violence against women and domestic abuse (European Parliament and the Council of the European Union, 2024).

Albania ratified the Istanbul Convention in 2013 and is obligated to fulfill its obligations.

After the fall of communism, the new democratic state had to adopt new laws in harmony with international standards. It is from that time that the Criminal Code of the Republic of Albania came into existence in 1995. After the Criminal Code came into force, its provisions were continuously revised and amended to reflect Albania's international obligations. Several provisions of the Albanian Criminal Code criminalize domestic violence. These provisions have been amended several times to reflect international principles on domestic violence more closely. Regardless of all the amendments and provisions, the evaluation performed by international institutions demonstrates that the Albanian Criminal Code does not comply with the requirements of the Istanbul Convention concerning domestic violence. The following paper discusses how the Criminal Code of Albania addresses domestic violence in comparison with international and European Union standards. It identifies weaknesses and offers some recommendations.

2. Methods

The method of this paper combines qualitative legal analysis with a comparative framework. The qualitative dimension focuses on the Criminal Code of the Republic of Albania, particularly its provisions on domestic violence. The comparative dimension situates Albanian law in relation to key European instruments, including the Istanbul Convention of 2011, Directive 2012/29/EU, and the more recent Directive 2024/1385/EU.

This paper is conducted through the prism of the theory of law, supplemented by European comparisons. Criteria for selecting suitable legal are defined in several directions. First, the instruments are clearly defined in terms of their applicability status at the European level, with a focus on their relevance to the current analysis. The second criterion concerns whether an instrument has binding applicability in Albania, either through instruments that have binding force for Albania or through the European *acquis* as a whole. These include the Convention on Preventing and Combating Violence Against Women and Domestic Violence, Directive 2012/29/EU, as well as Directive 2024/1385/EU. These references would help assess the performance of Albania's domestic law. Third, the scope of definitions is analyzed, assessing whether Albanian law captures the full range of domestic violence forms—physical, psychological, sexual, and economic—as required by European standards. Fourthly, the assessment examines procedural guarantees related to victim protection, participation in the process, and protective provisions. Lastly, the assessment examines the prevention aspect and asks whether Albanian law imposes any structural obligations, such as awareness-raising and other measures.

The model facilitates comparison by comparing Albania's legislation with European norms, thereby determining whether it is fully, partially, or non-conforming to those norms. The storytelling method does not focus solely on areas of conformity between Albania's laws and international European documents, but also on those that do not.

The following matrix aligns the Albanian Criminal Code with the Istanbul Convention, the provisions of Directive 2024/1385/EU, and the recommendations of CEDAW/GREVIO/EU/UN Women. Coding of the matrix indicates whether the specific article of the Criminal Code has partial compliance (PC), compliance (C), or gaps (G) with respect to these acts.

Criminal Code Article / Issue	Provision / Gap	Istanbul Convention Alignment	Directive 2012/29/EU Alignment	Directive 2024/1385/EU Alignment	CEDAW/GREVIO/ EU/UN Women Recommendations	Coding
Arts. 6 & 7 – Jurisdiction abroad	Dual criminalization required; excludes domestic violence	Art. 44(3): Jurisdiction not subordinated to the criminalization in the territory of the crime committed	Art. 18: Victims abroad must be protected	Art. 12: Extraterritorial jurisdiction	GREVIO: Amend to cover domestic violence crimes abroad	G
Art. 43/a – Loss of parental responsibility	The court may remove parental responsibility	Art. 45 (2) withdrawal of parental rights, in the best interests of the child	Art. 19 Right to avoid contact between the victim and the offender Art. 22 (4): Child victims need special protection	Art. 31: Support for child victim Art. 32: Safety of children	CEDAW: Ensure child protection	C
Art. 50/g – Aggravating Circumstance (family/cohabitation)	Family/cohabitation as aggravating circumstance	Art. 46: Family relationship aggravating circumstance	Art. 18: Victims' right to protection from secondary and repeat victimization	Art. 11: Aggravating circumstances	GREVIO: Ensure consistency	C
Art. 50 e/1 – Breach of protection orders	Offense during/after a domestic violence protection order aggravates punishment	Art. 53 (3): Breaches of protection orders criminalized	Art. 18 – 24: Victims' right to protection	Art. 19: Enforcement and breaches of protection orders		C
Arts. 58–64 – Alternative sanctions	Suspended sentences, probation, community service, and conditional release apply to DV.	Art. 48: Prohibit mediation/conciliation	Art. 18: Protection from secondary victimization and intimidation	Art. 16: Individual assessment to identify victims' protection needs	GREVIO: Exempt domestic violence from alternatives	G
Art. 59/a – Alternative to imprisonment	Home stay is excluded for domestic violence offenders	Art. 48: Prohibit mediation/conciliation	Art. 18: Protection from secondary victimization and intimidation	Art. 16: Individual assessment to identify victims' protection needs	GREVIO: Positive safeguard	C
Art. 65/a – Security period	Restricts conditional release for family-based crimes	Art. 45: Effective sanctions	Art. 18: Ensure victims' safety in sentencing	Art. 16: Individual victims' protection needs		C
Art. 79/c – Murder due to family relations Missing offense of Femicide	Includes femicide offense	Art. 3(d): Gender-based physical violence	Art. 18: Domestic violence victims' protection	Arts. 2 (1): Gender-based violence	CEDAW/EU: criminalization of femicide	PC
Art. 81 – Infanticide by mother	Infanticide immediately after birth	Art. 18 (3): victim protection	Art. 22 (4): Child victims' rights	Art. 12: Child protection	CEDAW: Recognize infanticide	C

