



SACP Programme

Summary of the report:

“Assessment of the functioning of the domestic violence structures of the albanian state police, as part of the national referral mechanism for the treatment of domestic violence cases”

This assessment report is designed to assist employees of the Ministry of Interior and of the Albanian State Police for a better effective planning of steps to be undertaken following the new Strategy on the Community Policing 2015-2017, new Law on State Police, etc., and is part of a series of reports and studies compiled in the frame of Swedish Support to Mol/ASP on Community Policing Programme (SACP).

The report is prepared by two experts: Msc. Monika Kocaqi and Msc. Miranda Fishka, both PhD candidates, and was revised from the advisory team composed by Ms. Silvana Alimadhi, State Police and Mr. Robert Korkuti, SACP' Director. The draft was consulted with the working group established by SACP with representatives of ASP, as well as with a wide ranger of stakeholders including representatives from sate institutions, international organizations working on the same issues, experts of the field, etc. The feedback and comments received were reflected in the final version of the report, wich was released at the end of JULY 2015.

This assessment is part of the third direction of SACP's support – combatting domestic violence - and is outlined according to its principles, respecting particularly being well-targeted and complementary to the efforts made by other donors and international organizations.

The main focus is the role of the police in handling cases of violence in family relations in the context of the philosophy of community policing, as well as its role as one of the key members of the Referral Mechanism set up for this purpose. The report can be considered also as a complementary part of a series of preliminary studies conducted by the SACP or even following several assessments carried out by other actors in this direction¹. Its added value remains precisely in exploring the situation within the structures of the State Police and the identification of needs for improving cooperation with other members of the Referral Mechanism, from the perspective of the police officers themselves and intertwined with the philosophy of policing community.

The methodology proposed for conducting this assessment was preliminary approved by SACP. Methods used were mainly qualitative ones: desk review of the existing studies, researches, evaluation reports as well as of the existing legal and policy framework. Additional information was gathered from 17 in-depth interviews (60-80 minutes each) and 3 focus group discussions (around 120 minutes each), with a total of 42 professionals (10 women) from Tirana, Shkodra and Elbasan. The selection of the targeted areas was done considering some specific critereas, such as:

- The existance of Referral Mechanism for treatment of domestic violence cases;
- The high number of domestic violence cases reported, aiming to cover as north and south, but avoiding cities involved in the assessment of the effectiveness of referral mechanism,

¹ Such as: assessment conducted by IOM regarding the synergy between the mechanism against domestic violence and the mechanism against trafficking of human beings (draft report released on April 2015); or the evaluation of the effectiveness of mechanism against domestic violence conducted by UNDP (draft report released on May 2015), etc.

conducted this year by UNDP. Thus, based on 2014 data, Elbasan is ranked as the fourth city with highest number of complaints for domestic violence cases (after Tirana, Durrës and Korça, but Durrës and Korça were included in the assessment conducted by UNDP). Likewise Shkodra is ranked as ninth city (after Fier, Berat, Vlorë, Lezhë, but Fier, Lezhë and Vlora were also part of the assessment, while Berat was avoided, in order to ensure information from the northern part of Albania).

- Limited time-frame and cost for conducting such assessment.

Although clearly structured according to the purpose for which it was conducted, this assessment has some limitations which relate to:

- *Low number of targeted districts (for the reasons explained above) and therefore limited number of opinions collected between professionals, members of the State Police and of the Referral Mechanism.*
- *Moments of development through which is passes the ASP:* the strategy and police structure prepared are still under the approval process and changes that might follow their approval will certainly affect the findings of this assessment. Security Academy reorganization aiming at adapting to its new status as part of higher education system in Albania, is a favorable moment and enables the implementation of some proposed recommendations, however the reorganization process itself can also affect these recommendations.
- *Moments of development through which is running the entire local government:* the changes expected to happen after elections in the local government units (decentralization reform, public administration reform), accompanied by changes in social services as part of new strategy on Social Protection, or even merging the Municipal Police structures, will also undoubtedly affect the referral mechanisms at the local level as well as the support services for victims / survivors of domestic violence. Although their implementation is expected to bring a significant improvement in the situation regarding the existing services, their effectiveness and their establishment across the country, the time needed to see such changes implemented into stabilized models, as well as the reorganization of local units - reflected also in the Referral Mechanism - can affect the work of police for dealing with domestic violence cases, particularly when it comes to address the emergent or even long-term needs of victims / survivors.
- *Harmonisation of the legal framework and the expected reforms in the justice system within the European integration process, also affects the findings of this assessment.*
- Last, but not least, a good part of the recommendations are directly related to *financial resources, so the priority given to them from the Ministry of Interior, as well as its ability to lobbying with the Ministry of Finance or to attract donors and financial resources needed, will have decisive influence on undertaking next steps based also on this assessment report.*

