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**REPUBLIC OF ALBANIA  
THE PARLIAMENT**

**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:

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- 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<sup>2</sup>:
  - 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.

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## 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;
  - ë. To license NPOs that will provide social services to victims and perpetrators.

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## 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 exiting 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

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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 DV**

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;

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- 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;

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- 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

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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. DV 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



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- c. Specific protection measures requested
  - ç. 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
  - ç. Representatives from the police

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- 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
  - ç. 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

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- 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
  - ç. 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.

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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
- ç. 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

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### **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

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- 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.

*Promulgated by the President of the Republic of Albania, Alfred Moisiu with the Decree no.5182, dated 12 January 2007.*