Criminal Code Article / Issue	Provision / Gap	Istanbul Convention Alignment	Directive 2012/29/EU Alignment	Directive 2024/1385/EU Alignment	CEDAW/GREVIO/ EU/UN Women Recommendations	Coding
Arts. 88 & 114 – Aggravated injury/prostitution on exploitation	Aggravated when against spouse/kin	Art. 46: Family relationship aggravating circumstance	Art. 18: Domestic violence victims' rights	Art. 11: Aggravating circumstances	GREVIO: Ensure consistency	C
Art. 93 – Forced abortion	Termination without consent	Art. 39: Criminalization of forced abortion		Preamble (9): Protection from forced abortion	GREVIO: Stronger safeguards	C
Art. 99 – Causing suicide via mistreatment	Suicide due to systematic mistreatment by family members	Art. 33: Psychological violence	Art. 18: Victims' protection from psychological harm	Preamble (11): Coercive control whether or not the offender shares or has shared a household with the victim	GREVIO: Recognize coercive control	PC
Arts. 100, 101, 108, 114/a/1, 117 – Sexual crimes against minors	Family relationship aggravating, undefined scope	Art. 36: Sexual violence	Art. 22 (4): Tailored support for child victims	Art. 2 (b), 16 (3): Child sexual abuse Tailored support for child abuse victims	GREVIO: Clarify “family member” scope	PC
Art. 102 – Sexual violence against adults	Marital rape is criminalized; it excludes other family members	Art 3 (b): Sexual violence is a form of domestic violence Art. 36 (3): Sexual violence against former or current spouses or partners	Preamble (17): Sexual violence is a form of domestic violence	Art. 2 (b): Sexual violence is a form of domestic violence	GREVIO: Ensure equal protection for all forms of domestic violence	PC
Definition of rape	Force-based definition; lacks a consent-based approach	Art. 36: Requires consent-based definition	Preamble (17): Rape is a form of gender-based violence	Preamble (9): Criminalization of rape	CEDAW/EC/UN Women: Amend rape to a consent-based definition	G
Art. 121/a – Stalking	Criminalizes threats or harassment through repeated acts intended to cause a continuous and severe state of anxiety or fear for personal safety	Art. 34: Stalking criminalized Art. 40: Harassment criminalized	Preamble (17): Harassment is a form of domestic violence	Preamble (9): Criminalization of stalking and harassment	GREVIO: Expand to broader threats	PC
Art. 123 – Failure to provide subsistence	Failure to provide means of subsistence for children or family members Economic violence is not included	Art. 27: Economic violence	Art. 22: Recognize economic vulnerability	Art. 2 (b): Economic violence is a form of domestic violence	GREVIO: Recognize economic violence	PC
Art. 124 – Child abandonment Art. 124/b – Maltreatment of minors	Abandonment under 16, aggravated if injury/death	Art. 35: Violence against children, Child neglect	Art. 1 (2) Children's best interests are a primary consideration	Art. 14: Child victim protection	GREVIO: Ensure broad child protection	C

Criminal Code Article / Issue	Provision / Gap	Istanbul Convention Alignment	Directive 2012/29/EU Alignment	Directive 2024/1385/EU Alignment	CEDAW/GREVIO/ EU/UN Women Recommendations	Coding
Art. 127 – Unlawful taking of a child	Criminalizes maltreatment by family members Removing a child from lawful custody		Art. 22: Child victims' rights and tailored support	Art. 31: Support of child victim Art. 32: Safety of children		
Art. 130 – Coercion in marriage/cohabitation	Coercion to marry/dissolve a marriage	Art. 37: Criminalization of forced marriage	Preamble (17): Forced marriage is a form of domestic violence	Art. 4: Criminalize forced marriage Art. 34: Preventive measures for forced marriage	GREVIO: Stronger safeguards	C
Art. 130/a – Domestic violence offense	Covers physical/psychological violence; omits economic violence and coercive control	Arts. 3(b): Definition of domestic violence, economic violence is part of it	Preamble (18): Economic violence is a form of domestic violence	Art. 2 (b): Definition of domestic violence, economic violence is part of it	GREVIO: Equal protection of all sorts of domestic violence Expand to economic violence and coercive control	PC
Missing offenses: female genital mutilation, forced abortion and sterilization, sexual harassment	No provisions criminalizing female genital mutilation, forced sterilization, or sexual harassment.	Arts. 38–40: Obligation to criminalize	Preamble (17): Sexual harassment is a form of domestic violence	Art. 2 (b): Definition of domestic violence Art. 3: Female genital mutilation	UN Women/ CEDAW/EU: Add explicit provisions	G
Missing offenses: forced pregnancy, surrogacy, domestic servitude	No provisions criminalizing forced pregnancy, surrogacy, or domestic servitude	Arts. 3(b): Definition of domestic violence, physical violence is part of it	Preamble (17): Physical violence is a form of domestic violence	Art. 2 (b): Definition of domestic violence, physical violence is part of it	CEDAW: Criminalize these forms	G
Cyberviolence	No provisions on the distribution of intimate materials, online stalking, and online harassment	Art. 34, 40: Criminalization of stalking and sexual harassment		Art. 5-7: Non-consensual sharing of intimate or manipulated material, cyber stalking, and cyber harassment	CEDAW/EC/UN Women: Criminalize cyberviolence	G
Justification of murder/serious injury	Potential justification of femicide or serious injuries as “psychological shock”	Art. 42: No justification by honor/custom Art. 18: Protection from secondary victimization	Core principle: Protection from secondary and repeat victimization, intimidation, and retaliation	Core principle: No justification Art. 16: Protection for second victimization	GREVIO: Remove justification clauses on domestic violence	G
Victim protection	Criminal Code silent on victim protection	Arts. 18–28: Victim protection measures	The core purpose is victim rights, support, and protection	Art. 14-24: Victim protection measures		G