Key findings from this assessment guide us towards some recommendations, as outlined below:

- **Organization and structure of the State Police** – according to the State Police organogramme, the treatment of domestic violence cases is covered by the Department for Juvenile and Domestic Violence, of the Crime Directorate, in the General Directorate for Public Security. In General Directorate of State Police, the sector consists of a chief and two specialists; at the level of the District Police Directorate in Tirana there exists Juvenile and Domestic Violence Unit with two specialists, while in other districts there is only one Juvenile and Domestic Violence' Specialist. In order to improve the effectiveness of ASP as a member of the Referral Mechanism and given that ASP is considered a key member in the Interdisciplinary Technical Equip of this mechanism, it is suggested:

a) Strengthening of the existing sector (by supporting it with necessary human resources, finance and infrastructure), in accordance with the changes expected to take place within the overall structure of the State Police, but taking into account and reflected in the best possible way the features and respective national and international standards for intervention and treatment of domestic violence cases.

b) Improvement of internal monitoring methods and sharing of information, particularly for the collection of complaints and obstacles encountered in meeting the victims' needs case by case. This information is extremely important and should always be present officially to the Referral Mechanism. At the same time, in the quality of the member of this mechanism, the respective ASP representative participating in meetings of the Steering Committee, should also regularly require information sharing on the performance of institutions, by respecting previously their legal obligation under Decision No. 334 / 2011 to provide regular information to the Local Coordinator regarding the number of cases handled by the ASP. Now there exists the possibility to easily assess this institutional performance through the electronic system of data collection for multidisciplinary treatment of domestic violence cases, a system installed in every municipality of the country in which there has access the Ministry of Social Welfare and Youth, too. However, as it was asked to ASP, in order to assess institutional performance, it is needed that every institution must convey the information on cases in a timely and orderly manner, according to the obligation based on Decision 334/2011. Such joint analysis of the work performed and the steps undertaken will consequently lead to specific discussions and finding long-term solutions.

- **Establishing and strengthening the capacity of police officers** - Despite training and other educational and capacity building activities carried over the years by different actors in close collaboration with the State Police and the Ministry of Interior, the need for continuing interventions in this direction, remains evident. The employees' circulation from one sector to another or from a District Police to another, the appointment of new employees, as well as the support for the treatment of domestic violence cases from other police structures (such as the General Patrol or Specialist Police in the Area) must necessarily be accompanied by activities to build and strengthen the capacities of the staff, to handle effectively cases of violence in family relations. Likewise strengthening and extending the existing Referral Mechanism across the country, also requires training of police especially in terms of interaction and sharing of responsibilities and obligations as members of this mechanism. This recommendation would be even more effective if it is preceded by two steps:

a) Creating a detailed and updated database where clearly can be reflected existing capacities, their circulation within the police structures, as well as activities to improve professional skills in which they may be involved (training, seminars, study tours, etc.). This database can be established based on the existing ones, by undertaking also in parallel an evaluation process focused mainly on training activities on domestic violence cases and on the functioning of the Referral Mechanism. The evaluation process itself can serve as a benchmark (baseline) necessary to conduct a series of further studies and planning of future steps.

b) Preparation of a unified training module, additional to the curriculum of the Academy of Security, with main focus the treatment of domestic violence cases and effective cooperation with other members of the Referral Mechanism – as a compulsory module for all Specialists of Juvenile and Domestic Violence and Inspectors of the Crimes at the District Police Directorate, as well as for Police Specialists in the Area and Police General Patrols, as contained in the identification of these cases. An additional part of this module should be the most recent manuals compiled in this regard. Also, in this module and in subsequent training should be

considered to provide information and to prepare the police officers - especially the inspectors or crimes specialists - for investigation of various forms of domestic violence, such as psychological violence, emotional economic, repeated violence and the cycle of violence, etc. Sexual violence should take a special focus here – as a form of violence that is still considered taboo to be reported if it occurs between intimate partners / couple. The implementation of such a recommendation is more than likely in the short term, as currently Security Academy itself is in the process of reorganization and revision of curricula due to the improvement of its position and classification as part of higher education system. Emphasize the need for specific training related to sexual violence, the identification, investigation and prosecution of these cases when it comes to family relationships, it comes as a legal obligation upon the entry into force (1 August 2014) of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (ratified by Albania in February 2013). From the most recent study on the services, standards and compliance with the implementation of this Convention, emerges clearly the need for action to address sexual violence. These actions mean as setting specific service centres for handling cases of sexual violence, as well as expanding knowledge and strengthening the capacities of different professionals, to address such cases.