This paper will use this approach to address the key research question: whether the criminal code of Albania complies with international and European standards on the protection of the family against domestic violence. The analysis shows that, despite the achievements in consolidating its laws, Albania needs legislation that complies with the international and European acquis.

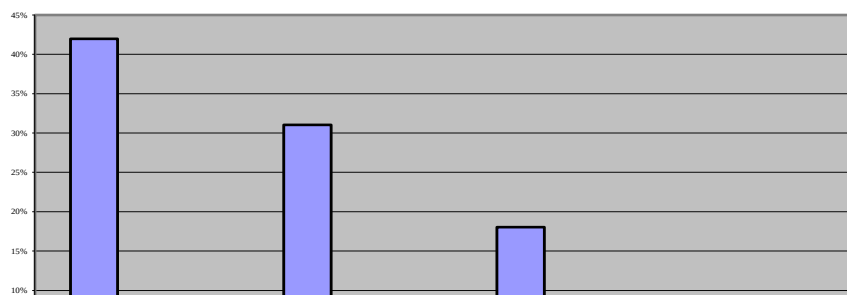
3. Results and discussion

3.1 The necessity of protection against domestic violence in Albania

Domestic violence is a serious human rights violation that occurs throughout societies and states, often within the family home, the very place where people should feel safe (McQuigg, 2017; Osmani, 2014). It discriminates unfairly against women, which can be seen to fit within an overall scheme of discrimination and oppression (WHO, 2021; European Commission, 2022). It also victimizes children, men, and older adults, although information regarding this is limited (Council of Europe, 2011, B). The clandestine manner in which such abuse takes place spotlights its wide-reaching impact on families. Victims of domestic violence suffer both physically and psychologically due to abuse in their homes. The loss of trust and safety in families because of domestic violence undermines social stability (Prifti & Zenelaj, 2013).

Empirical research shows alarming prevalence rates. In 2011, in Europe, 12–15% of women reported experiencing domestic abuse after age 16, with many continuing to suffer violence even after separation (Council of Europe, 2011, B). In Albania, official data of 2018 show that 33.7% of women and girls aged 18 to 74 have experienced intimate partner harassment, and 6.9% have experienced stalking. In addition, 47% of women and girls were exposed to domestic violence in their homes, where the most frequent form of domestic violence was psychological domestic violence. On a categorization basis, 41.2 % of women have suffered from coercive control, 31.4 % psychological violence, 18% physical violence, 8.6% sexual violence, and 7% economic violence (INSTAT, 2018). In 2024 alone, there were 1,456 cases of domestic abuse against women (INSTAT, 2025). The figures indicate that the issue remains, adding to the household's instability (Burazeri et al., 2005).

Figure 1: Intimate partner domestic violence in 2018



Source: INSTAT, 2018

Albania is a nation with a history of a conventional patriarchal society. Albanian culture recognizes the man as the dominant figure in a family. Cultural practices have resulted in sustaining domestic violence, which is widespread in Albania. Also, the gender norms prevailing among the population include those related to the acceptability of corporal punishment (UN Women, 2025). It results in men were 25% more likely than women to think it is acceptable, indicating the well-established nature of such gender norms that promote violence (UNICEF, 2023). Fear of isolation and social stigma inhibits women from making claims against their perpetrators, and domestic violence operates under silence within the

family setting (Dragoti et al., 2009). The impacts of domestic violence affect more than just the victim, as the children who witness acts of violence develop trauma that perpetuates violent actions into future generations. This is an issue that affects society as a whole, hence the need for a joint effort to resolve it (Allmuça & Bimbashi, 2024).

Although Albania passed laws that conform to international standards such as the Istanbul Convention, their implementation is insufficient due to a lack of protective orders, appropriate shelters, and institutional coordination. Researchers acknowledge that legislation alone is not enough to address the problem; cultural transformation is also needed. (Çoni, 2014; Kadriu, 2025). According to Article 12 of the Istanbul Convention, Albania must work towards social and cultural transformation to eliminate gender-based prejudice and stereotypes. (Council of Europe, 2011, A).

In conclusion, domestic violence in Albania undermines family unity, gender equality, and social development, which are core values of the European Union (Council of Europe, 2011, B), while posing obstacles to European integration. Addressing it needs not only legislative reform but also a multidimensional strategy—combining effective implementation, institutional cooperation, and cultural transformation—to meet the standards of the European Court of Human Rights and the Council of Europe (Council of Europe, 2011, A).

3.2 Legal framework on domestic violence in Albania

As part of Albania's efforts to align national legislation with international legal benchmarks, and with support from international organizations, the Parliament enacted Law No. 9669, dated December 18, 2006, on measures against domestic violence. In addition to the above, legislators also amended both the Family Code and the Criminal Code to improve existing protective measures. However, doubts were raised about the need for such changes, since in some cases they seemed to have been imposed on Albanian society from outside (Anastasi, 2021; 2024).

However, after an initial reservation to apply these provisions, the judiciary has, over the last two decades, developed a substantial body of case law that has improved their practical application. On the other hand, Albania has increasingly been adopting its legislative regulation concerning various types of violence against women, thus becoming closer to the principles of the Istanbul Convention (UN Women, 2025).

Thus, one can see that the legislative development of laws against domestic violence has progressed from early hesitation to recognize the problem to the final imposition of binding obligations on institutions to address it. Nevertheless, even at this stage, international monitoring organizations continue pointing out deficiencies in the execution of domestic laws, stating that these laws failed to prevent domestic violence. Consequently, there is still a need for further reforms.

3.2.1 Constitution of the Republic of Albania

The Constitution of the Republic of Albania is the country's highest law, and its articles guide all other laws. Rights, freedoms, and human dignity, as a necessary factor of democracy, apart from being guaranteed in Article 3 of this Constitution, form the basis of the state and the juridical system according to Article 15. According to Article 25 of the Constitution, no one can be subjected to cruel, inhumane, or degrading punishment.

On the grounds of Articles 5 and 122 of the Constitution, Albania must meet all its commitments to the international community and adopt national laws in compliance with international norms.

Family life has a special status and is protected by the state according to Article 53 of the Constitution. Article 54 provides additional protection for children, youth, pregnant women, and new mothers (Constitution of the Republic of Albania, 1998).

3.2.2 Family Code

Marriage has traditionally been considered the primary institution of family formation, evolving into its current forms of organization (Shkurti et al., 2025). In Albania, the Family Code is the primary normative regulation of family relations (Mandro, 2009) and plays an important role in protecting against domestic violence. It does not specifically penalize domestic violence but rather forms a legal basis to formulate additional legislation related to equality, parenthood, and the protection of children.

This code came into force in 2003 and was then amended to provide for equality between spouses and ban discrimination, thus undermining patriarchal tendencies of legitimizing dominance of males in the family (Bozo, 2015). The provisions of this code provide the legal basis for challenging coercive control in the home. The provisions regulating divorce, custody, and guardianship are especially important in cases of domestic violence as they guarantee the safety of children and victims in particular.

These family law provisions go hand in hand with those set out in Law No. 11/2026 on the prevention and protection from violence against women and domestic violence, which introduced emergency protection orders and mandated cooperation among institutions.

In the future, the legislator has to modify the Family Code again in such a way that would outlaw any form of marriage for children, girls under the age of 18, and force marriages, without making any exceptions to the minimum marriage age (Human Rights Council, 2024). These changes would increase compliance with international standards for protecting families from violence.

3.2.3 Law on prevention and protection from violence against women and domestic violence

Law No. 11/2026 on the prevention and protection against violence against women and domestic violence is a step forward in the legislative process of the country. It differs from the previously adopted Law No. 9669/2006, “on measures against violence in family relations”, which addressed only domestic violence (Albanian Parliament, 2006). The adoption of this new law illustrates the country's commitment to harmonizing its legislation with EU requirements, including Directive (EU) 2024/1385 and the Istanbul Convention. The new law marks an important shift in Albania's policy towards domestic violence, making the family the central focus of the reforms. While previous laws considered domestic violence to be a strictly personal issue, the new law considers it to be a violation of human rights.

In relation to domestic violence, the law's expanded definition of domestic violence includes not only cases of physical and mental violence but also involves economic abuse and cyber-violence.

One significant innovation introduced by this law is the ability of police officers and judges to issue enhanced protection orders immediately, without formal delays, to protect victims from harm. Another innovative provision introduced by this law calls for a coordinated response across sectors, including municipalities, health sector organizations, and other social welfare institutions. Moreover, a victim's role is not restricted only to women, but also to children and

older adults. Lastly, there is systematic monitoring and accountability of domestic violence incidents, allowing the analysis of the patterns of abuse and the effectiveness of law and regulation enforcement. It is expected that the monitoring will fill the data gap (Albanian Parliament, 2026).

3.2.4 Criminal Procedure Code of Albania

In accordance with Article 1 of the Criminal Procedure Code, criminal procedures shall always be fair, equal, and legal, thereby safeguarding the human rights of all citizens. According to the existing model, victims enjoy several forms of protection. First, Article 9/a makes certain that the dignity of victims is respected and that they are not subjected to secondary victimization. Second, Article 58 clearly identifies victims' rights through several amendments to the justice system in 2017.

Articles 59 and 284 define the conditions under which an ex parte procedure occurs. In accordance with Article 59, a typical example of such a case is the illegal removal of a child. Meanwhile, domestic violence stipulated by Article 130/a of the Criminal Code cannot occur in the context of Article 284; therefore, it is prosecuted ex officio. As a result, although rape (sexual violence) of adults bears a significant stigma and is often unreported, this crime is still defined in accordance with Article 59 as ex parte (Criminal Procedure Code of the Republic of Albania, 1995).