Regardless of who may be institutions that initiate or support the improvement of the curriculum of the Academy of Security for the preparation and application of the unified module suggested above, as well as preparing a group of certified trainers to train police officers in connection with various forms of domestic violence and treatment until the resolution of cases, coordination must necessarily be performed by the General Directorate of State Police in cooperation with the Albanian State Security Academy. Consultation and cooperation with specific projects related to the police, as for example SACP would increase the effectiveness and value of the recommended intervention.

- **Improving infrastructure** - especially in relation to the premises where are treated cases of domestic violence, is a necessity. The victims/survivors often are asked and helped to further procedures in completely inappropriate environments for them and their children, so the provision of facilities with appropriate conditions and planning of some necessary support services for emergency cases, become a necessity. Infrastructure improvement should be seen also in terms of completion of employees with key equipments needed to be fast and effective in interventions performed and in the services provided. Likewise, the equipment and logistical means, it is very important even meeting the needs for human resources. Therefore the fulfilment of such needs should be planned carefully - at least at the level of the District Police Directorate - for full-time appointment of some professionals necessary in the treatment of domestic violence cases, i.e. women psychologist specialized in these issues. A very important role here plays and should play the Ministry of Interior itself, through careful planning and budgeting of sufficient needed logistics resource, dedicated to Albanian State Police, as well as negotiating with the Ministry of Finance and different donors to provide such resources.
- **The existence and improvement of the effectiveness of support services** - Following the above recommendation, the presence and effectiveness of the support services to be provided by other members of the Referral Mechanism, especially by municipalities and the State Social Service, is a necessity. These services, mostly related to accommodation and psycho-emotional treatment, are extremely necessary for the continuation of work by the police: their absence often leads to many major obstacles to the effective treatment of cases and may be due to return of victims/survivors back into the same violent' environment. Improving the effectiveness of existing services and their expansion should be accompanied by specific mitigation procedures in view of immediate assistance to victims. Limitations which

may exist in the provision of specific services, but which maybe contrary to international standards and the rights of victims should be treated very carefully and be eliminated.

- ***Documentation, exchange of information and its regular updating*** - Documentation of cases within the ranks of State Police officers is carried out regularly, according to the approved internal procedures and data are registered TIMS system. But, as noted in paragraph (b) of the first recommendation given in this assessment report, update and exchange of information between other members of Referral Mechanism, both for existing services and their capabilities, need to be improved. Although designated in DCM 334/2011 and the Cooperation Agreements for formalizing the Referral Mechanism, regular exchange of information still face problems and is not yet returned to a routine procedure for the institutions; sometimes it does not happened at least without the insistence of the Local Coordinator. So once again, we recommend improving information exchange system between the members of the Referral Mechanism and police officers at the Police Department of the District. Special role here should play cooperation between local coordinators at municipal level and Specialists for Juvenile and Domestic Violence who have also obligation on keeping statistics.
- ***Undertake further legal steps to strengthen the position of police officers in the frame of handling domestic violence cases*** - although in a long-term, measures related to the above recommendations, as well as the ones to improve the functioning of the State Police structures - including practical implementation of community policing (as another supportive unit for handling cases of domestic violence) - may lead in future new legislative proposals, similar to those in neighbouring countries, where police officers have more discretion in the implementation of measures envisaged in the Law on Domestic Violence – i.e. the right to issue an emergency protection order, which then can be restored (or not) as a protection order by the Court. This certainly requires a deeper assessment of the current legislation and procedures, as well as combined changes (in the Law on Domestic Violence, Civil Procedure Code, etc.) which must be consulted in advance and with a wide range of actors and experts in the field. Despite the fact that fulfilment of this recommendation goes in long-term period, it is suggested that specific elements related to the improvement of effectiveness for treatment of domestic violence cases, become part of the evaluations and steps already undertaken or that will continue to be taken in short terms. Here we're considering i.e. harmonization of legislation from a gender perspective, in accordance with the requirements arising from the ratified conventions (such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence), or following of final conclusions expected to be delivered by the CEDAW Committee in the frame of the IV-th National Periodical Report on the Implementation of CEDAW Convention in Albania, etc.