GREVIO has also criticized this strategy because it conflicts with the provisions of Article 55 of the Istanbul Convention, according to which sexual assault and forced marriages can be reported only if brought forward by the victim. In reality, victims have to withdraw their complaint on account of pressure from their families, procedural issues, and the fear of being further victimized. GREVIO has thus recommended that Albania should abolish mandatory mediation in all violence cases involving women, especially rapes, sexual assaults, and forced marriages. The law must ensure that mediation is voluntary (GREVIO, 2024).

3.3 The protection against domestic violence in the Criminal Code of the Republic of Albania

The Criminal Code of the Republic of Albania was adopted in 1995. In the initial version of this Code, there were no provisions that provided for specific protection against domestic violence. Following Albania's ratification of the Istanbul Convention and in fulfillment of its obligations under this Convention, the Albanian Parliament approved numerous amendments to this Code. Laws Nos 23/2012, 144/2013, 35/2020, and 8/2026 have improved several issues related to domestic violence.

3.3.1 Specific provisions on domestic violence

The first edition of the Criminal Code in 1995 contained no provisions on special protection from domestic violence. Meanwhile, committing a criminal offense by taking advantage of family or cohabitation relationships is an aggravating circumstance under Article 50/g of the Criminal Code.

Article 43/a of the Criminal Code, added by Law 144/2013, provides that the court may decide the loss of parental responsibility against the person exercising parental responsibility when he is convicted as the author or accomplice in a criminal offense against the child or as an accomplice with the child in the commission of a criminal offense.

Article 50 letter e/1 of the Criminal Code, added by Law 144/2013, provides that the commission of the criminal offense occurred during or after the issuance of court orders for

protection from domestic violence is a circumstance that aggravates the punishment of an offender.

Staying at home as a form of punishment is provided for under Article 59/a of the Criminal Code in special cases involving a maximum of 2 years' imprisonment, in which offenders must stay at another private residence or a public health and care institution. However, this form of punishment cannot be imposed on offenders guilty of offenses against their wives, cohabitants, or children as stipulated in Law 144/2013.

Similarly, according to Article 65/a, added by Law 23/2012, the court may also decide to set a security period, during which the application of Article 64 of this Code, which provides for the conditional release of convicted persons of a criminal offense, is not allowed, in cases where the offender commits the offence by taking advantage of family or cohabitation relationships (Criminal Code of the Republic of Albania, 1995).

The Criminal Code of the Republic of Albania provides special protection for children, marriage, and family in Section XX of Chapter II (Criminal Code of the Republic of Albania, 1995), including protection against domestic violence, pursuant to Article 130/a, added by Law No. 23/2012. This article provided domestic violence as an offense against “close kinship” or “close in-laws”. At the time of the adoption of this provision, the law criminalized certain forms of domestic violence, but it did not define “close kinship” or “close in-laws”. This led to debates and subjectivity in practice. In the first years, domestic violence was considered to be violence exercised against family members living in the same household, or was limited to very close family members. This interpretation contradicts the Istanbul Convention's definitions of the family. The High Court of Albania argued that the only criminal provision that gave meaning to what is included in the notion of “close kinship and in-laws” within the meaning of the criminal norm was Article 16 of the Criminal Procedure Code on incompatibility with the duty of a judge. According to this provision, besides the spouse and cohabitant, close kinship included ascendants, descendants, brothers, sisters, uncles, aunts, nephews, nieces, and children of brothers and sisters.

In contrast, close in-laws were defined as father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, and stepmother (High Court of the Republic of Albania, NA). As such, the clause in question was modified via Law No. 35/2020, whereby the list of individuals to commit this crime was established, namely: the spouse, the former spouse, cohabitants or former cohabitants; relatives by consanguinity: ascendants, descendants, siblings, siblings' children, cousins, nephews, nieces, uncles, aunts; relatives by affinity or close in-laws relatives: father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, or persons in a current or former intimate relationship with the perpetrator. Thus, the provision itself precisely determines the circle of people protected from domestic violence, which is broader than those living in the same residence, fully in line with the requirements of the Istanbul Convention.

The forms of committing domestic violence are as follows:

- Beating, as well as any other act of physical or psychological violence, resulting in harm to the victim's physical, psycho-social, or economic integrity.
- Serious threats of murder or grievous bodily harm causing the violation of the psychological integrity of the victim;
- Intentional grievous bodily harm.

Domestic violence is considered aggravated when committed repeatedly or in the presence of children. At the same time, murder because of family relations is foreseen separately from domestic violence in Article 79/c of the Criminal Code.

Another criminal offense protecting children from violence by other family members is that provided under Article 124/b, which criminalizes the physical or psychological maltreatment of a minor by parents, siblings, grandparents, legal guardians, or any person obliged to care for them.

Section 10 also includes several offenses that do not directly constitute acts of domestic violence but may cause harm to family members. Such examples include:

- Article 124, abandonment of children under the age of 16 by a parent or person obliged to care for them, with aggravating circumstances when the act results in serious injury to health or the death of the child.
- Article 123, failure to provide the necessary means of subsistence to children, parents, or spouse by a person obliged to do so under a court decision.
- Article 127, unlawful taking of a child, removing them from the person exercising parental authority or entrusted with growth and education, as well as failure to deliver the child to the other parent pursuant to a court decision.
- Article 130, coercion or obstruction to cohabit, to enter into, or to dissolve a marriage.

With Law No. 144/2013, several provisions were added to the Criminal Code that establish aggravating circumstances for offenses committed against persons in family relationships. A novelty of this law is the definition of persons included within the circle of family members enjoying special protection against domestic violence, specifically: spouse, former spouse, cohabitant or former cohabitant, close kin, or close in-laws of the perpetrator.

Under this law, certain offenses are considered aggravated when committed against the above-mentioned family members, specifically Article 88 on serious intentional injury and Article 114 on exploitation of prostitution.

Meanwhile, Article 100, which criminalizes sexual or homosexual relations or involvement in sexual acts with minors under the age of 14, or with those in situations of mental or physical disability, provides as an aggravating circumstance the commission of the offense by a family member of the child or a person cohabiting with the child, without specifying which persons are considered family members. The same applies to Article 101, which criminalizes sexual or homosexual relations with violence against minors aged 14–18. Likewise, Article 108, which criminalizes indecent acts against a minor under the age of fourteen, considers it an aggravating circumstance when the perpetrator has a family relationship with the victim, without defining which persons are included in this concept. The same situation applies to the offenses of exploitation of prostitution with minors foreseen by Article 114/a/1) and child pornography foreseen by Article 117.

Regarding sexual relations with violence against adults, provided under Article 102 of the Criminal Code, a novelty introduced by Law No. 144/2013 was the criminalization of sexual relations with violence between spouses or cohabitants, without the consent of one of them.

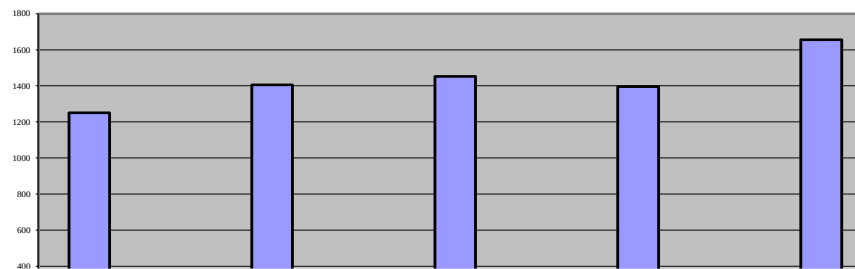
The Criminal Code also includes other offenses constituting acts of domestic violence, such as:

- Article 81, infanticide committed intentionally by the mother immediately after birth.
- Article 93, termination of pregnancy without the woman's consent.
- Article 99, causing the suicide or attempted suicide of a person as a result of systematic mistreatment or other systematic conduct seriously affecting dignity, committed by a person on whom the victim depends or with whom they have a family or cohabitation relationship.

- Article 121/a, stalking, criminalizing threats or harassment through repeated acts intended to cause a continuous and severe state of anxiety or fear for personal safety, that of a relative, or of a person with whom there is an emotional bond, or to force them to change their way of life. An aggravating circumstance is when this offense is committed by a former spouse, former cohabitant, or a person who has had an emotional relationship with the victim.

Speaking for statistical purposes, bearing in mind the fact that crimes which are connected with issues of domestic violence have been scattered throughout different parts of the Criminal Code, one should emphasize the absence of full information concerning the level of criminality of these crimes. Periodically, the General Prosecutor reports on the state of crime in Albania, which includes accurate data only for certain criminal acts: violence within the family under Article 130/a of the Penal Code, mistreatment of minors under Article 124/b, and homicide in family relationships under Article 79/c. Concerning the other offenses analyzed above, there is no concrete data on how many criminal acts are related to domestic violence. The figure below shows statistical data for the period 2020-2024.

Figure 2: Number of cases of domestic violence 2020-2024



Source: General Prosecution Office, Albania (NA)

3.3.2 The gaps in the Criminal Code on domestic violence

The National Strategy for Development and Integration 2021-2030 of Albania is aligned with the requirements of the Istanbul Convention and includes a review of sexual and other gender-based crimes as part of the overall review of the Albanian Criminal Code (Council of Ministers of the Republic of Albania, 2021). This provision is based on recommendations for amendments to the Criminal Code from the European Commission, the Committee on the Elimination of Discrimination Against Women, the Group of Experts on Action against Violence against Women and Domestic Violence, and UN Women Albania. Although amendments to the Criminal Code under Law No. 8/2026 have been passed, no thorough review of the Criminal Code has been conducted, creating gaps in its approach to domestic violence. These gaps are outlined below.

Articles 6 and 7 of the Criminal Code, which provide for the application of criminal law for offenses committed outside the territory of the Republic of Albania or by foreign citizens, limit Albanian citizens' liability for certain offenses committed abroad, but they conflict with Article 44/3 of the Istanbul Convention regarding jurisdiction, which requires jurisdiction regardless of where the offense occurred. It is proposed to amend these articles to cover crimes like sexual violence, forced marriage, genital mutilation, and forced abortion or sterilization.

At the same time, Article 6, paragraph 2, is in contradiction with Article 42 of the Istanbul Convention. Whereas today's legislation excludes some types of crime, such as domestic violence, from having concurrent jurisdiction in several states, the convention mandates the same in respect of crimes, including but not limited to rape, forced marriage, genital mutilation,

and forced abortion or sterilization. Therefore, it is proposed to amend Article 6, paragraph 2, to include these crimes alongside domestic violence.

The Criminal Code provides for several alternative sanctions of imprisonment, such as suspended sentences under Article 58; suspension of the execution of a prison sentence and probation under Article 59; suspension of the execution of a prison sentence and community service under Article 63; and conditional release under Article 64. These provisions have no restrictions on offenses related to the protection against domestic violence. This conflicts with Article 48 of the Istanbul Convention, which requires parties to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, for all forms of violence covered by the Convention. This ban is quite different from alternative sentencing methods, such as probation and suspended imprisonment, which remain acceptable under the Convention. However, they are subject to certain restrictions set out in Articles 45-46, which require that the sanctions be effective and deterrent. The main doctrinal difference is that ADR influences the process of establishing culpability while different sanctions affect its results. Hence, limitations imposed on alternative sanctions in severe cases of domestic and sexual violence are justified by the international obligation to protect the victim, not the Convention's Article 48 per se.

Although the Albanian Criminal Code provides special provisions for handling issues of domestic violence and other offenses, it becomes clear through judicial experience that there are several deficiencies in this regard. For example, according to the Prosecutor General's 2024 report, the rate of suspension of the execution of the punishment of imprisonment in cases of domestic violence is 34.44%, an increase over the previous year (General Prosecution Office, Albania, 2025).

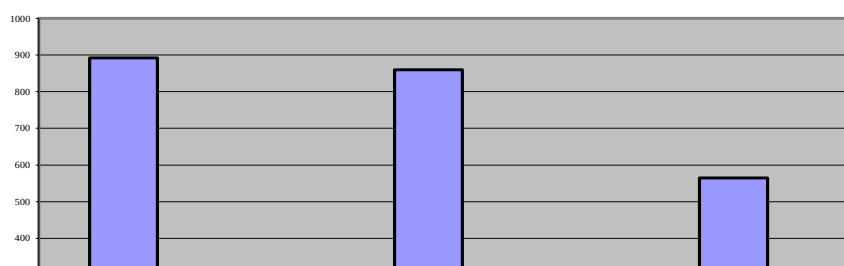
Table 1: Alternative Sanctions for domestic violence offenses for the period 2021-2024

Year	Criminal Offence	Number of cases	Article 58	Article 59	Article 59(a)	Article 63	Article 64 / restriction of freedom
2021	121/a	85	0	0	0	3	0
	124/b	0	0	0	0	0	0
	130/a	892	0	1	1	8	144
2022	121/a	77	0	12	0	2	0
	124/b	16	0	8	0	0	0
	130/a	860	2	162	1	9	0
2023	121/a	47	0	12	0	1	0
	124/b	9	0	7	0	0	0
	130/a	565	1	190	1	11	1
2024	121/a	69	0	8	0	2	0
	124/b	13	0	5	0	0	0
	130/a	583	0	168	1	4	2

Source: Ministry of Justice, Albania (NA)

The data in Table 1 shows that, although the number of criminal offenses of domestic violence is smaller in 2023 and 2024, the number of alternative sanctions is larger. Thus, the use of alternative sanctions was 17% in 2021-2022 and 30-36% in 2023-2024.

Figure 3: Number of alternative sanctions for domestic violence 2021-2024



Source: Ministry of Justice, Albania (NA)

An advantage of using alternative sanctions is the claim of innocence, which is used to justify even more violent actions. The numbers above indicate a system that relies on alternative punishments, reduces accountability, and makes it easier to victimize the same people. The practice of the Albanian Supreme Court accepts the application of Article 59 of the Criminal Code even in criminal offenses related to domestic violence. However, the assessment of suspended sentences is conditioned by an analysis of the offender's concrete dangerousness, the real risk to the victim, the repetition of violence, and compliance with protection orders, all in the function of effective victim protection and proportionality of the sanction. Alternative sanctions in the Albanian court system are usually accepted when the criminal has no prior record, when the consequences are considered not serious, and when the violence is not regular, but there are exceptions. For example, in Decision No. 00-2017582 dated 12.07.2017, the Supreme Court upheld the application of Article 59, arguing against the low dangerousness of the offender even though the violence against his wife had been continuous. Similarly, in a 2022 decision of the Tirana Court of Appeal, a defendant who repeatedly violated a protection order was given a suspended sentence. The Court of Appeal cut down a sentence for marital rape according to Article 102 in 2021, about "family reconciliation". The Court of Elbasan District sentenced a man for psychologically abusing his underage kid under Article 124/b, but did not send him to prison, but to probation in 2020.

Therefore, the Criminal Code should include an exemption from applying alternative sanctions to perpetrators of crimes related to domestic violence.

Violence in the family is provided for in Article 130/a of the Penal Code. This article clearly defines the individuals towards whom domestic violence is directed, in accordance with the Istanbul Convention. Paragraph 1 of this provision stipulates protection against physical and psychological violence, but it does not cover economic violence. At the same time, the definition of psychological violence is vague, and coercive control, known as a form of psychological violence, should be included. Meanwhile, sexual violence through coercion between spouses or cohabitants is punishable under Article 102 of the Criminal Code, but sexual violence between other family members is not classified as family violence. It goes against the provisions provided in Article 2 (b) of the Istanbul Convention, which states that the parties have a responsibility to protect them from all types of domestic violence. In addition, Article 34 of the Istanbul Convention states that any action that creates fear or danger for another individual's security will be penalized.

On the other hand, Paragraph 2 under Article 130/a of the Criminal Code considers threats that cause psychological damage only if the threat is for murder or grave bodily injury. This provision is limited and not fully aligned with the Istanbul Convention. For these reasons, changes are necessary to criminalize domestic violence more comprehensively in the Albanian Criminal Code.

With respect to sexual offenses in Articles 100, 101, 108, 114/a/1, and 117, analyzed in section 3.3.2, commission of the crime by a family member or a cohabiting person is an aggravating circumstance. There is no definition of who family members are, hence there is room for subjective interpretation.

As per Article 102 on sexual relations with violence against adults, it is criminalized for sexual relations with violence between spouses or cohabitants, without the consent of one of them. This clause does not include sexual violence by other family members or relatives.

Definition of rape under Albania's Criminal Code entails force; on the other hand, as required by the Istanbul Convention, rape entails a non-consent-based definition of rape, which includes all sexual acts without consent and also in relation to any coerced sexual acts as well (CEDAW, 2023; European Commission, 2025; UN Women Albania, 2025).

The Albanian Criminal Code does not provide provisions on criminalizing female genital mutilation (UN Women Albania, 2025), forced abortion and sterilization, and sexual harassment, as the parties to the Istanbul Convention are obliged to Articles 38, 39, and 40. It also does not criminalize femicide (CEDAW, 2023; European Commission, 2025), forced pregnancy (CEDAW, 2023) as forms of domestic violence.

The Albanian Criminal Code does not criminalize surrogacy and exploitation of women and girls in domestic servitude as forms of exploitation of women (CEDAW, 2023).

Albania's Criminal Code has to include provisions related to cyberviolence (CEDAW, 2023; European Commission, 2025; UN Women Albania, 2025), such as the distribution of intimate or manipulated materials without consent, online stalking, and online harassment, to ensure compliance with the EU Directive 2024/1385 on Combating violence against women and domestic violence.

Cultural norms, as described in point 3.1 of the paper, create the possibility of justifying the murder or serious physical injury of women as a legitimate response to disputes or actions by women. Legislators should therefore incorporate into the Criminal Code a provision stating that cases of domestic abuse must not be classified as murder or serious injury resulting from strong psychological shock triggered by violence or insult.

Finally, criminal law sets forth criminal acts, prescribes penalties for their commission, but it says nothing about victim protection.

To summarize what was presented above, it would be appropriate to conduct a complete review of the Criminal Code. The amendments made at different times, along with the large number of amended provisions, have led to a lack of uniformity in the Criminal Code. Meanwhile, it would be more practical to group the provisions related to domestic violence rather than scatter them. This can also serve to facilitate unification and enable easy search of statistical data on domestic violence, which cannot be found for many offenses, like femicide, sexual abuse, etc., as it is described in point 3.3.1. of the paper.

4. Conclusions

In its efforts to become a member of the European Union, Albania has signed international treaties to combat domestic violence, which is recognized as a fundamental human right. As a result, Albania needs to conform its national legislation to international standards, taking into account the requirements set out in the Constitution of the Republic of Albania.

Domestic violence is one of the most pressing problems faced in Albania today. The Criminal Code is a legislative document used to protect citizens from domestic violence. It was

adopted in 1995 and has been extensively revised since then to improve its efficiency and better harmonize it with European standards. Nevertheless, despite all these changes, there are still some gaps in the Criminal Code, which make it unable to provide sufficient protection for domestic violence victims. Thus, it should be modified to correspond with international treaties and agreements.

The main areas of inconsistency of the Albanian Criminal Code include:

- ✓ Jurisdiction foreseen by articles 6 and 7.
- ✓ Restrictions on alternative sanctions of imprisonment for offenses related to the protection against domestic violence.
- ✓ The need for equal criminalization of all forms of domestic violence, adding provisions on economic violence, sexual violence between other family members, coercive control, and continuous threatening behavior.
- ✓ The specification of persons considered family members in Articles 100, 101, 108, 114/a/1, and 117 on sexual crimes.
- ✓ Include sexual violence by other family members or relatives rather than spouses or cohabitants.
- ✓ Definition of non-consent related to rape.
- ✓ Criminalization of these forms of domestic violence: female genital mutilation, forced abortion and sterilization, sexual harassment, femicide, forced pregnancy, and surrogacy.
- ✓ Adding provisions related to violence in the digital space, such as the distribution of intimate or manipulated materials without consent, online stalking, and online harassment.
- ✓ Introduce cases of domestic abuse involving murder or serious injuries resulting from strong psychological shock triggered by violence or insult.
- ✓ Create clauses in defense of victims of domestic violence.
- ✓ Set criminalization provisions for victim protection.

A thorough revision of the Criminal Code is necessary, as repeated amendments have compromised its coherence. Consolidating domestic violence provisions into a single section would increase clarity, practical application, and the availability of statistical data.

Revisions to the Criminal Code would also require complementary measures, including training for judges, prosecutors, and police officers, as well as concurrent amendments to the Criminal Procedure Code.

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